

**An Ordinance concerning procedures for disposing of personal property valued at less than \$5,000 for any item or groups of items by Clay County in substitution for the requirements of Article 12 of Chapter 160A of the North Carolina General Statutes.**

THAT WHEREAS, under the provisions of N.C. Gen. Stat. § 160A-266 (c) and N.C. Gen. Stat. § 153A-176, a County in North Carolina may adopt regulations prescribing procedures for disposing of personal property valued at less than \$30,000 for any one item or group of items in substitution for the requirements of Article 12 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Clay County Board of County Commissioners desires to adopt regulations for Clay County prescribing procedures for disposing of Clay County personal property valued at less than \$5,000 for any one item or group of items in substitution for the requirements of Article 12 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Clay County Board of County Commissioners finds the provisions of the Ordinance contained herein to be in the public interest and that the same are designed to secure for Clay County fair market value for all Clay County personal property disposed of under the same and to accomplish the disposal of such Clay County personal property efficiently and economically.

NOW THEREFORE, BE IT ORDAINED by the Clay County Board of Commissioners that:

- I. The Clay County Board of County Commissioners does hereby authorize the Clay County Manager to:
  - A. Declare as surplus any Clay County personal property valued at less than \$5,000 for any item or group of items;
  - B. Set the fair market value of items of Clay County personal property or group of items of Clay County personal property valued at less than \$5,000;
  - C. Sell or exchange items of Clay County personal property or group of items of Clay County personal property valued at less than \$5,000 on behalf of Clay County at fair market value in accordance with the provisions contained herein provided that the transaction secures for Clay County the fair market value for the same, or electronically auction with reserve over the Internet items of Clay County personal property or group of items of Clay County personal property valued at less than \$5,000 on behalf of Clay County in accordance with the provisions contained herein provided that the electronic auction with reserve over the Internet secures for Clay County the fair market value for the same ; and
  - D. Convey title to any item of Clay County personal property or group of items of Clay County personal property valued at less than \$5,000 on behalf of Clay County in


accordance with the provisions contained herein provided that the transaction secures for Clay County the fair market value for the same.

2. That before selling, exchanging or electronically auctioning with reserve over the Internet and conveying any item of Clay County personal property or group of items of Clay County personal property valued at less than \$5,000, on behalf of Clay County, the Clay County Manager must first determine, declare and document in writing for Clay County that the personal property in question is in fact surplus property of Clay County and is not necessary for Clay County governmental use. Such writing shall become part of the record of such transaction.
3. That before selling, exchanging or electronically auctioning with reserve over the Internet and conveying any item of Clay County personal property or group of items of Clay County personal property valued at less than \$5,000, on behalf of Clay County, the Clay County Manager must first determine the fair market value of such item of personal property or group of items of personal property valued at less than \$5,000 and the sale, exchange or electronic auction with reserve over the Internet of such property shall be for at least fair market value of the item or items sold, exchanged or electronically auctioned with reserve over the Internet. The method utilized by the Clay County Manager for determining fair market value of such item of personal property or group of items of personal property valued at less than \$5,000 shall be documented in writing and become a part of the record of such transaction.
4. The Clay County Manager may publish notice of such sales, exchanges or electronic auction with reserve on the Internet but is not required to do so.
5. The Clay County Manager is authorized to make public or private exchanges, sales and electronic auctions with reserve on the Internet of items of Clay County personal property or group of items of Clay County personal property valued at less than \$5,000 on behalf of Clay County in accordance with the terms and limitations of this Ordinance provided that the transaction secures for Clay County the fair market value for the same.
6. The Clay County Manager shall keep a record of all Clay County personal property sold, exchanged or electronically auctioned with reserve on the Internet under this Ordinance and such record shall describe the personal property sold, exchanged or electronically auctioned with reserve on the Internet ( and to the extent possible, the make, model, manufacturer, age and general condition of each item ), to whom it was sold, or to whom it was exchanged, and the amount of money or other consideration received for each such sale or exchange.
7. All sales proceeds and/or exchange proceeds from such sales or exchanges on behalf of Clay County shall be the sole property of Clay County.
8. The Clay County Manger is authorized incur auction fees, if any, for holding any electronic

auctions with reserve on the Internet and make appropriate arrangement for the same to be paid.

9. After each sale exchange or electronic auction with reserve on the Internet authorized hereunder, the Clay County Manager shall report the same unto the Clay County Board of County Commissioners at their next regular meeting by providing to the Clay County Board of County Commissioners a record of the same containing a description of the property sold or exchanged, to whom it was sold, or to whom it was exchanged, and the amount of money or other consideration received for each such sale or exchange and any costs incurred in connection with the sale.

Upon motion made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and passed, adopted and ordained by unanimous vote of the Clay County Board of County Commissioners on this the 1<sup>st</sup> day of November, 2012, at the regular meeting of the Clay County Board of County Commissioners.

  
\_\_\_\_\_  
Chairman of the Clay County Board of County  
Commissioners

Attest:

\_\_\_\_\_  
Clerk to the Clay Board of County  
Commissioners

( County Seal )