

ORDINANCE #08-04:

AN ORDINANCE PRESCRIBING PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN \$5,000

THAT WHEREAS, the Village of Pinehurst from time to time has personal property which is no longer needed or required; and

WHEREAS, North Carolina General Statute 160A-266 authorizes Village Council to adopt procedures for the disposal or exchange of personal property valued at less than \$30,000 for any one item or group of items; and

WHEREAS, North Carolina General Statute 160A-270 provides that the Village Council may conduct electronic auctions of the Village's personal property by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services; and

WHEREAS, Village Council desires to adopt procedures for the disposal and exchange of surplus personal property valued at less than \$5,000 for any one item or group of items, including but not limited to disposal and exchange by electronic means;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in work session assembled this 26th day of February, 2008 as follows:

SECTION 1. Property That Can be Disposed of Under this Ordinance. The Village Manager is hereby authorized to declare surplus and dispose of any personal property owned by the Village of Pinehurst when, in his or her judgment, each of the following three criteria are met:

- a) the item or group of items to be disposed of has a fair market value of less than five thousand dollars (\$5,000.00);
- b) the property is no longer necessary for the purpose of conducting Village business; and,
- c) sound property management principles and financial considerations indicate that the interests of the Village of Pinehurst would be best served by disposing of the property.

Personal property that, in the judgment of the Village Manager, meets these three criteria is referred to in this Ordinance as "Surplus Property."

SECTION 2. Methods of Disposition. The Village Manager may dispose of Surplus Property by any means which he or she judges reasonably calculated to secure for the Village the fair market value in money or other consideration and to accomplish the disposal efficiently and

economically, including but not limited to the methods of sale provided in Article 12 of North Carolina General Statutes, Chapter 160A-266 and 160A-270. Such sale may be public or private, and with or without notice and minimum waiting period.

SECTION 3. Sale by Electronic Auction. As one of several means of disposing of Surplus Property, the Village Manager is specifically authorized to dispose of Surplus Property by electronic means. The Village Manager is authorized to establish procedures for disposing of Surplus Property by electronic means, and is further authorized to use existing public or private electronic auction services to dispose of Surplus Property. Notwithstanding the requirements of North Carolina General Statute 160A-270, the Village shall not be required to provide advance notice of electronic auctions of such Surplus Property.

SECTION 4. Terms of Disposition. The Surplus Property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Village of Pinehurst if greater value may be obtained in that manner, and the Village Manager is hereby authorized to execute and deliver any applicable title documents necessary or appropriate to consummate such sale. If no offers are received within a reasonable time, the Village Manager may retain the property for the Village, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No Surplus Property may be donated except by resolution of the Village Council.

SECTION 5. Records and Reports. The Village's Director of Financial Services shall keep a record of all property sold under the authority of this Ordinance and that record shall describe the property sold or exchanged, to whom it was sold, or with whom it was exchanged, and the amount of money or other consideration received for each sale or exchange.

SECTION 6. Delegation. The Village Manager is authorized to delegate any or all of the authority granted or responsibilities assigned under this Ordinance to the Director of Financial Services.

SECTION 7. This Ordinance is adopted pursuant to the provisions of North Carolina General Statutes 160A-266 and 160A-270.

THIS ORDINANCE passed and adopted this 26th day of February, 2008.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: George P. Lane
George P. Lane, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney