

**AN ORDINANCE OF THE MAGNA CITY COUNCIL (“the Council”)
REPEALING AND REPLACING MAGNA CITY CODE CHAPTER 3.36
PROPERTY DISPOSAL**

RECITALS

WHEREAS, Utah Code Ann. § 10-8-2(1)(a)(iii) authorizes the Council to purchase, receive, hold, sell, lease, convey, and *dispose* of real and personal property for the benefit of the municipality; and

WHEREAS, Chapter 3.36 of the Magna City Code was enacted when Magna was a Metro Township and includes several references to Salt Lake County, which are outdated and inaccurate since Magna’s incorporation as a municipality; and

WHEREAS, the Council desires to repeal and replace Chapter 3.36 of the Magna City Code with the enactment of updated requirements for the disposal of municipal property; and

WHEREAS, the Council has determined that the requirements for the disposal of municipal property set forth in Attachment A will serve the best interests of Magna City and the general public.

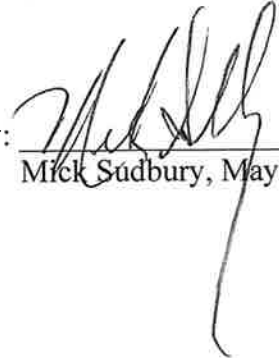
NOW, THEREFORE, BE IT ORDAINED BY THE MAGNA CITY COUNCIL as follows:

1. Repeal/Enact. Chapter 3.36 of the Magna City Code is hereby repealed. Chapter 3.36 is hereby enacted in substantially the form set forth in Attachment A of this Ordinance, subject only to administrative or grammatical corrections.
2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
3. Direction to Staff. Staff are authorized and directed to: (i) Correct any administrative or grammatical errors within this Ordinance and Attachment A; and (ii) Codify and publish this Ordinance and Attachment A pursuant to all governing law, including, but not limited to, Utah Code Annotated § 10-3-711.
4. Effective Date. This Ordinance will take effect immediately upon posting pursuant to Utah Code Annotated § 10-3-712.

{Signatures on Following Page}

PASSED AND ADOPTED this 24th day of March, 2026.

MAGNA CITY

By: 
Mick Sudbury, Mayor

ATTEST


Diana Baun, Recorder

Voting:

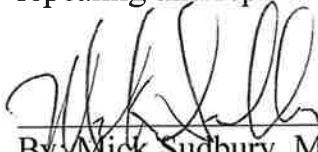
Council Member Prokopis	voting	<u>aye</u>
Council Member Olsen	voting	<u>aye</u>
Council Member George	voting	<u>aye</u>
Council Member Pierce	voting	<u>aye</u>
Council Member Jensen	voting	<u>aye</u>

Date ordinance summary was posted to the Magna City website, the Utah public Notice Website, and in a public place within Magna City per Utah Code §10-3-711: March 25, 2026

Effective Date of Ordinance: March 25, 2026

SUMMARY OF
MAGNA CITY
ORDINANCE NO. 2026-O-04

On March 24, 2026, the Magna City Council approved Ordinance No. 2026-O-04, repealing and replacing Chapter 3.36 of the Magna City Code.



By: Mick Sudbury, Mayor

ATTEST



Diana Baun, Recorder

Voting:

Council Member Prokopis	voting	<u>aye</u>
Council Member Olsen	voting	<u>aye</u>
Council Member George	voting	<u>aye</u>
Council Member Pierce	voting	<u>aye</u>
Council Member Jensen	voting	<u>aye</u>

A complete copy of Ordinance No. 2026-O-04 is available in the office of the Magna City Recorder, 860 Levoy Drive, Suite 300 Taylorsville, UT 84123.

Attachment A

CHAPTER 3.36 PROPERTY DISPOSAL

3.36.010 Purpose and Implementation: The Ordinance shall establish an efficient and effective method for disposal of Magna City property. This Ordinance directs the timely, efficient, cost-effective, transparent and safe disposition of City property in a manner consistent with the best interests of Magna City.

3.36.20 Definitions: The following definitions will apply for the purposes of this Chapter:

- A. “Disposal” means the conveyance, transfer, or discard of Public Property.
- B. “Public Property” means, consistent with Utah Code Ann. § 76-8-101(5)(a) or applicable successor statute, real or personal property that is owned, held, or managed by the City, including real or personal property that is transferred by the City to an independent contractor which remains public property while in the possession of an independent contractor of the City for the purpose of providing a program or service for, or on behalf of the City.
- C. “Surplus Personal Property” means any Public Property including vehicles, that is not real property, that is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.
- D. “Surplus Real Property” means any Public Property that is real property, that is no longer needed now or in the foreseeable future, or that is no longer of value or use to the City.

3.36.030 Authority: Pursuant to Utah Code Ann. § 10-8-2, the City may purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law.

3.36.040 Inventory of Public Property: The City shall keep and maintain an inventory of Public Property valued in excess of \$10,000.00.

3.36.050 Surplus Personal Property

- A. Surplus Personal Property Valued Less than \$10,000.00: The City Manager shall have the authority to dispose of Surplus Personal Property with a value of less than \$10,000.00. The City Manager may sell, trade, or properly discard in accordance with the disposal method that provides the greatest benefit to the City. The City Manager shall deposit all proceeds in the applicable City fund and shall not sell for less, or assign a trade value of less than fair market value.

B. Surplus Personal Property Valued in Excess of \$10,000.00: The City Council shall have the authority to dispose of Surplus Personal Property with a value in excess of \$10,000.00 through any, or a combination of, the following means and methods:

- Sell or transfer to another governmental agency. If the asset is transferred to another agency the City should document how the transfer provides benefit to the entity or the citizens it serves.
- Acceptance of a cash offer that constitutes fair market value in accordance with at least three different independent appraisals or expert opinions.
- Auction the item on the City's webpage, eBay, or via live auction. The City will be responsible for all costs associated with this option, and must allocate sufficient resources from a departmental budget line-item for this purpose. The City Manager will coordinate the auction if eBay is used.
- Sell the item through a sealed-bid process.
- Trade the item in for new replacement equipment.
- Surplus via Utah Division of Purchasing and General Services
- Dispose as scrap metal if the items is broken, unusable, and/or hazardous.
- Properly discard the item if the item is broken, unusable, and/or hazardous.
 - ✓ Documentation and pictures must be provided for an item to be discarded.
 - ✓ Discarding the item(s) being surplusd is the last option to be used unless the item is broken, unusable or has no commercial, salvage or donation value and/or the City has exhausted all other options for disposal.

If the item is sold or transferred, the receiving individual or party must sign a liability waiver. If the City is responsible for the pick up or transfer of the item, it must obtain the signature of the individual or party receiving the item on the waiver and forward the waiver to the City Recorder to maintain documentation of the sale.

C. Vehicles: For vehicles being surplusd, the City shall attach a printout from Kelly Blue Book with the estimated value of the vehicle to keep with the disposal documentation.

D. Proceeds: Proceeds from the sale of Surplus Personal Property shall be deposited in a City fund as determined by the City Council.

3.36.060 Surplus Real Property: The disposal of all Surplus Real Property requires approval of the City Council.

A. Significant Parcel of Real Property: Surplus Real Property greater than one (1) acre in size shall be considered a "significant parcel of real property," Prior to the disposal of a significant parcel of real property, the City shall provide an opportunity for the public to comment on the proposed disposal and public notice as a class A notice under Utah Code Ann. § 63G-30-102, for at least 14 days prior to the opportunity for public comment.

B. Disposal: The City Council may dispose of Surplus Real Property by any means or methods that provides the City with the fair market value of the Surplus Real Property. Further, fair market value for the Surplus Real Property may be provided to the City in cash, other real

property of equal or greater value, or another benefit that provides value equal to the fair market value of the Surplus Real Property. The fair market value of the Surplus Real Property shall be determined by at least one appraisal by a qualified and accredited real estate appraiser.

- C. Records: The City Recorder shall keep and maintain all records associated with the disposal of the Surplus Real Property, including, but not limited to: appraisals, contracts, correspondence, and other documentation evidencing the City's compliance with this Chapter.

3.36.070 Unlawful Disposal: It shall be unlawful for the City, or any City staff or elected official, to dispose of Surplus Personal Property or Surplus Real Property by any means or methods not specifically set forth herein this Chapter. Further, it shall be unlawful for any City staff or elected official to personally benefit from the disposal of Surplus Personal Property or Surplus Real Property.