

An Ordinance of the Haines Borough amending Haines Borough Code Title 14 Chapter 14.24 to clarify and simplify the methods for disposal of borough personal property.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Purpose. This ordinance amends Title 14 Chapter 14.24 to clarify and simplify the methods for disposal of borough personal property. The code is amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

**Chapter 14.24
PERSONAL PROPERTY SALES**

Sections:

- 14.24.010 Disposal of personal property.
- ~~14.24.020 Exceptions to public auction.~~
- ~~14.24.030 Sale by public auction.~~

14.24.010 Disposal of personal property.

~~A. All personal property of the borough, no matter what the value, other than as excepted in this chapter, may be disposed of upon such notice and terms considered reasonable by the assembly, taking into consideration the value of the article, the reason for disposal, and the general preference of disposal by public auction.~~

~~B.A.~~ This chapter does not apply to unclaimed property subject to disposal by the police department under HBC 2.40.090 to 2.40.170.

B. The Manager may authorize the abandonment, destruction, sale, or recycling of borough personal property which has no commercial value in excess of \$1,000.

C. Personal property not authorized for abandonment, destruction, sale, or recycling by the borough manager and no longer needed for municipal purposes shall be disposed of in one or more of the following means:

- 1. by public outcry auction to the highest bidder;**
- 2. by public sealed bid auction to the highest bidder;**
- 3. to the best qualified proposer who responds to a request for proposals to acquire the property;**
- 4. by sale or transfer to an educational, religious, charitable or non-profit association or corporation providing service to residents of Haines; or**
- 5. by sale or transfer to the United States, the State of Alaska or an Alaska municipal corporation or any agency or department thereof.**

D. The borough assembly shall, by resolution, determine which method or methods specified in this section shall be used to dispose of personal property valued between \$1,000 and \$25,000.

E. The Borough Assembly shall, by ordinance, determine which method or methods specified in this section shall be used for disposal of personal property valued at more than \$25,000.

F. Personal property not disposed of by the preceding methods will be held for future disposal, or if deemed appropriate by the borough manager, taken to a landfill or other refuse disposal site.

~~14.24.020 Exceptions to public auction:~~

~~The following are exceptions to the general preference for disposal of borough personal property stated in HBC 14.24.010:~~

~~A. Transfer and Exchanges:~~

~~1. The chief fiscal officer shall have the authority to transfer surplus stock to other departments/agencies and provide for proper fiscal transfer of such.~~

~~2. If a department head deems it to be in the public interest to exchange surplus stock for equal considerations to another department, state, federal, or nonprofit organization, that department head shall have the authority to do so, but shall notify the chief fiscal officer on forms prescribed by the chief fiscal officer in order to provide for proper fiscal accountability.~~

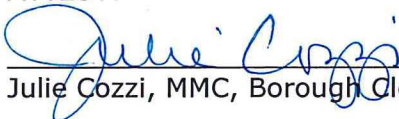
~~B. Sale. The chief fiscal officer, with approval of the assembly, shall have the authority to sell all personal property or to exchange the same for, or trade in the same on, any new personal property. The assembly when exercising the exception authorized under this subsection shall make a determination that invoking the exception is in the public interest. The sale or transfer shall follow procedures as determined by the assembly when it approves exercise of the exception.~~


~~14.24.030 Sale by public auction:~~

~~Unless excepted from public auction under HBC 14.24.020, personal property shall not be included for sale in a public auction or otherwise sold without having first been declared surplus or obsolete by the assembly. The assembly orders the accumulation of property held by the borough after declaration of surplus or obsolescence for sale so as to conduct a borough auction. All items declared surplus or obsolete by the assembly shall be included as ordered by the assembly in said auction. Public notice shall be given at least 30 days prior to the sale. Procedures of the auction shall be developed by the manager. All items selling for less than \$1,000 shall be paid for at the time of the auction in cash or certified check. Purchasers of those items in excess of \$1,000 shall deposit a minimum of 10 percent at the time of auction with payment in full to be made within 30 days or the 10 percent deposit shall be forfeited to the borough.~~

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 13th DAY OF DECEMBER, 2011.

ATTEST:


Julie Cozzi, MMC, Borough Clerk


Stephanie Scott, Mayor

Date Introduced: 10/25/11
Date of First Public Hearing: 11/15/11
Date of Second Public Hearing: 12/13/11 - AMENDED and ADOPTED

