

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS CHAPTER 2, ENTITLED "DISPOSITION OF SURPLUS PROPERTY", REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT; PROVIDING FOR SEVERABILITY

WHEREAS, the City Council of the City of League City, Texas is continually reviewing the provisions of the Code of Ordinances and the need to update its provisions to provide for the efficient delivery of administrative services; and

WHEREAS, Chapter 2, Article VI of the Code of Ordinances sets out the mechanism by which personal property which is worn out, scrap, obsolete or otherwise surplus and determined to have no further worthwhile public use shall be disposed of; and

WHEREAS, the City Council seeks to amend Chapter 2, Article VI of the Code or Ordinances in order to provide City staff with greater flexibility to accomplish the disposition of surplus personal property in a manner which will maximize its value;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. That the Code of Ordinances is hereby amended to AMEND Chapter 2, Article VI, entitled *Disposition of Surplus Property*, to read as follows:

ARTICLE VI. - DISPOSITION OF SURPLUS PROPERTY

Sec. 2-301. - Method of disposal.

- (a) The Director of the department to which said personal property is assigned shall make a written request to the Purchasing Department to dispose of the property.
- (b) In his or her written request to the Purchasing Department, the Director shall provide the following determinations: that the property is of no further use to his or her department, that the property cannot be used in another department, that the property does not have further public use and the estimated fair market value of the property.

- (c) The Purchasing Department must obtain approval from either the City Manager or the City Council for each individual piece of personal property before disposing of the property. The City Manager may approve the disposal of all individual pieces of personal property valued at less than \$5,000. The City Council shall approve the disposal of all individual pieces of personal property valued at \$5,000 or more via resolution.
- (d) After approval, the Purchasing Department shall proceed to sell the property using any reasonable method to get the highest possible price.
- (e) If after two attempts, the Purchasing Department is unable to sell the property, the property may be legally disposed of by any legal means.

Sec. 2-302. - Purchase by city officers and employees.

It shall be unlawful for any officer or employee of the city, either directly or indirectly, to submit bids or to purchase at any sale, excluding a sale conducted by public auction, any property sold pursuant to the provisions of this article.

Sec. 2-303. – Library Materials

The terms and conditions of this article shall not apply to the deposition of library materials consisting of printed materials such as books, or other materials in circulation, valued at less than \$50 per item; the City Manager may permit such printed materials to be donated or otherwise conveyed to the Friends of the Helen Hall Library or a similar organization whose subsequent use or disposition of the items will benefit the Helen Hall Library, directly or indirectly.

Secs. 2-304—2-330. - Reserved.

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any

court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the ____ day of _____, 2017.

PASSED second reading the ____ day of _____, 2017.

PASSED AND ADOPTED the ____ day of _____, 2017.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN,
City Attorney