

## **SALT LAKE COUNTY ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2019

### **PERSONAL PROPERTY DISPOSAL**

AN ORDINANCE ENACTING CHAPTER 3.37, ENTITLED “PERSONAL PROPERTY DISPOSAL” OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ESTABLISHING PROCEDURES FOR THE DISPOSAL OF PERSONAL PROPERTY

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. Chapter 3.37 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

#### **Chapter 3.37 – PERSONAL PROPERTY DISPOSAL**

##### **3.37.010 - Purpose of provisions—Statutory authority.**

- A. In enacting the ordinance codified in this chapter, it is the purpose of the council to provide for the manner of disposal of personal property held by the county.
- B. Personal property is defined as all property that is not considered real property and does not include livestock, produce, or retail items for public resale by county agencies.

##### **3.37.020 Personal property.**

- A. Except as modified by other provisions of this chapter, the mayor may dispose of, or control the disposition of any county personal property, including lost or abandoned personal property, the disposition of which is determined to be in the public interest and in accordance with good property management.
- B. The power to dispose of surplus, obsolete, or unusable personal property held by the county is vested in the county purchasing agent, and such disposition may be made in any manner authorized in Section 3.37.030 of this chapter.

C. The fleet management board may declare as surplus personal property those public safety vehicles with public safety equipment installed in and on the vehicles, whether marked or unmarked police vehicles, upon the advice of the director of the county fleet management division and authorize the fleet director to sell the surplus vehicles to other local government public safety organizations for fair and adequate consideration without advertisement or sealed bid. The county mayor must ratify the sales of all surplus public safety vehicles prior to finalization of the sale. If the fleet director cannot sell the surplus public safety vehicles as public safety vehicles to any other governmental entity, then the public safety equipment will be removed, and the surplus vehicles will be sold through the county's surplus sales.

### **3.37.030 – Procedures.**

A. The disposition of personal property may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade-in, public auction, public advertisement for sealed bids, or any other lawful manner or means. Such disposition shall not be for less than a full and adequate consideration unless otherwise permitted by law, and such consideration may be other than monetary. Consideration can be defined as a service provided to the county and its residents, reasonably equivalent to the fair market value of the property. Any sale or other disposition by public advertisement for sealed bids shall be conducted in accordance with the provisions of [Chapter 3.20](#) of this title.

B. Surplus personal property may also be transferred to such public entities, non-profit entities, or community groups or projects as the mayor or purchasing agent deems appropriate. The transfer to nonprofit entities, community groups or projects shall be for fair and adequate consideration unless the items have little or no market value, in which event the property may be transferred without consideration if the recipient pays the cost of delivery and agrees to use the

materials for the public good, or, if such a recipient cannot be located with reasonable effort, the material may be discarded or donated without consideration to a nonprofit entity, community group or project.

### **3.37.040 - Applicability of provisions—Credits for certain agencies.**

The provisions of this chapter shall be applicable to all boards, commissions, authorities, councils or other bodies within the jurisdiction of the county owning or holding personal property. When personal property is disposed of under the provisions of this chapter and such property was purchased by a county agency or other body that has an independent revenue base or that has a fund separate from the general fund, that agency's fund shall be credited with the amount realized from the disposition. If the county receives something other than monetary consideration for the disposition, distribution of that consideration shall be in accordance with the direction of the mayor.

### **3.37.050 - Public library system materials.**

Upon the request of the county library board of directors, the library director may declare surplus and authorize the disposal of books, audio-visual materials, or other informational materials that are no longer needed, required or suitable for use in the county library system. Such disposition may be accomplished in any manner authorized under this title or by sale to individual members of the public after the item being sold has been publicly displayed as being for sale and the sale price has been clearly marked thereon prior to the sale. The sale price of each item sold by public display shall be as determined by the library director and approved by the library board, and upon the sale of the item it shall be marked "public surplus sale item from the County Library." All proceeds from the sale of books, audio-visual materials, and other informational materials under this chapter shall be deposited into the county library fund for library use. The library

director may, subject to the approval by the library board of directors, dispose of surplus books, magazines, audio-visual and informational items displayed for sale, but remaining unsold, by transferring to such public entities, non-profit entities, or community groups or projects as the library board deems appropriate. The transfer to nonprofit entities, community groups or projects shall be for fair and adequate consideration unless in the judgment of the library director and the library board the items have little or no market value, in which event the property may be transferred without consideration if the recipient pays the cost of delivery and agrees to use the materials for educational or informational purposes, or, if such a recipient cannot be located with reasonable effort, the material may be discarded or donated without consideration to a nonprofit entity, community group or project. The disposition of property other than books, audio-visual materials or other informational materials held by the library system shall be under the control of the county purchasing agent in accordance with [Section 3.37.030](#) of this chapter.

Section II. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper of general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**SALT LAKE COUNTY COUNCIL**

By: \_\_\_\_\_

Richard Snelgrove, Chair

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

*Dianne R. Orcutt*

Dianne R. Orcutt

Deputy District Attorney

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Ghorbani voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____

VETOED and DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

By: \_\_\_\_\_

Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_

Ordinance published in newspaper: Date \_\_\_\_\_

SUMMARY OF  
SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2019, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, enacting chapter 3.37, entitled Personal Property Disposal, of the Salt Lake County Code of Ordinances, 2001, establishing a procedure for the disposal of personal property.

SALT LAKE COUNTY COUNCIL:

By: \_\_\_\_\_  
Richard Snelgrove, Chair

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk