

## CHAPTER 11

### SALE OF PROPERTY OWNED BY JACKSON COUNTY

#### DISPOSAL OF REAL ESTATE

1100. Real Estate, Sale To Be Authorized By Resolution.

The sale of all real estate owned by Jackson County shall be authorized by resolution of the County Legislature. (Ord 516, Sec. 1, Eff. 8-23-77)

1101. Real Estate, Sale To Be Negotiated By County Executive.

The County Executive or his designee is authorized to negotiate with the entities set forth in Section 1102.00 for the sale of real estate owned by Jackson County. (Ord 516, Sec. 2, Eff. 8-23-77)

1102. Entities With Which Negotiations May Be Conducted.

The County Executive is authorized to negotiate the sale of real estate owned by Jackson County to the following governmental entities:

a. United States.

The United States or any of its agencies or

b. State of Missouri.

The State of Missouri or any of its political subdivisions or municipalities. (Ord 516, Sec. 2, Eff. 8-23-77)

1103. Final Approval By Legislature.

No contract for the sale of real estate owned by Jackson County shall be binding on the county until approved by resolution of the County Legislature. (Ord 516, Sec. 3, Eff. 8-23-77)

1104. - 1109. RESERVED

#### FORMAL BID PROCEDURES FOR REAL ESTATE

1110. Bid Solicitation for Real Estate Sales.

The Director of Purchasing is authorized to solicit sealed bids for the disposal of surplus county real estate in accordance with the formal contract procedures in Chapter 10. (Ord 516, Sec. 4.1, Eff. 8-23-77)

C/R: 1050.00, formal contract procedure.

1111. Recommendation to Legislature.

The Director of Purchasing shall recommend to the County Legislature the award of the sale to the highest responsible bidder. (Ord 516, Sec. 4.2, Eff. 8-23-77)

1112. - 1119. RESERVED

## AUCTIONS OF REAL ESTATE

### 1120. Auction Authorized for Real Estate Sales.

The Director of Purchasing may authorize the sale of county real estate by auction when Director of Purchasing believes that it is in the best interest of the county to do so. (Ord 516, Sec. 5, Eff. 8-23-77)

### 1121. Auction Requirements for Real Estate Sales.

The following requirement shall apply to auctions authorized by Section 1120.00.

#### 1121.1 Where Conducted.

All auctions shall be conducted on county property. (Ord 516, Sec. 6.1, Eff. 8-23-77)

#### 1121.2 Notice of Auction By Publication.

A notice advertising an auction shall be published in one (1) official newspaper in the county with a circulation of at least five hundred (500) copies per issue at least ten (10) days preceding the date of the auction. The notice shall include a general description of real estate to be sold, the time, location and date of the auction and place where additional information concerning the real estate may be obtained. (Ord 516, Sec. 6.2, Eff. 8-23-77)

C/R: See Section 1121.06 for limitation.

#### 1121.3 Notice of Auction to Prospective Purchasers.

The Director of Purchasing, shall send a notice of the auction to all prospective purchasers who have requested their names be added to a list of bidders. (Ord 516, Sec. 6.3, Eff. 8-23-77)

C/R: See Section 1121.06 for limitation.

#### 1121.4 Who Conducts Auction.

Auctions shall be conducted by the Director of Purchasing or his designee. The Director of Purchasing may contract with professional auctioneers to conduct an auction. (Ord 516, Sec. 6.4, Eff. 8-23-77)

#### 1121.5 Highest Bidder.

The highest bidder at an auction shall execute a real estate sale contract and submit a bid deposit. (Ord 516, Sec. 6.6, Eff. 8-23-77)

#### 1121.6 Final Acceptance of Bids.

Bids received at an auction shall be subject to final acceptance by resolution of the County Legislature. All notices and advertisements for the auction of real estate pursuant to this chapter shall advise potential bidders of this limitation. (Ord 516, Sec. 6.5, Eff. 8-23-77)

1121.7 Bid Rejected by Legislature.

If the County Legislature rejects the bid offered, the bidder shall be entitled to the return of the deposit. (Ord 516, Sec. 6.6, Eff. 8-23-77)

1122. - 1129. RESERVED

DISPOSAL OF PERSONAL PROPERTY

1130. Personal Property Disposal, Cost of Less Than Five Thousand Dollars.

Upon the recommendation of any department director or head of any other county agency or office, the Director of Purchasing, with the approval of the Director of Finance, is authorized to dispose of any item of personal property in the custody or control of the recommending department, agency, or office, that has an original acquisition cost of less than five thousand dollars (\$5,000.00) and that has become obsolete and unusable, on terms advantageous to Jackson County. (Ord 366, Sec. 3.197.A, Eff. 6-9-76; Ord. 3482, Eff. 05-18-04)

1130.1 Procedure.

Disposal of personal property having an original acquisition cost of less than five thousand dollars (\$5,000) shall be made in accordance with the informal bid procedure set forth in sections 1030. and 1031. of chapter 10, or in accordance with sections 1135. and 1136., unless transferred without compensation to another governmental agency as set out in section 1137. If sold, the property shall be sold to the highest responsible bidder. (Ord. 3482, Eff. 05-18-04)

1130.2 Personal Property Destroyed in Casualty Loss, Authorization for Disposal.

This section shall also apply to the disposal of any county-owned personal property without regard to original acquisition cost that, as a result of a casualty loss, has been declared a total loss by the county's or responsible party's casualty insurer or as determined by an estimate or appraisal prepared by a reputable, independent expert. (Ord. 3482, Eff. 05-18-04)

1131. Personal Property Sale, Cost of Five Thousand Dollars or More.

Personal property having an original acquisition cost of five thousand dollars (\$5,000) or more shall be disposed of in accordance with the formal contract procedure set forth in sections 1050 through 1055.05 of chapter 10, or in accordance with sections 1135. and 1136., unless sold to another governmental agency as set out in section 1137. If sold to a person or entity other than another governmental agency, the property shall be sold to the highest responsible bidder. (Ord. 3482, Eff. 05-18-04)

1131.1 Prior Approval by Legislature Required.

The Director of Purchasing shall submit a list of any property to be disposed of, having an original acquisition cost of five thousand dollars (\$5,000.00) or more,

together with all factual information in clear and specific terms that supports the finding by the Director of Purchasing that the property is obsolete and unusable, to the County Legislature for its authorization to dispose of the property. (Ord 366, Sec. 3.197.A, Eff. 6-9-76; Ord. 1323, Eff. 05-16-85; Ord. 3482, Eff. 05-18-04)

1132. - 1133. RESERVED (Ord. 3482, Eff. 05-18-04)

1134. Use as Trade-Ins.

The Director of Purchasing may, when the interest of the county are best served, use the personal property as trade-ins on replacements and solicit bids in accordance with the formal contract procedure in order to obtain the price differential most advantageous to the county. (Ord 366, Sec. 3.197.B, Eff. 6-9-76)

C/R: 1030.00, informal bid procedure and 1050.00, formal bid procedure.

AUCTIONS OR GARAGE SALES OF PERSONAL PROPERTY

1135. Auction or Garage Sales Authorized for Disposal of Personal Property.

The Director of Purchasing may authorize the sale of county personal property by auction or garage sale when Director of Purchasing believes that it is in the best interest of the county to do so. (Ord. 1323, Eff. 05-16-85)

1136. Auction or Garage Sale Requirements for Disposal of Personal Property.

The following requirement shall apply to auctions or garage sales authorized by Section 1135. (Ord. 1323, Eff. 05-16-85)

1136.1 Where Conducted.

All auctions or garage sales shall be conducted on county property, unless the Director of Purchasing contracts with a qualified vendor or online service to conduct the auction or garage sale. In such cases, the auction or garage sale may be conducted online or at a site selected by the vendor and approved by the Director of Purchasing. (Ord. 1323, Eff. 05-16-85; Ord. 3333, Eff. 01/29/03; Ord. 3604, Eff. 03/18/05)

1136.2 Notice of Auction or Garage Sale By Publication.

A notice advertising an auction or garage sale shall be published in one (1) official newspaper in the county with a circulation of at least five hundred (500) copies per issue at least ten (10) days preceding the date of the sale. The notice shall include a general description of personal property to be sold, the time, location and date of the sale and place where additional information concerning the personal property may be obtained. (Ord. 1323, Eff. 05-16-85)

1136.3 Notice of Auction to Prospective Purchasers.

The Director of Purchasing, shall send a notice of the auction or garage sale to all prospective purchasers who have requested their names be added to a list of

bidders. (Ord. 1323, Eff. 05-16-85)

1136.4 Who Conducts Auction or Garage Sale.

Auctions and garage sales shall be conducted by the Director of Purchasing or his designee. The Director of Purchasing may contract with professional auctioneers to conduct an auction or garage sale. (Ord. 1323, Eff. 05-16-85; Ord. 3333, Eff. 01/29/03)

1136.5 Highest Bidder.

The highest bidder at an auction or garage sale shall make payment for the item(s) purchased and shall be responsible for removing the item from County property or other site immediately. (Ord. 1323, Eff. 05-16-85; Ord. 3333, Eff. 01/29/03)

1137. Personal Property, Transfer or Sale to Another Governmental Agency.

Any personal property which has been declared obsolete and unusable as set out in Section 1130. or 1131. may be sold or transferred without compensation to another governmental agency as set out in this section. (Ord. 1323, Eff. 05-16-85; Ord. 3482, Eff. 05-18-04)

1137.1 By County Executive.

The County Executive may sell obsolete or unusable personal property with an original acquisition cost of five thousand dollars (\$5,000.00) or more to any other governmental agency at a price based on a residual value as determined by the Director of Finance with the approval of the Director of Purchasing. The County Executive may transfer obsolete or unusable personal property with an original acquisition cost of less than five thousand dollars (\$5,000.00), or property that has been declared a total loss pursuant to section 1130.2, to any other governmental agency without compensation. (Ord. 1323, Eff. 05-16-85; Ord. 3482, Eff. 05-18-04)

1137.2 By County Legislature.

The County Legislature may by resolution, in appropriate cases, authorize the transfer of any obsolete or unusable property to any other governmental agency without compensation, regardless of the property's original acquisition cost. (Ord. 3482, Eff. 05-18-04)

1137.3 Notice to the Legislature.

Before a sale or transfer is made pursuant to subsection 1 of this section, the County Executive shall give the members of the County Legislature five (5) working days written notice of the intention to make the sale or transfer. (Ord. 1323, Eff. 05-16-85; Ord. 3482, Eff. 05-18-04)

a. Contents of Notice.

The notice shall set forth the property to be sold or transferred, the

Resolution number by which it was declared obsolete, the original acquisition cost of the property, if known, the sale price, if any, and the governmental agency to which the property is to be sold or transferred. (Ord. 1323, Eff. 05-16-85; Ord. 3482, Eff. 05-18-04)

b. Time for Legislature to Respond.

If the County Executive has not received written objection by one (1) or more members of the County Legislature to the proposed sale or transfer within the period of five (5) working days, the County Executive may proceed to make the sale or transfer as indicated in the notice. (Ord. 1323, Eff. 05-16-85; Ord. 3482, Eff. 05-18-04)

c. Legislature Objects.

If the County Executive receives written objections by one (1) or more members of the County Legislature within the period of five (5) working days, the County Executive shall not make the sale or transfer but shall submit his or her recommendations to the County Legislature for approval. (Ord. 1323, Eff. 05-16-85; Ord. 3482, Eff. 05-18-04)

1138. Sale of County-owned Animals.

When the Director of the Department of Parks and Recreation determines that the department has animals in excess of the needs of the department, the director shall declare any such animals as surplus property. Thereafter, with the written approval of the Purchasing Director, the department may dispose of such surplus animals by contracting with a licensed animal auction facility for their sale, at terms satisfactory to the department. The proceeds of any such sale shall be credited to the unappropriated surplus of the Park Fund. (Ord. 2145, Eff. 9/17/92)

1139. Disposition of Sheriff's Canine Unit Dogs.

When the county acquires a dog for use by the Sheriff's Department's canine unit, the county's acquisition cost shall be documented. Thereafter the deputy sheriff assigned as the dog's handler may take ownership of the dog upon reimbursement to the county of its acquisition cost when:

- a) the dog is retired or relieved from duty due to age or injury; or
- b) the handler retires or is transferred or promoted out of the canine unit and the sheriff has determined that retraining the dog for another handler would not be cost effective. (Ord. 2192, Eff. 4/8/93)

1140. Items Acquired Solely For Purpose of Resale.

The provisions of this chapter relating to the disposal of county-owned personal property do not apply to personal property acquired by the county solely for the purpose of resale at a commercial establishment operated by a county department or agency. In such cases, the department director or agency head shall have discretion to determine

the time, place, manner, and price of such resale. (Ord. 2238, Eff. 10/09/93)

1141. Donation, Recycling, or Discarding of Personal Property.

If the Director of Purchasing is unsuccessful in documented efforts to dispose of surplus, obsolete, or unusable county personal property under one or more of the means previously authorized by this chapter, the director is authorized to dispose of such property by means of donation to any entity entitled to an exemption from federal income taxation under 26 USC 501(C)(3), or by recycling, salvaging, or discarding such property, in that order of priority, under such terms deemed by the director to be most favorable to the county. (Ord. 2304, Eff. 07/26/94)

1142. Disposition of Firearms.

The Purchasing Director is authorized to dispose of surplus, excess, and/or obsolete county-owned service pistols, rifles, and/or shotguns, utilizing any and/or all of the procedures available in this chapter for the disposition of other county-owned property, provided that any such disposal or transfer must be conducted in strict accordance with state and federal law. (Ord. 2968, Eff. 11/18/99; Ord. 4357, Eff. 10/03/11; Ord. 4946, Eff.12/16/16)

1143. Acquisition of Service Weapon by Retiring Deputy Sheriff or Park Ranger.

Upon retirement from full-time County employment, the Sheriff, any deputy sheriff, or any park ranger may purchase from the County the employee assigned service weapon at a "trade-in cost" established by the Director of Finance and Purchasing. This trade-in cost shall be that amount which the director is satisfied the County would receive from an authorized vendor if the County traded-in the weapon on the purchase of a new weapon. The retiring County employee/officer shall be responsible for any federal or state permitting costs associated with the transfer of the weapon. (Ord. 4326, Eff. 7/26/11; Ord. 4946, Eff 12/16/16)