

RECORD OF ORDINANCES

Resolution No. 2022-76Passed DECEMBER 7, 20 22

SPONSOR: SAFETY COMMITTEE

A RESOLUTION EXPRESSING THE VILLAGE'S INTENT TO SELL UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY BY INTERNET AUCTION AND REQUIRING PUBLICATION OF THE SAME, AND, AUTHORIZING THE MAYOR AND CLERK-TREASURER TO EXECUTE ON BEHALF OF THE VILLAGE A CONTRACT FOR THE CALENDAR YEAR 2023, AND DECLARING AN EMERGENCY

WHEREAS, the Village is empowered to sell tangible items of personal property belonging to the Village that is no longer needed for any municipal purposes, in accordance with Sections 721.01-721.26, inclusive, of the Revised Code; and,

WHEREAS, section 721.15 (D) of the Revised Code specifically empowers the Council to sell, regardless of the property's value, personal property, including but not limited to motor vehicles and other equipment acquired by and/or 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officers and departments, and road machinery, equipment, tools or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction upon the adoption, during each calendar year, of a resolution expressing the Council's intent to sell such property by internet auction; and,

WHEREAS, the Council desires to enter into a contract for calendar year 2021 with Govdeals, Inc. and/or other similar entities for conducting the internet auction for the disposition of unneeded, obsolete or unfit personal property that includes the general terms and conditions of sale; and,

WHEREAS, the Council requires the contact specifically provide: (i) that the internet auction shall satisfy the statutory minimum of ten (10) days (including Saturdays, Sundays, and legal holidays) for bidding on the property; (ii) that the Council reserves the right to set a minimum price to be accepted for specific items and any other terms and conditions for a particular sale, such as requirements for pick-up or delivery, method of payment, and sales tax if it so elects and notifies the online auction company of the same which shall be provided on the internet at the time of the auction; and, (iii) that no proceeds from the internet sales shall be paid in cash, rather all proceeds shall be delivered to the Clerk-Treasurer by cashier or bank check, or electronic transfer to the Village's general fund with verification of receipt delivered to the Clerk-Treasurer; and,

WHEREAS, the Clerk-Treasurer and/or his designee shall cause notice of the Council's intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction, to be published, twice, in a newspaper of general circulation in the Village, including a summary of the information contained within this Resolution, and the second publication shall be published not less than ten (10) or more than twenty (20) days after the initial publication; and,

WHEREAS, upon the effective date of this Resolution, the Clerk-Treasurer shall cause notice of this Resolution and the website address for Govdeals, Inc. (or other online auction company if utilized) to be posted continually throughout the calendar year in a conspicuous place in the offices of the Village, as well as continuously throughout the calendar year on the Village's website; and,

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: That the Council authorizes and directs the Mayor to enter an agreement with Govdeals, Inc. and/or other substantially similar entities and execution of all other necessary paperwork for the purpose of selling goods as stated herein during calendar year 2023.

SECTION 2: Upon completion of the required publication and approval as to form by the Village Law Director, and no sooner than the effective date of this Resolution, that the Mayor and Clerk-Treasurer shall execute the agreement and any other necessary paperwork and process the same without further delay.

SECTION 3: That the recitals set forth above are incorporated by reference herein.

SECTION 4: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of Village residents, to allow for the timely advertisement and then submission and execution of the approved Agreement within guidelines and requirements, and to allow for the continued operations of the Village Administration and other departments and shall, therefore, take effect and be in force from and immediately after its passage.

Michael Raddish 12-7-22
President of Council Date

Mark G. M. 12-7-22
Mayor Date

Attest:

[Signature]
Clerk-Treasurer