

TBD – 2023  
TITLE 1 – ADMINISTRATIVE CODE PROVISIONS  
CHAPTER 15 – SURPLUS PROPERTY

AN ORDINANCE CREATING TITLE 1, CHAPTER 15, DEFINING PURPOSE; CREATING TITLE 1, CHAPTER 15 WITH SECTIONS PROHIBITIONS, DECLARATION OF SURPLUS AND DISPOSAL OF PERSONAL PROPERTY; DECLARATION OF SURPLUS PROPERTY AND DISPOSAL OF REAL PROPERTY; TRANSFER OF SURPLUS PROPERTY TO OTHER GOVERNMENT AGENCIES; DEFINING PUBLIC SALE; DESCRIBING FAILURE TO PRODUCE A BUYER; EXPLAINING NO SALABLE VALUE; DESIGNATION FEDERAL FUNDING; PROCEEDS OF SURPLUS PROPERTY; PROHIBITING CERTAIN INDIVIDUALS AND ENTITIES FROM PURCHASING SURPLUS PROPERTY, DEFINING SALE AT RETAIL AND ALL SALES FINAL; CREATING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**NOW THEREFORE**, be it ordained by the Mayor and the City Council of the City of Star in Ada and Canyon Counties within the State of Idaho as follows:

**SECTION 1** – Defining Purpose: The purpose of this ordinance is to authorize, declare, dispose of, and define prohibitions of surplus property.

**SECTION 2** – Title 1, Chapter 15 shall now read as follows:

**CHAPTER 15. SURPLUS PROPERTY MANAGEMENT, POLICIES AND PROCEDURES**

**1-15-01. SURPLUS PROPERTY; AUTHORIZATION; DECLARATION; DISPOSAL; PROHIBITIONS.**

**1-15-1. Prohibitions:**

No employee of the city is authorized to sell, transfer or give away personal or real property of the city except in accordance with this article and state law. The unauthorized sale or transfer of property of the city by any employee, other than by discarding as waste material at the sanitary landfill or similar approved depository for refuse, shall constitute a misdemeanor, punishable as provided in Idaho Code sections 50-302(1) and 18-113, as amended, in addition to any other civil or equitable remedy which might be available to the city or criminal charge that might be appropriate under the circumstances. Only the city council has authority to declare property, whether real or personal, to be surplus. The city clerk shall coordinate the disposal of all surplus property, including land, buildings, equipment, and other city assets no longer required for city use, in the manner which is in the best interests of the city and which is consistent with the requirements of law.

**1-15-2. Declaration Of Surplus; Disposal Of Personal Property:**

- a. For an item or batch of items estimated by the city clerk to be valued at less than one thousand dollars (\$1,000.00), and subject to the prohibitions set forth in subsection (9) of this section, the city clerk shall have full discretion on when and how such an item, or batch of items, shall be disposed of following declaration by the city council that such property is surplus, unless specific dispositive instructions are given by the city council in that declaration. Surplus personal property estimated by the city clerk to have a value of one thousand dollars (\$1,000.00), or more, shall be disposed of in accordance with the provisions set

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forth. The city council may, in any resolution declaring personal property to be surplus, direct the method of disposition. If no method of disposition is set forth in the resolution, such property shall be disposed of in any manner consistent with this code following state and federal law.

- b. The city clerk may dispose of personal property through a sale, or may, in the alternative, dispose of said property through exchange for property to be acquired by the city.

**1-15-3. Declaration Of Surplus; Disposal Of Real Property:** When appropriate, the city shall declare city owned real property to be surplus and dispose of such property in accordance with the requirements and procedures set forth in Idaho Code section 50-1403.

**1-15-4. Transfer Of Surplus Property To Other Government Agencies:** When appropriate and in the city’s best interest, the city clerk shall recommend to the mayor and city council the transfer or donation of surplus property to other government agencies in accordance with the requirements of Idaho Code.

**1-15-5. Public Sale:** All sales of surplus personal property, except as specifically provided for herein, shall be made through a public sale or auction and shall be preceded by some form of public notice, which shall include, at a minimum, a posting for at least three (3) days on the city’s internet website. Except where such procedures or requirements are set forth in Idaho Code, decisions concerning the procedures to be followed for the sale and any additional notice beyond that required above shall be made by the city clerk.

**1-15-6. Failure to Produce a Buyer:** If any sale or auction of surplus personal property fails to produce a buyer at a minimum price set by the city council, if a minimum price was set, or, if no bids are received, the city clerk shall proceed to dispose of the property at his or her discretion, subject to the prohibitions set forth in subsection (10) of this section, in any appropriate manner designed to maximize the financial return to the city, unless otherwise instructed by the city council in its resolution declaring such property to be surplus.

**1-15-7. No salable Value:** In the event items of surplus personal property are determined to have no salable value because of condition, obsolescence or inappropriateness of use for the general public, the city clerk shall dispose of such items in any manner appropriate, subject to the prohibitions set forth in subsection (10) of this section.

**1-15-8. Federal Funding Designation:** When real or personal property is purchased, donated or otherwise conveyed to the city and federal funding designated for the purpose of assisting low to moderate income persons with decent, safe, affordable housing opportunities, has been utilized to obtain or improve the property, it may be offered for public sale. If the property is not sold through a public sale, the property may be sold, donated or otherwise conveyed directly to a low to moderate income person as approved by the city clerk and housing program administrator. In

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either event, the sale or conveyance must be consistent with the requirements of the applicable federal regulations under which the property was obtained initially or improved.

**1-15-9. Surplus Property Proceeds:** All proceeds from the sale or auction of an item or batch of items of surplus property shall be deposited into the miscellaneous revenue account of the department from which such item or batch of items originated.

**1-15-10. Parties Prohibited From Purchasing Surplus Property:** It shall be unlawful for any of the following persons to purchase surplus property at any sale or auction: mayor, city clerk, members of the city council, appointed officials or department heads. It shall likewise be unlawful for any partnership or entity in which any of the foregoing persons have any interest to purchase such property. No employer, business partner, business associate, or immediate family member of one of the aforementioned persons shall be permitted to purchase surplus property at any sale or auction. Finally, no city employee involved in the sale of any specific item or batch of items of surplus property shall be permitted to purchase said property. A knowing violation of this prohibition shall constitute a misdemeanor, punishable as provided in Idaho Code sections 50-302(1) and 18-113, as amended.

**1-15-11. Sale at Retail:** Notwithstanding any other provision of this code, the city may sell personal property to employees and members of the public at retail at city facilities and events. For purposes of this section "facilities and events" shall include, but shall not be limited to, vending machines, snack bars, gift shops, pro shops or other marketing methods catering to city employees or members of the public utilizing city facilities or participation in city sponsored events.

**1-15-12. All Sales Final:** All sales of Surplus Property are sold as is and where it is located at the time of the sale unless a prior written agreement has been made and authorized.

**SECTION 3 – SEVERABILITY CLAUSE** Should any part or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4 – EFFECTIVE DATE** This ordinance shall be in full force and effective from the date of passage, publication and signature of the Mayor according to law.

Passed and adopted by the City of Star Mayor and City Council \_\_\_\_\_

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Trevor A Chadwick, Mayor

ATTEST \_\_\_\_\_  
Jacob M Qualls, City Clerk - Treasurer