

CITY OF FRANKLIN, OHIO  
RESOLUTION 2022-03

**AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY INTERNET AUCTION**

WHEREAS, Each year City Department and Division Heads are directed to determine whether personal property owned by the City is unneeded, obsolete, or unfit for municipal purposes and where such surplus property is identified take necessary steps to dispose of such property; and

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

WHEREAS, the City will benefit from receiving income into the City derived from the sale of surplus property; and

WHEREAS, Where staff determines internet auction is the most cost effective and efficient means of disposing of said property, the public is hereby given notice that the general terms and conditions established below will be utilized when conducting the internet auction process on GovDeals or any similar on-line auction service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members of Council present concurring, that:

Section 1: This Council hereby expresses its intent to dispose of personal property during this fiscal year owned by the City that is unneeded, obsolete, or unfit for municipal purposes.

Section 2: The City of Franklin wishes to contract with GovDeals, Inc. to conduct auctions on behalf of the City. GovDeals, Inc. is a Delaware corporation having its principal place of business at 5913 Carmichael Place, Montgomery, Alabama 26117 (1-800-613-0156).

Section 3: The City will conduct internet auctions pursuant to Revised Code 721.15(D). The surplus property may be viewed on GovDeals.com or in person at the City Offices at 1 Benjamin Franklin Way, Franklin, Ohio 45005 during times outlined in the "Online Sales Terms and Conditions" to be set for each item to be sold throughout this fiscal year.

Section 4: 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 and Division 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 City Manager and Assistant to the City Manager.

Section 5: The City Council hereby designates the Assistant to the City Manager as its representative and shall be the official point of contact for all internet auctions. This person, with approval of the City Manager, shall be responsible for the following:

- A. Establish a minimum price for each item of City property to be auctioned;
- B. Establish, with approval of the Law Director, "terms and conditions" for online sales in accordance with this Resolution which shall be available for review at the City 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 City receives all monies due and owing to the City as a result of the sale of said property; and
- E. Complete training provided by GovDeals Client Services Department regarding Financial Settlement Services.

Section 6: 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 "City of Franklin's Online Sales Terms and Conditions;"
- B. All property is offered for sale "AS IS, WHERE IS, AND WITHOUT WARRANTY." The City of Franklin, 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 City property is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential – against the City 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 days, including Saturdays, Sundays and legal holidays as required in Section 721.15(D) of the Ohio Revised Code;
- D. If any City property offered for sale by internet auction is not sold within ten days after being posted on the GovDeals.com website, the City may withdraw said property from the internet auction at any time;
- E. City property shall not be transferred to a successful bidder until such time as guaranteed payment has been received in full;
- F. The City Council of the City of Franklin, Ohio reserves the right to reject any bids and to withdraw from sale any items listed on GovDeals.com.

Section 7: GovDeals, Inc. shall collect all auction proceeds by means of PayPal, credit card, wire transfer or other similar means. GovDeals, Inc. will charge each buyer a "Buyer's Premium" of an established percent, which will be retained by GovDeals, Inc. The City shall pay zero percent fees of the GovDeals fee and the winning bidder shall pay all of the "Buyers Premium" to account for the GovDeals fee. In addition, GovDeals, Inc. shall be entitled to a fee per each item sold.

Section 8: GovDeals, Inc. will remit the auction proceeds, minus its fees and the "Buyer's Premium," to the City on an agreed upon basis.

Section 9: The City's Clerk of Council 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 City Clerk of Council, Finance Director, and entrance of the City's Municipal Building. A notice setting forth this Resolution shall also be conspicuously posted and

maintained on the City's web site and shall remain posted continually throughout the calendar year on that web site.

Section 8. This Resolution shall become effective immediately upon its passage.

ADOPTED: January 3, 2022

ATTEST: Khristi Dunn  
Khristi Dunn, Clerk of Council

APPROVED: Burt W. [Signature]  
Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on January 3, 2022.

Khristi Dunn  
Khristi Dunn, Clerk of Council