

ORDINANCE NO. 5161

AN ORDINANCE AMENDING CHAPTER 2.21 OF THE MCMINNVILLE MUNICIPAL CODE TO ADOPT PROCEDURES FOR SURPLUS AND SALE OF PERSONAL PROPERTY OWNED BY THE CITY.

RECITALS:

WHEREAS, the City of McMinnville repealed policies related to surplus and sale of personal property in 2016 in favor of wholesale adoption of the State's Model Rules, adopted by the Oregon Attorney General pursuant to provisions of the Oregon Public Contracting Code; and

WHEREAS, the State's Model Rules are limited with regard to surplus and sale of personal property; and

WHEREAS, the City has no standard practice or policy for surplus and sale of personal property; and

WHEREAS, the City would function with greater efficiency if standards for surplus and sale of personal property were expanded and formalized.

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. The following sections are added to Title 2 (Administration and Personnel), Chapter 2.21 (Public Contracting) of the McMinnville Municipal Code as follows:

2.21.200 Surplus Personal Property

A. Personal property owned by the City may be declared surplus by any department head or the City Manager, by way of a form approved by the Director of Finance, within limits set by resolution of the City Council.

B. No personal property shall be declared surplus unless it has been determined that the property is no longer needed by any City department, or has been scheduled for replacement in an adopted budget.

2.21.210 Disposal of Surplus Personal Property

- A. Surplus property may be disposed of by any of the following methods upon a determination, by the department head who declared the property to be surplus or by the city manager, that the method of disposal is in the best interest of the city. Factors that may be considered include costs of sale, administrative costs, and public benefits to the city.
1. Governments. Without competition, by transfer or sale to another government department or public agency.
 2. Auction. By publicly advertised auction to the highest bidder. This method includes through contract with a commercially recognized auction agency, which may be contracted by direct appointment for this purpose.
 3. Bids. By publicly advertised invitation to bid.

4. Liquidation Sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with Section 2.21.100 of this Chapter for the award of personal services contracts.
5. Trade-In. By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
6. Donation. By donation to any organization operating within or providing a service to residents of the state of Oregon, which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

2.21.220 Disposal of Property with Minimal Value.

A. Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste. The employee making the disposal shall make a record of the value of the item and the manner of disposal.

B. The City may give away surplus personal property to the public at no charge on a first-come, first-served basis for property that it would otherwise pay to dispose of. Notwithstanding section 2.21.230, a City employee may take property under this provision only after it has been available to the public for a reasonable period of time (15 minutes if widely publicized in advance, one working day if not publicized in advance).

2.21.230 Restriction on Sale to City Employees.

City employees who have participated in the process of declaring personal property to be surplus may not purchase or otherwise acquire that property from the City. Other City employees may not purchase or otherwise acquire surplus personal property until the general public has a reasonable opportunity to bid on, purchase, or otherwise acquire the property. Departments may adopt additional policies relating to the acquisition of surplus personal property by City employees.

2. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 13th day of May, 2025 by the following votes:

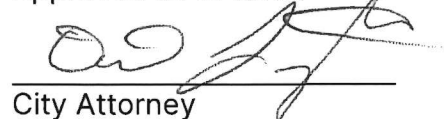
Ayes: Cunningham, Tucholsky, Chenoweth, Payne, Geary, Peralta

Nays: _____



MAYOR

Approved as to form:



City Attorney

Attest:



City Recorder