

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 1121., 1130., 1131., 1136., and 1137., Jackson County Code, 1984, relating to sale of property owned by Jackson County, also known as surplus policy, and enacting, in lieu thereof, six new sections relating to the same subject.

ORDINANCE NO. 5668, September 26, 2022

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, the County Administration and Director of Finance and Purchasing desire to update chapter 11 of the Jackson County Code to provide transparency and necessary updates relating to the sale of property owned by Jackson County, including updated language to reflect modernization efforts the County as a whole is currently undergoing; and,

WHEREAS, the County Facilities Management Division of the Department of Public Works plays an essential role in the implementation of the sale of County personal property, including the collection and viewing of properties and scheduling for the pick-up of sold and unsold surplus property; and,

WHEREAS, the recommended revisions are in the best interests of the health, safety, and welfare of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Sections 1121., 1130., 1131., 1136., and 1137., Jackson County Code, 1984, are hereby repealed, and six new sections enacted in lieu thereof, to be known as sections 1121., 1130., 1131., 1136., 1137., and 1141., to read as follows:

1121. Auction Requirements for Real Estate Sales.

The following requirement shall apply to auctions authorized by section 1120.00 of this chapter.

1121.1 Where Conducted.

All auctions shall be conducted on county property.

1121.2 Notice of Auction [By Publication].

[A notice advertising an auction shall be published in one (1) official newspaper in the county with a circulation of at least five hundred (500) copies per issue at least ten (10) days preceding the date of the auction.] Notice of any auction of real estate shall be provided as closely as possible to manner as is provided for the formal procurement process set out in section 1051. of this code. The notice shall include a general description of real estate to be sold, the time, location and date of the auction and place where additional information concerning the real estate may be obtained.

1121.3 Notice of Auction to Prospective Purchasers.

The Director of Finance and Purchasing, shall send a notice of the auction to all prospective purchasers who have requested their names be added to a list of bidders.

1121.4 Who Conducts Auction.

Auctions shall be conducted by the Director of Finance and Purchasing or that officer's designee. The director may contract with professional auctioneers to conduct an auction.

1121.5 Highest Bidder.

The highest bidder at an auction shall execute a real estate sale contract and submit a bid deposit.

1121.6 Final Acceptance of Bids.

Bids received at an auction shall be subject to final acceptance by resolution of the County Legislature. All notices and advertisements for the auction of real estate pursuant to this chapter shall advise potential bidders of this limitation.

1121.7 Bid Rejected by Legislature.

If the County Legislature rejects the highest bid offered, the bidder shall be entitled to the return of any deposit.

1130. Personal Property Disposal, Cost of Less Than [Five] Ten Thousand Dollars.

Upon the recommendation of any department director or head of any other county agency or office, the Director of Finance and Purchasing is authorized to dispose of any item of personal property in the custody or control of the recommending department, agency, or office, that has an original acquisition cost of less than [five] ten thousand dollars (\$[5,000.00] 10,000.00) and that has become obsolete and unusable, on terms advantageous to Jackson County.

1130.1 Procedure.

Disposal of personal property having an original acquisition cost of less than [five] ten thousand dollars (\$[5,000] 10,000.00) shall be made in accordance with the informal bid procedure set forth in sections 1030. and 1031. of chapter 10, or in accordance with sections 1135. and 1136. of this chapter, unless transferred without compensation to another governmental agency as set out in section 1137. of this chapter. If sold, the property shall be sold to the highest responsible bidder.

1130.2 Personal Property Destroyed in Casualty Loss, Authorization for Disposal.

This section shall also apply to the disposal of any county-owned personal property without regard to original acquisition cost that, as a result of a casualty loss, has been declared a total loss by the county's or responsible party's casualty insurer or as determined by an estimate or appraisal prepared by a reputable, independent expert.

1131. Personal Property Sale, Cost of [Five] Ten Thousand Dollars or More.

Personal property having an original acquisition cost of [five] ten thousand dollars (\$[5,000] 10,000.00) or more shall be disposed of in accordance with the formal contract procedure set forth in sections 1050 through 1055.05 of chapter 10, or in accordance with sections 1135. and 1136. of this chapter, unless sold to another governmental agency as set out in section 1137. of this chapter. If sold to a person or entity other than another governmental agency, the property shall be sold to the highest responsible bidder.

1131.1 Prior Approval by Legislature Required.

The Director of Finance and Purchasing shall submit a list of any property to be disposed of, having an original acquisition cost of [five] ten thousand dollars (\$[5,000.00] 10,000.00) or more, together with all factual information in clear and specific terms that supports the finding by the director that the property is obsolete and unusable, to the County Legislature for its authorization to dispose of the property.

1131.2 County-Owned Motor Vehicles.

County-owned motor vehicles may be sold by a lessor of County fleet vehicles pursuant to a competitively-awarded fleet vehicle leasing contract, on such terms as may be authorized by the County Legislature.

1136. Auction or Garage Sale Requirements for Disposal of Personal Property.

The following requirement shall apply to auctions or garage sales authorized by section 1135 of this chapter.

1136.1 Where Conducted.

All auctions or garage sales shall be conducted on county property, unless the Director of Finance and Purchasing contracts with a qualified vendor or online service to conduct the auction or garage sale. In such cases, the auction or garage sale may be conducted online or at a site selected by the vendor and approved by the director.

1136.2 Notice of Auction or Garage Sale [By Publication].

[A notice advertising an auction or garage sale shall be published in one (1) official newspaper in the county with a circulation of at least five hundred (500) copies per issue at least ten (10) days preceding the date of the sale.] The Director of Finance and Purchasing shall provide public notice of the auction or garage sale in the manner he or she deems most effective for this purpose. The notice shall include a general description of personal property to be sold, the time, location and date of the sale and place where additional information concerning the personal property may be obtained.

1136.3 Notice of Auction to Prospective Purchasers.

The Director of Finance and Purchasing, shall send a notice of the auction or garage sale to all prospective purchasers who have requested their names be added to a list of bidders.

1136.3 Who Conducts Auction or Garage Sale.

Auctions and garage sales shall be conducted by the Director of Finance and Purchasing or that officer's designee. The director may contract with a professional auctioneer to conduct an auction or garage sale. The officer or contracted professional auctioneer responsible for conducting the auction, or garage sale shall schedule and coordinate with the county facilities management staff for any required access to or viewing of, including photography of, surplus items to be allowed for sale, as well as for the pick-up of any purchased items.

1136.5 Highest Bidder.

The highest bidder at an auction or garage sale shall make payment for the item(s) purchased and shall be responsible for removing the item from county property or other site immediately.

1136.6 Result of No Sale.

If, after two documented attempts at sale by auction or garage sale, an item of surplus property remains unsold, the Director of Finance and Purchasing may

designate that item for disposal pursuant to the county's centralized disposal process set out in section 1144. of this chapter.

1137. Personal Property, Transfer or Sale to Another Governmental Agency.

Any personal property which has been declared obsolete and unusable as set out in section 1130. or 1131. of this chapter may be sold or transferred without compensation to another governmental agency as set out in this section.

1137.1 By County Executive.

The County Executive may sell obsolete or unusable personal property with an original acquisition cost of [five] ten thousand dollars (\$[5,000.00] 10,000.00) or more to any other governmental agency at a price based on a residual value as determined by the Director of Finance and Purchasing. The County Executive may transfer obsolete or unusable personal property with an original acquisition cost of less than [five] ten thousand dollars (\$[5,000.00] 10,000.00), or property that has been declared a total loss pursuant to section 1130.2 of this chapter, to any other governmental agency without compensation.

1137.2 By County Legislature.

The County Legislature may by resolution, in appropriate cases, authorize the transfer of any obsolete or unusable property to any other governmental agency without compensation, regardless of the property's original acquisition cost.

1137.3 Notice to the Legislature.

Before a sale or transfer is made pursuant to subsection 1 of this section, the County Executive shall give the members of the County Legislature five (5) working days written notice of the intention to make the sale or transfer.

a. Contents of Notice.

The notice shall set forth the property to be sold or transferred, [the Resolution number by which it was declared obsolete,] the original acquisition cost of the property, if known, the sale price, if any, and the governmental agency to which the property is to be sold or transferred.

b. Time for Legislature to Respond.

If the County Executive has not received written objection by one (1) or more members of the County Legislature to the proposed sale or transfer within the period of five (5) working days, the County Executive may proceed to make the sale or transfer as indicated in the notice.

c. Legislature Objects.

If the County Executive receives written objections by one (1) or more members of the County Legislature within the period of five (5) working days, the County Executive shall not make the sale or transfer but shall submit his or her recommendations to the County Legislature for approval.

1144. Centralized Disposal of Obsolete, Unusable, Unsold Surplus Properties

The county does not provide long-term storage of obsolete, unusable, unsold properties declared surplus. The Director of Finance and Purchasing shall dispose of, or authorize the removal of obsolete, unusable, unused properties declared surplus within ninety days from the date the director documents unsuccessful efforts to dispose of, sell, auction and/or donate surplus properties.

1144.1 Centralized Disposal Account

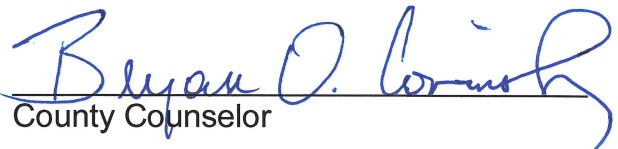
The Director of Finance and Purchasing shall establish a centralized disposal account and designate an accounting code to be used to contract for the disposal of obsolete, unusable, unsold properties declared surplus in accordance with this section.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5668 introduced on September 26, 2022, was duly passed on October 10, 2022 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0


Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

10-10-2022

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5668.

10.10.2022

Date



Frank White, Jr., County Executive