

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION DURING CALENDAR YEAR 2023 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D)

WHEREAS, Ohio Revised Code Section 721.15(D) authorizes legislative authority of a municipal corporation to sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by Internet auction; and

WHEREAS, Ohio Revised Code Section 721.15(A) allows for personal property not needed for municipal purposes, the estimate value of which is less than one thousand dollars, to be sold by the board or officer having supervision or management of that property; and

WHEREAS, an annual resolution adopted by the Village Council is required to permit the Village to utilize the internet auction provision or ORC Section 721.15.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WEST LAFAYETTE, COSHOCTON COUNTY, STATE OF OHIO

Section 1. That the Mayor, Village Administrator and Fiscal Officer be authorized to sell any and all personal property now owned by the Village of West Lafayette, Ohio, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which they were acquired by means of internet auction pursuant to Ohio Revised Code section 721.15 during calendar year **2023**.

Section 2. That the Mayor, Village Administrator or Fiscal Officer is authorized and directed to enter into contract with GovDeals (or other similar bidding site as long as notice is given) to conduct the Internet auctions of the personal property described herein using the parameters provided by the auction site.

Section 3. That the Fiscal Officer shall cause notice of adoption of this resolution to be published, in a newspaper of general circulation in the Village, of the Village's intent to sell unneeded, obsolete or unfit personal property by Internet auction. The notice shall include a summary of the information provided in this resolution and shall be published at least twice. The second and any subsequent notice shall be published not less than ten nor more than twenty days after the previous notice.

Section 4. That the Fiscal Officer shall cause a notice to be posted continually throughout the calendar year in a conspicuous place of the Fiscal Officer and shall cause said notice to be posted continuously throughout the year on the Village website.

Record of Resolution

Resolution No.: 2023-20

Passed: April 24, 2023

Section 5. That bidding shall continue for no less than 10 days, including Saturday, Sunday and legal holidays, and shall be set for each item as noted on the internet action site.

Section 6. That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

Section 7. That the highest bidder upon close of the open bidding period will be deemed to be the successful bidder of the Internet auction. Upon closing of the auction, the Village shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten (10) days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the Village where circumstances warrant. Notwithstanding the foregoing, all payment options are subject to the approval of the Village Fiscal Officer and Village Administrator.

Section 8. That all items must be removed within ten (10) business days. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website. Under no circumstances will the Village of West Lafayette assume responsibility for packing, loading or shipping.

Section 9. That all property is offered for sale "As Is", "Where Is". The Village of West Lafayette makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other monetary damages, either special, direct, indirect, or consequential.

Section 10. That default shall include (1) failure to observe these terms and conditions, (2) failure to make a timely payment, or (3) failure to remove all items within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until default has been cured. If the Buyer fails in the performance of their obligations, the Village of West Lafayette reserves the right to reclaim and resell all items not removed by the specified removal date.

Section 11. That employees of the Village of West Lafayette may bid on the property listed for auction so long as they do not bid while on duty.

Section 12. That the Village Officer having supervision or management of the asset is hereby authorized to dispose of any property that is listed for auction and does not sell as a result of not receiving bids.

Section 13. Most items offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the item description.

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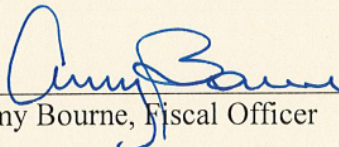
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Section 14. The Village of West Lafayette reserves the right to reject any and all bids and to withdraw from sale any items previously listed.


Section 15. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements.

PASSED IN COUNCIL THIS 24 day of April 2023.

ATTEST:



Amy Bourne, Fiscal Officer



Stephen R. Bordenkircher, Mayor
Council President Pro Tempore *Be Fortune*