

ORDINANCE 2024-16
Superseding Ordinance 2012-01

WHEREAS, the Vineyard City Council adopted Ordinance 2012-01 adopting procedures for the Disposal of Surplus Property; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the city to amend Ordinance 2012-01 as described below.

NOW THEREFORE, be it ordained by the Council of Vineyard, in the State of Utah, as follows:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend the established procedures for the disposal of surplus property.

SECTION 2. DISPOSAL OF SURPLUS PROPERTY – PROCEDURES. The city shall substantially comply with the following procedures to dispose of surplus property.

DISPOSITION OF SURPLUS PROPERTY POLICY AMENDMENT

DISPOSAL OF SURPLUS PROPERTY:

Definitions:

Fixed Asset: Fixed Assets: Assets acquired for use in operations not for resale or investment purposes, which have a useful life greater than one year and cost five thousand dollars (\$5,000) or more

Real Property: "Real property" or "real estate" means any right, title, estate, or interest in land, including all non-extracted minerals located in, on, or under the land, all buildings, fixtures, and improvements on the land, and all water rights, rights-of-way, easements, rents, issues, profits, income, tenements, hereditaments, possessory rights, claims, including mining claims, privileges, and appurtenances belonging to, used, or enjoyed with the land or any part of the land.

Personal Property: movable assets owned by a government entity that are not classified as real estate or infrastructure. These assets include, but are not limited to, items such as vehicles, equipment, furniture, and tools.

Public property: real or personal property that is owned, held, or managed by a public entity after the real or personal property is transferred by the public entity to an independent contractor of the public entity.

Purchasing Agent: the person duly authorized by the governing body of the City to enter into and administer contracts and make written determinations

with respect thereto.

A. Real Property.

1. The City Council may authorize by resolution the disposal, including by sale, lease, or other lawful manner, of real property for the benefit of the City as provided by Utah Code Ann. 10-8-2, as amended. A significant parcel of real property is a parcel greater than one acre or that has a reasonable value of more than one hundred thousand dollars (\$100,000).

2. The City Purchasing Agent (Purchasing Agent) shall make an initial determination that real property is surplus. Surplus real property may include real property that is not needed for City infrastructure; property whose cost to maintain outweighs its value to the City; property that is part of a trade that will benefit the City, the sale of which will realize significant financial benefits to the City; or the disposal of which is otherwise in the public interest.

3. Before the City may dispose of a significant parcel of real property, the City shall provide notice and hold a public meeting at which the City Council shall accept public comment on the proposed disposition.

4. All disposal, leases, or subleases of such real property of the City other than a significant parcel of real property, shall be made, as nearly as possible, under the same conditions and limitations as required by this chapter for the purchase of property, including notice and bidding procedures.

5. The City Council may authorize at its discretion and under such terms and conditions as it deems desirable, fair and appropriate, considering the intended use, property tax value and the interests of the City, the sale of any surplus real property, through public auction or other method designed to best serve the interests of City residents and produce a fair return; the trade or exchange of any surplus real property; or the lease or sublease of any surplus real property.

B. Personal Property.

1. Declaration of Surplus. No City-owned property having an estimated value in excess of five hundred dollars (\$500.00) shall be disposed of or released to anyone other than the City, unless such property has been declared surplus as set forth in this ordinance.

2. Whenever personal property is no longer needed by a City department, the Department Head having control of such property shall notify the Purchasing Agent or designee. The Purchasing Agent or designee shall notify other City departments of the availability of such property. If the property is requested, the Purchasing Agent or designee shall supervise the transfer of such property to the department requesting the property.

3. If City personal property becomes surplus, unused, obsolete, unsuitable for public use, or otherwise no longer needed, the property shall be disposed of as follows:

a. City personal property that is included in the fixed asset register shall not be disposed of or sold through public auction, until such property is declared surplus by the City Council. Once this property is declared surplus by the City Council, it may be sold to the highest bidder by the Purchasing Agent through an approved public auction service provider or through public auction.

b. City personal property that was not originally included in the fixed asset register may be sold to the highest bidder by the Purchasing Agent through an approved public auction service provider or by conducting a public auction. The Purchasing Agent shall have the right to reject any bids or offers for City personal property when in the best interest of the City.

c. If a surplus item remains unsold after reasonable attempts to sell it through public auction, the Purchasing Agent may sell the surplus item to any person for such price as the Chief Purchasing Agent deems appropriate or may dispose of the item at the Purchasing Agent's discretion.

d. Personal property that is fully consumed in its use for official City business shall be disposed of in any reasonable manner approved by the Purchasing Agent.

e. Monetary proceeds from the sale or other disposition of items pursuant to this section which were an enterprise fund asset or purchased with enterprise fund revenues shall be credited to the respective enterprise fund. All other proceeds shall be credited to the City's general fund.

f. Where personal property is of such a size, shape, or is so unique as to be unmarketable, as determined by the Department Head and Purchasing Agent and approved by the City Manager, then the requirements of this section may be waived and such property may be sold or otherwise disposed of in any reasonable manner, with the notification to the City Council.

C. Disposal of Fixed Assets Under Lease Agreements

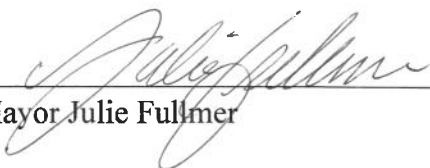
1. Lease Termination and Disposal: Fixed assets acquired through an approved lease program may be disposed of through the contracted leasing entity upon the termination of the lease term. The Department Head, in collaboration with the Purchasing Agent, shall identify such leased assets as no longer required by the City.
2. Approval Process: The disposal of leased fixed assets must be approved by the City Manager. Upon approval, the City Purchasing Agent will oversee the return or disposal of the leased assets in accordance with the terms of the leasing agreement.
3. Notification to City Council: The City Council must be notified of the termination of any lease agreement involving City fixed assets. This notification will include details of the asset, the lease termination, and the disposal method agreed upon with the leasing entity.

SECTION 3. REPEALER CLAUSE. ALL ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. Should any part or provision this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and posting.

Approved and Adopted this 23rd day of October 2024.



Mayor Julie Fuller

Attest:



Deputy Recorder Tony Lara



CERTIFICATE OF POSTING

I, THE DEPUTY CITY RECORDER FOR VINEYARD, UTAH, HEREBY CERTIFY THAT COPIES OF THE FOREGOING **ORDINANCE SUMMARY** FOR ORDINANCE 2024-16 WERE POSTED AT THE FOLLOWING PUBLIC PLACES WITHIN THE MUNICIPALITY ON THE 21st DAY OF NOVEMBER 2024. WHICH PUBLIC PLACES ARE:

POSTED:

1. VINEYARD CITY OFFICES; 125 SOUTH MAIN
2. VINEYARD CITY WEBSITE; www.vineyard.utah.gov
3. UTAH PUBLIC NOTICE WEBSITE

AND THAT SAID NOTICE REMAINED SO POSTED AND AVAILABLE UNTIL THE 23rd DAY OF DECEMBER 2024.





Name/Signature

Deputy Recorder
Title