

ORDINANCE NO. 2014-

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

WHEREAS, the City Council of the City of League City, Texas, (the "City Council") 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 current mechanism for disposition of surplus property is limited to disposition by public auction, by obtaining written quotes from a minimum of three vendors, or by advertising for sealed bid; and

WHEREAS, while the current mechanism has been found to be a suitable means for disposing of certain categories of personal property, there have been numerous instances when its restrictive terms have impeded the ability to dispose of other categories of personal property in a manner which enhances their potential value, such as in the case of vehicle trade-ins, on-site dispositions or where the property is of such a nature that its target market is best reached through alternative means, including but not limited to internet listings; and

WHEREAS, the City Council seeks to amend Chapter 2, Article VI of the Code of 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 COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS as follows:

Section 1. The City Council of the City of League City adopts the preceding preamble paragraphs as if repeated verbatim herein and finds them as matters of fact.

Section 2. Chapter 2, Article VI, entitled "Disposition of Surplus Property," shall be amended to hereafter read as follows:

"Sec. 2-301. – Sale of surplus personal property.

Before any property of the City is sold or offered for sale, the property shall first be declared surplus property by resolution duly adopted by the city council.

The terms and conditions of this article shall not apply to the disposition of library materials consisting of printed materials such as books, or other materials in circulation, valued at less than \$50.00 per item; such items may be declared surplus by the city manager if they are 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.

Sec. 2-302. – Method of disposal.

- (a) The director of the department to which said personal property is charged shall determine that the property is of no further use to his or her department, and he or she shall so notify the city manager, in writing, and in such notification shall set out his or her estimate of the value of the property.
- (b) The city manager shall determine whether or not the property can be used in any other department of the city, and whether or not the property is of any further public use, and shall finally determine the value of the property for the purpose of determining whether or not such value is more or less than two thousand five hundred dollars (\$2,500.00).
- (c) Upon determination by the city manager that such property cannot be used in any department of the city and that it is of no further public use, he or she shall notify the purchasing manager, in writing, and shall set out in such notification as to whether or not the value of the property is more or less than two thousand five hundred dollars (\$2,500.00).
- (d) The purchasing manager shall, immediately upon the receipt of such notification from the city manager, proceed to sell the property, using his or her best ability to get the highest possible price therefore; provided, however, that if the city manager determines that the property is of value in excess of two thousand five hundred dollars (\$2,500.00), then the purchasing manager shall sell the property by either public auction, by obtaining written quotes from a minimum of three vendors or by advertising once a week for two (2) consecutive weeks requesting bids for the purchase of the property.
- (e) In any instance where the city manager deems it advisable, such sale shall be referred to the city council for its approval before the sale is finally consummated.

Sec. 2-303. – 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.

Secs. 2-304—2-330. Reserved.”

*******END OF TEXT*******

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate

this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of League City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

APPROVED on first reading the _____ day of _____, 2014.

APPROVED on second reading the _____ day of _____, 2014.

PASSED AND ADOPTED on the _____ day of _____, 2014.

TIMOTHY PAULISSEN
Mayor

ATTEST:

DIANA M. STAPP
City Secretary