

**A BILL FOR AN ORDINANCE AMENDING
LEBANON MUNICIPAL CODE 3.04.080,
DISPOSITION OF SURPLUS PERSONAL
PROPERTY**

) **ORDINANCE BILL NO. 21**
) **For 2010**
) **ORDINANCE NO. 2804**

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Lebanon Municipal Code section 3.04.080 is hereby amended to read as follows:

3.04.80 Disposition of surplus personal property.

Disposition of surplus personal property may be made, at the discretion of the City Manager or his/her designee, under provisions of the State of Oregon Public Contracting Code, or the Model Rules, or under the provisions of this section;

A. From time to time and after personal property owned by the City of Lebanon is determined by the City Manager or his/her designee to be surplus to the needs of the City, the City may sell the property at public auction. The City may utilize a contracting firm, approved by the contract review board, for disposition of the property on terms and conditions contained in a contract approved by the contract review board. The City shall give notice of the public auction by posting notice of the means by which the property will be disposed of on the City of Lebanon internet website, or by advertisement in a newspaper of general circulation. However, if the City Manager shall determine that other disposition is beneficial to the City, he or she may make such finding and, with the approval of the contract review board, dispose of such items through donation, state surplus, or other method determined to be in the best interests of the City.

B. Auction sales may be conducted entirely on the internet. Sale shall be for cash to the highest bidder. All proceeds of the sale shall be paid to the City's general fund, subject to the terms and conditions of the contract (if any) approved by the contract review board between the City of Lebanon and a firm selected to conduct the auction.

C. All personal property sold pursuant to this section shall be sold as-is, without any warranty, either express or implied, of any kind, including but not limited to warranties of title or fitness for any purpose. Upon receiving payment for the personal property from the successful bidder, the person or company conducting the auction shall execute an appropriate bill of sale, which shall recite that the sale is without warranty, as provided in this subsection.

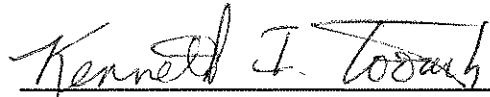
D. Unless otherwise required by a funding agency, in instances whereby the City has procured personal property as a result of funding procured by a granting agency of the federal government and such property has no further value or need to be retained by the City, the following procedure shall apply:

If an item has a value of \$5,000 or more, and has been purchased with grant funding, the funding agency shall be notified of the condition of the equipment and the equipment's potential for surplus or disposal. The funding agency shall supply in writing to

the City an approval to surplus the grant funded item and the City shall follow the procedure for disposal of such item as required by this section. In the event that the funding agency should not approve, in writing, or issue disposition instructions within 120 calendar days from the date that notice is given to the funding agency, the City may dispose of the item as set forth in this section.

Passed by the Lebanon City Council by a vote of 5 in favor and 0 against and approved by the Mayor on this 25th day of August, 2010.

CITY COUNCIL OF LEBANON, OREGON



Kenneth I. Toomb, Mayor
Bob Elliott, Council President

ATTEST:



Linda Kaser, City Clerk/Recorder