

**RESOLUTION NO. 2011-40**

**INTRODUCED BY: MAYOR SUSAN K. INFELD**

**AN EMERGENCY RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, 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 IT WAS ACQUIRED FOR THE YEAR 2011.**

**WHEREAS**, Ohio Revised Code Section 721.15 permits municipalities to sell obsolete/unfit items by internet auction; and

**WHEREAS**, An annual Resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:**

**SECTION 1.** That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, 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 it was acquired for the year 2011.

**SECTION 2.** That the Clerk of Council shall cause notice of the adoption of this Resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit municipal 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 3.** That the Clerk of Council shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the offices of the Clerk of Council and the City Council and shall cause said notice to be posted continuously throughout the year on the City website.

**SECTION 4.** That the City shall conduct the internet auction via eBay (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

**SECTION 5.** That bidding shall continue for no less than 15 days, including Saturday and Sunday and legal holidays, and shall be set for each item as noted on the internet auction 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 the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City 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 City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City Finance Director.

**SECTION 8.** That all communication with the successful bidder shall occur in writing. Arrangements and costs associated with delivery to the successful bidder shall be the sole responsibility of the purchaser. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the purchaser.

**SECTION 9.** That all items shall be sold without warranty in “AS IS” condition. All advertisements, listings, and notices shall be subject to the following language:

“The City of University Heights, its officers, employers and agents offer this item for sale “AS IS” without any warranty or condition, express, implied or statutory. The City of University Heights, its officers, employers and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement.”

**SECTION 10.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

**SECTION 11.** This Resolution constitutes an emergency measure for the immediate preservation of public peace, health, and safety of the citizens of the City of University Heights, Ohio, and for the additional reason to allow for the immediate sale of municipal property, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

**CITY OF UNIVERSITY HEIGHTS, OHIO**

**SUSAN K. INFELD, MAYOR**

**Passed: August 10, 2011**

**ATTEST:**

**NANCY E. ENGLISH, CLERK OF COUNCIL**

**APPROVED AS TO FORM:**

**KENNETH J. FISHER, LAW DIRECTOR**