

RESOLUTION NO. 2022-35

A RESOLUTION OF THE TOWN OF ASHLAND CITY, TENNESSEE, TO ESTABLISH A POLICY FOR THE SALE AND DISPOSAL OF PROPERTY DETERMINED TO BE SURPLUS TO THE CITY'S NEEDS

WHEREAS, it is in the public interest for the Town of Ashland City to periodically sell or dispose of certain machinery, equipment, or materials which, by nature of its obsolescence, low value, or disrepair, has been determined by the Governing Body to be surplus to the realistic and foreseeable needs of the City; and

WHEREAS, the Governing Body wishes to establish a uniform policy, which provides that obsolete and unneeded property will be offered for sale to the general public in an open, transparent, and cost-effective manner, and assures against usable and valuable property from wrongfully being declared obsolete and offered for sale.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF ASHLAND CITY, AS FOLLOWS:

- 1. Title.** This Resolution shall be known as the "Surplus Property" and shall be the official guideline for the sale of the City's surplus properties.
- 2. Authority to declare property as surplus to the City's needs.** Any member of the city council, or any department head may nominate any City-owned property for disposal or sale as surplus property. All such nominations shall be made on forms developed by the City and signed by the person making the nomination. Signed nominations shall be forwarded to the Governing Body for the final decision authorizing the sale. It shall be the official policy of the Town of Ashland City that no city-owned property shall be sold, or offered for sale, as surplus property without prior authorization by the Governing Body. The Board's authorization to sell surplus property shall be in the form of an oral Motion and or Resolution.
- 3. Unauthorized sales.** Any employee of the Town of Ashland City found to have sold, or offered for sale, any City-owned property in violation of the Town's Surplus Property Policy shall be subject to disciplinary action and, if applicable, criminal prosecution.

4. Surplus property nomination form. The City Recorder shall develop a form which shall be used by city officials to nominate surplus property for sale. As a minimum, such form shall contain the following information:

- (a) A brief description of the item proposed for sale, including manufacturer, model number, serial number, age, and condition; as well as any asset number assigned to the item in the City's Capital Asset listing;
- (b) The department or office to which the property is assigned;
- (c) An explanation of why the property is no longer needed by the City;
- (d) An estimate of the current in-place value of the property; and
- (e) The name and signature of the person making the nomination.

5. Surplus property criteria. All signed surplus property nomination forms shall be promptly forwarded by the City Recorder to the Governing Body. Before classifying any property as being surplus, the Governing Body shall consider the following:

- (a) The age and condition of the property;
- (b) The cost of replacing the property, if any;
- (c) The anticipated remaining life of the property;
- (d) The estimated value of the property;
- (e) Whether the property might reasonably, safely, and efficiently be used by another City department or office.

6. Sales procedures. Unless otherwise directed by the Governing Body, all surplus property approved for sale shall be sold according to the following procedure:

- (a) The City Recorder or their designee shall be wholly and solely responsible for advertising and conducting all surplus property sales.
- (b) The preferred method of sale shall be a public auction, on a cash, certified check, or if applicable, debit or credit card basis. A public auction may include the use of a nationally recognized government surplus website, such as GovDeals.com or PublicSurplus.com. When a public auction is not practical or efficient, the Board may direct the sale to take place by means of sealed bids. The opening of all sealed bids shall take place in a meeting open to all bidders and the general public.
- (c) Transfer to another city or governmental agency at or below reasonable market value
- (d) It shall be the City's policy that sales of surplus property shall be awarded to the highest bidder.
- (e) All surplus property auctions shall be advertised at least 15 days in advance in a newspaper of local circulation (or on the appropriate website, as noted above). Additionally, the City Recorder is encouraged to advertise surplus property sales on the City's website, and with posters or notices placed in public facilities throughout the City.
- (f) Prior to the sale, all City logos or other symbols are to be removed or destroyed from the items to be sold.

7. **Sale of dangerous property.** It shall be the policy of the Town of Ashland City to avoid the sale of surplus property that might reasonably be dangerous or hazardous to the ultimate purchaser.

Dangerous or hazardous items shall include, but are not limited to, the following:


- (a) Surplus firearms and other weapons. Such items may only be offered for sale to a public law enforcement agency or traded by law enforcement for the purchase of other firearms or ammunition with arms dealers or;
- (b) Explosives;
- (c) Volatile or highly toxic chemicals; and
- (d) Equipment and materials that cannot be operated or used safely due to obsolescence, product defect, lack of maintenance, etc.

8. **Distribution.** The City Recorder is hereby directed to distribute a copy of this resolution to every employee of the Town of Ashland City.

9. **Exclusions.** This policy does not regulate the sale of real property. The sale of real property shall be distributed according to the Town's charter.

10. **Effective date.** This Resolution shall be in full force and effect from and after its date of adoption by the Town of Ashland City.

PASSED AND APPROVED THIS 9th DAY OF August, 2022 BY A ROLL CALL VOTE OF THE CITY COUNCIL.



Mayor



City Recorder