

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Lee Withers

**TOWN COUNCIL**  
Brandon Linn  
Rodney Phillips  
Charles Seaford  
Steve Stroud  
Mike Upright

## TOWN OF CHINA GROVE

### ORDINANCE NO. 2017-07

#### AN ORDINANCE PRESCRIBING PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN \$30,000

**WHEREAS**, the Town of China Grove from time to time has personal property which is no longer needed or required; and

**WHEREAS**, North Carolina General Statute 160A-266 authorizes Town 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 Town Council may conduct electronic auctions of the Town'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**, Town Council desires to adopt procedures for the disposal and exchange of surplus personal property valued at less than \$30,000 for any one item or group of items, including but not limited to disposal and exchange by electronic means;

**NOW THEREFORE BE IT ORDAINED** by the Town of China Grove Town Council in a regular meeting assembled this 1<sup>st</sup> day of August, 2017 as follows:

**SECTION 1. Property That Can be Disposed of Under This Ordinance.** The Town Manager is hereby authorized to declare surplus and dispose of any personal property owned by the Town of China Grove 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 thirty thousand dollars (\$30,000.00);
- b) the property is no longer necessary for the conduct of Town business; and,
- c) sound property management principles and financial considerations indicate that the interests of the Town of China Grove would be best served by disposing of the property.

Personal property that, in the judgment of the Town Manager, meets these three criteria is referred to in this ordinance as "surplus property."

**SECTION 2. Methods of Disposition.** The Town Manager may dispose of surplus property by any means which he or she judges reasonably calculated to secure for the Town 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 Town Manager is specifically authorized to dispose of surplus property by electronic means. The Town 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 Town shall not be required to provide advance notice of electronic auctions of such surplus property.

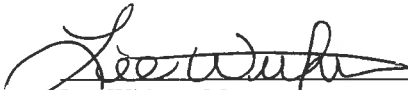
**SECTION 4. Terms of Disposition.** The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town of China Grove if greater value may be obtained in that manner, and the Town Manager is hereby authorized to execute and deliver any applicable title documents necessary or appropriate to consummate such sale. If no offers are received within a reasonable time, the Town Manager may retain the property for the Town, 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 Town Council.

**SECTION 5. Records and Reports.** The Town Clerk 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.** This ordinance is adopted pursuant to the provisions of North Carolina General Statute 160A-266 and 160A-270.

This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 1<sup>st</sup> day of August, 2017.

  
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Lee Withers, Mayor

Attested by:

  
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Pamela L. Mills, Town Clerk