

**RESOLUTION NO: 16-822**

**A RESOLUTION AUTHORIZING THE SALE OF SURPLUS VILLAGE PROPERTY BY INTERNET AUCTION AND DECLARING AN EMERGENCY**

**WHEREAS**, Council has determined that certain personal property owned by the village is unneeded, obsolete , or unfit for municipal purposes; and

**WHEREAS**, Ohio Revised Code section 721.15 authorizes a village to dispose of such property through the use of an internet auction; and

**WHEREAS**, the Village received income into the Village derived from the sale of surplus property in the previous year; and

**WHEREAS**, Council has determined the most cost effective and efficient means of disposing of said property is to utilize the internet auction process; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Village of Russells Point, Ohio:

**SECTION I:** That this Council hereby expresses its intent to dispose of personal property owned by the village that is unneeded, obsolete, or unfit for municipal purposes.

**SECTION II:** That the Village of Russells Point wishes to contract with GovDeals, Inc. to conduct auctions on behalf of the Village. GovDeals, Inc. is a Delaware corporation having its principal place of business at 5913 Carmichael Place, Montgomery, Alabama 26117 (1-800-613-0156).

**SECTION III:** That the village will conduct the internet auction pursuant to Revised Code 721.15(D). The surplus material may be viewed on GovDeals.com or in person at the Village Offices at 433 State Route 708, Russells Point, Ohio 43348 during times outlined in the “Online Sales Terms and Conditions”.

**SECTION IV:** That items to be auctioned shall be inventoried, listed by department, given an appropriate identification number, and contain pertinent information (e.g. year, make, model, mileage or use). Each Department Head shall determine said property to not be needed for public use, obsolete or unfit for the use for which it was acquired and shall submit that property with a suggested minimum price to be sold via internet auction to the assistant to the Mayor.

**SECTION V:** That the Village Council hereby designates the assistant to the Mayor as its representative and shall be the official point of contact for all internet auctions. This person shall be responsible for the following:

- A. Establish a minimum price for each item of Village property to be auctioned;
- B. Establish “terms and conditions” for online sales in accordance with this Resolution which shall be available for review at the Village Municipal Building;
- C. Ensure that the property is sold by internet auction in accordance with this Resolution and the “terms and conditions” for online sales;

D. Ensure that the Village receives all monies due and owing to the Village as a result of the sale of said property; and

E. Complete training provided by GovDeals Client Services Department regarding Financial Settlement Services.

**SECTION VI:** That the internet auction will be conducted in the following manner under the following general terms and conditions:

A. All property will be offered for sale subject to the “Village of Russells Point Online Sales Terms and Conditions”;

B. All property is offered for sale “**AS IS, WHERE IS, AND WITHOUT WARRANTY.**” The Village of Russells Point, Ohio makes no warranty, guaranty or representations of any kind, either express or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The “buyer” of any Village property is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential – against the Village that in any way relates to the purchase and/or use of the property;

C. All property will be available to the public on the GovDeals.com website for a minimum of ten (10) days, including Saturdays, Sundays and legal holidays as required in Section 721.15(D) of the Ohio Revised Code;

D. If any Village property offered for sale by internet auction is not sold within ten (10) days after being posted on the GovDeals.com website, the Village may withdraw said property from the internet auction at any time;

E. Village property shall not be transferred to a successful bidder until such time as guaranteed payment has been received in full;

F. The Village Council of the Village of Russells Point, Ohio reserves the right to reject any bids and to withdraw from sale any items listed on GovDeals.com.

**SECTION VII:** That GovDeals, Inc. shall collect all auction proceeds by means of PayPal, credit card or wire transfer. GovDeals, Inc. will charge each buyer a “Buyer’s Premium” of five percent (5%), which will be retained by GovDeals, Inc. In addition, GovDeals, Inc. shall be entitled to a fee per each item sold as follows:

A. Where a single auction item does not yield greater than \$100,000.00 in a winning bid, the Village shall pay GovDeals, Inc. a fee of seven and one-half percent (7.5%) of the winning bid, but not less than \$5.00;

B. Where a single auction item yields greater than \$100,000.00, but does not yield greater than \$500,000.00 in a winning bid, the Village agrees to pay GovDeals, Inc. a fee of seven and one-half percent (7.5%) of the winning bid up to \$100,000.00 plus five and one-half percent (5.5%) of the winning bid that is in excess of \$100,000.00 up to \$500,000.00;

C. Where a single auction item yields greater than \$500,000.00 in a winning bid, the Village agrees to pay GovDeals, Inc. a fee of seven and one-half percent (7.5%) of \$100,000.00 of the winning bid, plus a fee of five and one-half percent (5.5%) of \$400,000.00 of the winning bid,

plus a fee of three and one-half percent (3.5%) of the amount in excess of \$500,000.00 of the winning bid.

**SECTION VIII:** That GovDeals, Inc. will remit the auction proceeds, minus its fees and the five percent (5%) “Buyer’s Premium,” to the Village on a weekly basis.

**SECTION IX:** That the Village Fiscal Officer is hereby directed to publish notice of Council’s intent to sell surplus property in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction. Said notice shall include a summary of the information provided in this resolution and shall be published twice. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the village fiscal officer and the legislative authority. If, in the future, the Village maintains a web site on the internet, the notice shall be posted continually throughout the calendar year at that web site.

**SECTION X:** 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 this 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 of the Ohio Revised Code.

**SECTION XI:** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the Village of Russells Point in order to obtain the best possible price for unneeded and obsolete property and to comply with the provisions of the Ohio Revised Code. This ordinance shall go into immediate effect provided that it receives a two thirds vote of all members of Village Council.

Passed: January 4, 2016

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President Pro Tem of Council

Attested: \_\_\_\_\_

Jeff Weidner  
Fiscal Officer

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Robin Reames  
Mayor

Approved as to form  
Robert N. Eshenbaugh Jr.  
Village Solicitor