

ORDINANCE NUMBER 09 - 08

**ORDINANCE AMENDING TITLE III, ADMINISTRATION,
CHAPTER 34, VILLAGE POLICIES, ADDING 34.50, DISPOSITION
OF SURPLUS VILLAGE PROPERTY OWNED BY THE VILLAGE
OF EAST DUNDEE, ILLINOIS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety, welfare of the residents of the Village of East Dundee, that Title III, Administration, Chapter 34, Village Policies, be amended by adding a new Section 34.50, Disposition of Surplus Village Property Owned by the Village.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That Title III, Administration, Chapter 34, Village Policies, of the Village of East Dundee Code of Ordinances is hereby amended by adding a new Section 34.50, Disposition of Surplus Village Property Owned by the Village.

Section 34.5

A. When the Village Administrator determines that the Village owns surplus property which is no longer necessary or useful to or for the best interests of the Village, he/she is, subject to the limitations hereinafter set forth, authorized and directed to proceed without further authorization by the Village Board to dispose of such Village Property by sale, trade-in, or any other manner he/she considers most advantageous to the Village.

B. The authority granted to the Village Administrator in paragraph A. of this Section shall be limited to the disposition of any single item or any group of items designated by the Village Administrator to be disposed of as a unit with a value estimated by the Village Administrator to not be in excess of One Hundred (\$100.00) Dollars.

C. In the event that the surplus Village Property has a value estimated by the Village Administrator to be more than One Hundred (\$100.00) Dollars, but less than Five Thousand (\$5,000.00) Dollars, the Village Administrator shall establish a minimum bid to be accepted for each item. After causing the surplus property to be advertised as provided in paragraph E. hereof, the Village Administrator shall dispose of the surplus property to the highest bidder and report the disposition to the Village Board.

D. In the event that the surplus property to be disposed of has a value estimated by the Village Administrator to be equal to or in excess of Five Thousand (\$5,000.00) Dollars, the Village Administrator may proceed to dispose of the same only after establishing a minimum bid to be accepted for each item and advertising bids as provided in paragraph E. hereof. The Village Administrator shall dispose of the surplus property by obtaining the prior approval of the Village Board for the disposition of surplus property in the following manner. The Village Administrator shall submit to the Village Board a request for authorization to dispose of such surplusage by submitting a schedule of the property and a Resolution of Authorization, the Village Board may then direct the Village Administrator to commence disposal of such surplusage.

E. When the Village Administrator is obligated, pursuant to paragraphs C. and D. hereof, to advertise items of surplus property for disposition to the highest bidder, the following procedures shall be employed:

- 1) Public notice of the disposition, including the time, place, terms of disposition, and the schedule of disposition shall be posted in a public place in the Village Hall

and in the Village website. Such notice of intended sale of surplus property shall constitute notice to the general public and anyone who may have interest in purchasing the items of surplus property. When the Village Administrator determines that it is not practicable to so advertise the disposition, he/she may dispose of the surplus Village Property in whatever manner he/she considers most advantageous to the Village.

2) No sale of surplus property shall be affected by the Village until public notice required under this Section shall have been posted for seven days, and thereafter, the Village Administrator is authorized to proceed to deliver a bill of sale for any or all of such items;

F. If the Village is unable to sell its surplus property after solicitation to the public as referred to herein, the Village may donate the property to any not-for-profit corporation, organization, or entity as determined by Section 501 (c) (3) of the Internal Revenue Code, having its principal place of business or doing a substantial amount of business in the Village, or if none can be found within the Village, then within Dundee Township. The Village Administrator shall document the reasons as to why the materials may have been donated to a non-Village based entity.

G. In all cases, excepting there from the on-line auction sale of surplus property, no sale of surplus Village Property shall be made to a person, who is, at the time of such sale, an officer, agent or employee of the Village or an immediate family member of the officer, agent or employee. Immediate family member shall include spouses and dependent minor children living with the officer, agent or employee.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 20th day of April, 2009, pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Carlins, Lynam,
Cichowski, Mahony, Pres. O'Leary

NAYES: _____

ABSENT: _____

Approved by me this 20th day of April, 2009.

Dan O'Leary
DAN O'LEARY, President

Published in pamphlet form this 21st day of April, 2009, under the authority of the President and Board of Trustees.

ATTEST:

Susan Norton
SUSAN NORTON, Village Clerk

Recorded in the Village Records on April 21, 2009.

