



RESOLUTION R2023-012

NOTIFICATION OF INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF WASHINGTON TOWNSHIP FOR CALENDAR YEAR 2023

WHEREAS, Section 505.10 of the Ohio Revised Code permits a board of township trustees to sell personal property, including motor vehicles, road machinery, equipment, tools, or supplies which is not needed for public use, is obsolete, or is unfit for the use for which it was acquired; and

WHEREAS, the Board of Township Trustees of Washington Township, Montgomery County, Ohio has determined that an internet auction is a cost effective method of disposing of such property; and,

WHEREAS, Section 505.10(D) of the Ohio Revised Code permits a board of township trustees to sell such property by internet auction;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Washington Township:

- Section 1: That pursuant to Section 505.10(D), the Board of Trustees of Washington Township hereby expresses its intent to sell personal property, including motor vehicles, road machinery, equipment, tools, or supplies which is not needed for public use, is obsolete, or is unfit for the use for which it was acquired by internet auction;
- Section 2: That the Board of Trustees of Washington Township wishes to continue to contract with GovDeals, Inc. to serve as a representative of the Township and conduct auctions on behalf of the Township. "GovDeals Inc." is a Delaware corporation having its principal place of business at 100 Capital Commerce Blvd, Suite 110, Montgomery, Alabama 36117 (1-800-613-0156);

Section 3: That items to be auctioned shall be inventoried, listed by department, given an appropriate identification number, and contain pertinent information (e.g. year, make, model, mileage or use). A list of any such items shall then be presented to the Board of Trustees at a regularly scheduled meeting for determination as to whether the property is no longer needed for public use or is obsolete or unfit for the use for which it was acquired. The Board shall then adopt an appropriate resolution declaring said property to not be needed for public use, obsolete or unfit for the use for which it was acquired and shall order that the property be sold via internet auction;

Section 4: That the Board of Trustees of Washington Township hereby designates the Accounting Supervisor as the official point of contact for all internet auctions. This person shall be responsible for the following:

- A. Establishing a minimum price for each item of Township property to be auctioned;
- B. Establishing "terms and conditions" for online sales, which shall be displayed on the Township's website and be available for review at the Township Government Center;
- C. Ensuring that the property is sold by internet auction in accordance with this Resolution and the "terms and conditions" for online sales; and
- D. Ensuring that the Township receives all monies due and owing to the Township as a result of the sale of said property;

Section 5: That the Internet auction will be conducted in the following manner under the following general terms and conditions:

- A. All property will be offered for sale subject to the Washington Township "On-line Sales - Terms and Conditions";

- B. All property is offered for sale **“AS IS, WHERE IS.”** Washington Township, Montgomery County, Ohio makes no warranty, guaranty or representations of any kind, either express or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The “buyer” of any Township property is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential – against the Township that in any way relates to the purchase and/or use of the property;
- C. All property will be available to the public on the “GovDeals Inc.” website for a minimum of fifteen (15) days, including Saturdays, Sundays and legal holidays as required in Section 505.10(D) of the Ohio Revised Code;
- D. If any Township property offered for sale by internet auction is not sold within fifteen (15) days after being posted on the “GovDeals Inc.” website, the Township may withdrawal said property from the internet auction at any time;
- E. Township property shall not be transferred to a successful bidder until such time as guaranteed payment has been received in full;
- F. The Board of Township Trustees, Washington Township, Montgomery County, Ohio reserves the right to reject any bids and to withdraw from sale any items listed on “GovDeals, Inc.”;

Section 6: That “GovDeals, Inc.” shall collect all auction proceeds by means of PayPal, credit card or Wire Transfer. “GovDeals, Inc.” will charge each buyer a “Buyer’s Premium” of 5%, which will be retained by “GovDeals, Inc.” In addition, “GovDeals, Inc.” shall be entitled to a fee per each item sold as follows:

- A. Where a single auction item does not yield greater than \$100,000.00 in a winning bid, Washington Township shall pay “GovDeals, Inc.” a fee of seven and one-half percent (7.5%) of the winning bid, but not less than \$5.00.

- B. Where a single auction item yields greater than \$100,000.00, but does not yield greater than \$500,000.00 in a winning bid, Washington Township agrees to pay "GovDeals, Inc." a fee of seven and one-half percent (7.5%) of the winning bid up to \$100,000.00 plus five and one-half percent (5.5%) of the winning bid that is in excess of \$100,000.00 up to \$500,000.00.
- C. Where a single auction item yields greater than \$500,000.00 in a winning bid, Washington Township agrees to pay "GovDeals, Inc." a fee of seven and one-half percent (7.5%) of \$100,000.00 of the winning bid, plus five and one-half percent (5.5%) of \$400,000.00 of the winning bid, plus a fee of three and one-half percent (3.5%) of the amount in excess of \$500,000.00 of the winning bid.

Section 7: That "GovDeals, Inc." will remit the auction proceeds, minus its fees and the five percent (5%) "Buyer's Premium," to the Township on a weekly basis;

Section 8: That this Resolution takes effect at the earliest time as may be permitted by law;

Section 9: It has been determined that all formal actions of the Board of Trustees of Washington Township concerning the adoption of this Resolution were adopted in an open meeting of the Board of Trustees of Washington Township and that all deliberations of the Board of Trustees of Washington Township which resulted in formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Motion made by Paulson; motion seconded by Lowry.

Vote was as follows:

Berry Lowry Paulson

PASSED AND ADOPTED by the Board of Trustees of Washington Township on this 20th day of March 2023.

Gary Smiga, Fiscal Officer