RESOLUTION 2014 - 13

Resolution declaring intent to conduct internet auctions for the sale of unneeded, obsolete or unfit city personal property effective from March 15, 2014 until December 31, 2014

WHEREAS, ORC § 721.15 authorizes a municipal corporation to dispose of unneeded, obsolete or until personal property through the use of an Internet Auction; and

WHEREAS, ORC § 721.15(D) requires a City Council to adopt, during each calendar year, a resolution expressing its intent to sell personal property by Internet Auction as set forth in Exhibit A; and

WHEREAS, GovDeals Online Auction and Hamilton County, Ohio provide Internet Surplus Auction Programs which comply with requirements of Ohio Revised Code.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Loveland, Hamilton, Clermont and Warren County, Ohio:

Section 1. The City of Loveland does hereby express its intent to dispose of unneeded, obsolete or unfit personal property by Internet Auction during calendar year 2014 as set forth in Exhibit A attached hereto and made part hereof.

Section 2. The personal property disposed of through Internet Auctions may include as specified in ORC § 721.15(D), personal property, motor vehicles acquired for other use of municipal officers and departments, road machinery, equipment, tools or supplies, any of which is either unneeded, obsolete, or unfit for the use for which it was acquired.

Section 3. The City is authorized to contract with GovDeals Online Auction and Hamilton County, Ohio, to conduct Internet Auctions on the City of Loveland's behalf.

Section 4. The City will publish this resolution in a newspaper of general circulation on March 5, 2014, and March 12, 2014.

Section 5. This resolution shall be posted continually throughout calendar year 2014 in a conspicuous place in the offices of the Finance Director, the City of Loveland and the City's Internet website.

Section 6. The City Manager or his designee is hereby appointed as the City's representative for purposes of administering the Internet Auction Program and is hereby given the authority needed to effectuate the same.

Section 7. The City Manager is hereby directed to prepare and submit to the City Council as requested, a report which details the sale of unneeded, obsolete or unfit personal property by Internet auction as well as any other information which this Council may request from time to time.

Section 8. That this resolution shall take effect from and after the earliest time allowed by law.

Linda Coy
Mayor

Kristy Cheshire
Clerk of Council

Approved as to Form:

City Solicitor

Passed: 2-25-14

EXHIBIT A

General Terms and Conditions for the Sale of Unneeded, Obsolete or Unfit City Personal Property (the "Property") by Internet Auction

1. All auctions shall be conducted on a continuous basis through the City of Loveland.

2. All Property auctions will be conducted in such a manner that the highest bid for the Property shall prevail. However, the City of Loveland reserves the right for its representative to cancel bids in an auction of an individual item or group of items if one or more of the following circumstances apply:

   a. It is determined that an auction shall be cancelled or terminated early;
   b. A bidder requests permission to back out of a bid;
   c. The identify of a bidder cannot be verified or
   d. It is determined that a bidder is purchasing the Property for a use contrary to the health, welfare or safety of the City or the general public.

3. All Property auctions will accept bidding by proxy. If a bidder elects to utilize proxy bidding, the bidder must establish a maximum bid amount and permit the Internet auction system to incrementally increase the bidder's initial bid until the maximum bid amount is reached, if necessary.

4. The number of days of bidding on the Property involved, as specified in ORC §721.15 will be at least 15 days including, Saturdays, Sundays and legal holidays.

5. The City of Loveland reserves the right at a later date, through its representative, to establish the minimum prices that may be accepted for any Property that is the subject of the Internet auction, the terms and conditions of any particular sale that may occur, including, but not limited to requirements for pick up and/or delivery of the Property, method of payment, and payment of sales tax in accordance with applicable laws.

6. The information described in paragraph 4 above will be provided on the Internet at the time of the auction itself, or will be provide before that time, upon request, if the City Manager or its representative has determined the terms and conditions.

7. Any property listed and sold by Internet auction shall be on an "as is" and "where is" basis. Regarding any property which is listed or purchased by Internet auction, the City of Loveland expressly disclaims any and all warranties of any kind, whether express or implied including but not limited to the implied warranties of merchantability, fitness for a particular purpose and non-infringement, the bidder purchases the property at their sole risk.

8 Limitation of Liability. In no event shall the City of Loveland, its officers, employees or agents be liable to a bidder or any other person or entity for any claim, damage, or loss whatsoever, including without limitation, direct, special, consequential, indirect or incidental damages arising out of the sale of the property or the use of the property, however caused, whether for breach of contract, tort, negligence or under any other legal theory, whether foreseeable or not.