

ORDINANCE NO. 542

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS BY ADDING ARTICLE 1.13, TO CHAPTER 1, GENERAL PROVISIONS, PROVIDING REQUIREMENTS AND PROCEDURES FOR DISPOSAL OF SURPLUS, SALVAGE, AND JUNK PROPERTY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor desires to adopt a provision for the disposal of surplus, salvage and junk property; and

WHEREAS, the City Council of the City of Manor, Texas (the "City Council") has determined that the proposed provisions are reasonable and necessary to more effectively and economically manage and dispose of surplus, salvage, and junk property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Code of Ordinance. The City Council hereby amends Chapter 1, General Provisions, of the City of Manor Code of Ordinances to add a new *Article 1.13, Disposal of Surplus, Salvage and Junk Property* section to read as follows:

ARTICLE 1.13 DISPOSAL OF SURPLUS, SALVAGE AND JUNK PROPERTY

Sec. 1.13.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Salvage property or junk property. Personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended and the cost of seeking competitive bids exceeds the value of the property or the property has been competitively bid without successful receipt of a response.

Surplus property. Personal property that:

- (1) Is not salvage property or items routinely discarded as waste;
- (2) Is not currently needed by the city;
- (3) Is not required for the city's foreseeable needs; and
- (4) Possesses some usefulness for the purpose for which it was intended.

Sec. 1.13.002 Applicability

This article shall apply to personal property owned by the city that is either (i) salvage property or junk property, or (ii) surplus property, both herein collectively referred to as “excess property.”

Sec. 1.13.003 Duties of department heads

Department heads shall periodically assess and determine the status of personal property within the possession and control of the department. Personal property requiring replacement shall be budgeted and scheduled for phasing out. Department heads shall account for all property in the possession and control of the department and, at least annually, provide the city manager with a list of personal property which has become excess property. The department shall maintain all property until proper authorization has been received to dispose of the excess property. Salvage property with an original value of \$25.00 or less, such as pens, disposable office supplies, pool supplies, etc., which have become worn, damaged or fully utilized may be discarded without necessity of authorization from the city manager.

Sec. 1.13.004 Authority of city manager

The city manager shall review and evaluate the appropriateness of declaring personal property excess property at the recommendation of the department head. Excess property of one department which is needed in another department or branch of the city shall be transferred to such department without being deemed excess property. All other excess property shall be considered for disposal or conveyance pursuant to the procedures of this article.

Sec. 1.13.005 Procedures

Authorization herein to dispose of excess property is authorization to use best efforts to dispose of excess property for the highest price without costing the city more to dispose of such property.

(1) During the budget process, the city manager shall identify major equipment for which a title is held in the name of the city, such as cars, which will be replaced with new equipment or otherwise liquidated, and shall include such information in the budget. Items identified for replacement in the budget shall be authorized to be disposed of as surplus or, if qualifying, salvage property without further action of the city council, in a manner set forth in this article.

(2) Salvage or junk property may be utilized as a trade-in on new property of the same general type without further action by the city council. Surplus property may be utilized as a trade-in on new property of the same general type provided that the finance director certifies that the city is receiving fair market value for the trade-in.

(3) Salvage or junk property constituting scrap, for which undertaking to sell the property under [section 1.13.006](#) would likely result in no bids or a bid price that is less than the city’s expenses required for the bid process, may be destroyed or otherwise disposed of as worthless without further action of the city council, or may be offered to a qualifying nonprofit or civic organization upon approval of the city council.

(4) Surplus property shall be offered for sale as set forth in [section 1.13.006](#) without further action of the city council, or may be offered to a qualifying nonprofit, government, or civic organization upon approval by the city council provided the organization’s services to the city are sufficient to authorize such transfer.

(5) A qualifying nonprofit, government, or civic organization receiving excess property from the city must provide the city with adequate compensation, such as relieving the city of transportation or disposal expenses related to the property.

(6) Excess property receiving no bids in an auction or competitive bids may be deemed salvage property and may be disposed of in a manner provided in this article.

(7) Property in the possession of the city police department subject to disposal standards of the Code of Criminal Procedure or other property in any department’s possession for which another statute requires specific procedures for disposal shall follow the procedures set forth therein.

Sec. 1.13.006 Method of sale; notice

Surplus property required to be disposed shall be sold either through an approved auction facility, competitive bid or approved website that provides suitable exposure to obtain fair market value for surplus item(s). The City may also dispose of electronic surplus and salvage property by contracting with a vendor who will recycle, sell, and dispose of such property on terms approved by the City Council. The city’s purchasing agent shall determine the most effective disposal method and venue. Surplus property sold through an approved website shall be offered for sale for a minimum of one week. Notice of surplus property sold through competitive bidding shall be included at least once in the official newspaper with the notice being at least fourteen days before the sale. Such notice of a bid shall include a description of the surplus property to be sold, and the date and time sealed bids will no longer be accepted.

Sec. 1.13.007 Disposition of proceeds of sale; property exchanged or traded

Any and all proceeds of the sale shall be deposited in the treasury of the city and accounted for in the financial records of the city. Any excess property exchanged or traded for value shall be added to the appropriate inventory of property of the city.

Sec. 1.13.008 Restrictions on city employees

Employees shall be strictly prohibited from purchasing surplus or salvage property from the city or benefiting from the sale or transfer of such property. Persons related in the first degree of affinity or consanguinity to an employee may not purchase or have property transferred to them, except for property sold at a competitive bid.

Section 3. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Manor (“City”), the terms and provisions of this ordinance shall control.

Section 4. Savings Clause. This City Council of the City of Manor, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this ordinance is declared

invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

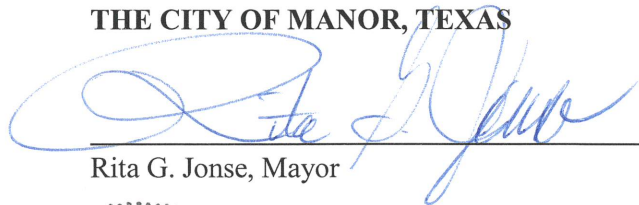
Section 5. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.


Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS the 19th day of June 2019.

THE CITY OF MANOR, TEXAS


Rita G. Jonse, Mayor

ATTEST:


Luvia Tijerina TRMC, City Secretary

