ORDINANCE

RE: DISPOSTION OF EXCESS, OBSOLETE OR UNUSABLE COUNTY PERSONAL PROPERTY

WHEREAS, the County Board is responsible for the care and custody of personal property of the County pursuant to 55 ILCS 5/5-1015; and

WHEREAS, the County from time to time has excess, obsolete or unusable personal property of relatively small value which can and should be disposed of in an efficient manner which will ensure the County obtains fair value, if any, of such excess, obsolete or unusable personal property; and

WHEREAS, the current Ordinance is in need of amendment to update certain sections;

NOW, THEREFORE, BE IT ORDAINED by the County Board of Vermilion County, that Section 2-6 of the Vermilion County Code, is hereby amended as outlined in words below;

Sec. 2-6. Sale of excess, obsolete or unusable County personal property.

- Scope and purpose. This Section shall apply to disposition of all excess, obsolete or unusable County personal property. It is the policy of the County of Vermilion to dispose of any excess, obsolete or unusable personal property by sale for fair market value whenever economically feasible. All sales of excess, obsolete or unusable County personal property shall be based upon competitive bids, except as provided in this Section.

- Definitions:

  i. Personal property shall have the meaning stated in Section 1-2 of this Code.
  ii. County personal property means personal property which, by law, is owned by or in the care and custody of the County Board.
  iii. Surplus property is excess, obsolete or unusable County personal property declared to be surplus by the Property Committee.
  iv. Surplus property has economic value when it may be used or reused for any purpose, other than recycling. Property which is reasonably determined to have no potential use or reuse, and which cannot be economically recycled, shall be considered waste, and is not subject to the requirements of this Section.
  v. A sale of surplus property is economically feasible when an item or group of items can be sold for more than the cost of sale.
  vi. Sale by competitive bid means a sale by sealed bid or at public auction.
  vii. Recycling shall have the meaning prescribed in the Illinois Environmental Protection Act, 415 ILCS 5/3.30.
  viii. Unit of local government shall have the meaning prescribed in Article VII, Section 1 of The Illinois Constitution of 1970, and for the purposes of this Section shall include school districts.

1. **Reuse by County offices or departments.** Before offering to transfer or sell surplus property, the Department Head shall notify Building Grounds, Technology Services, or the County Board Office of any applicable items that the department will be claiming as surplus. Office furniture should be notified to Building & Grounds, technology items should be notified to the Technology Services Department, and all other items should be notified to the County Board Office. All vehicles unless currently under the inventory of the Vermilion County Sheriff's department need to be declared surplus by the Property Committee before sale or trade. The County Board office, Building & Grounds, and Technology Services will be able to assist if the items could be used by another department. Surplus property which can be reused shall be transferred to County offices or departments upon request. In the event that there is no immediate response from County elected officials or department heads, and that such property may be usable by the County in the future, the Building & Grounds, Technology Services, or the County Board office can commit the property to storage and inventory.

2. **Declaration of Surplus.** After completion of (1.), elected officials or department heads who have excess, obsolete, or unusable County personal property in their office or department which is believed to have $250 or less value determined by the Department Head shall move forward with procedures listed in (4.) below. If the value of the excess, obsolete, or unusable County property have a value of possibly $250 or more determined by the Department Head, then the Department Head shall notify the County Board Chairman and request the Property Committee to

declare it surplus. The Property Committee will seek additional assistance as needed by departments or outside sources when determining economic value. If the property is declared surplus and has no economic value, as determined and valued by the Property Committee, the property shall be disposed of in accordance with this Ordinance. Surplus property shall be recycled if economically feasible or if not economically feasible, shall be considered waste and delivered for proper disposal.

3. **Transfer of Surplus Property to Unit of Local Government.** When surplus property cannot be reused by any County office or department, the Property Committee may recommend that the property be transferred to another unit of local government in lieu of sale. The Property Committee must authorize any transfer of surplus property pursuant to this subsection.

4. **Excess, obsolete or unusable County Property with a Surplus Value of $0 - $250.** Any excess, obsolete, or unusable County personal property in which the Department Head or Property Committee finds to hold value of $0 - $250 may be donated, recycled, scraped, or disposed of by the Building & Grounds Department.

5. **Procedures for sale of Surplus Property by Competitive Bid for property valued at $250 or more.** When surplus property is to be found to have economic value of $250 or more, the Property Committee shall determine whether a sale of surplus property shall be by sealed bid or public auction. The Property Committee shall provide public notice of the sale as provided below:

   i. **Notice of Sale for Surplus Property Valued at less than $250 or more.** When surplus property estimated by the Property Committee to have a total value of less than $250 or more is to be sold, the Committee shall cause notice of the sale by sealed bid to be posted by the County Board Office, and the sale shall be posted on the County website. The Property Committee shall cause notice of the sale to be printed in a newspaper of county wide circulation. Printed notice may consist of an advertisement in the classified section of the newspaper directing the public to a website listing surplus property. The advertisement shall be printed on at least two (2) separate days, the last of which shall be not more than ten (10) days prior to the sale. Notice of the sale shall be posted at the County Board Office and the County website, and the sale shall be announced at the County Board meeting preceding the sale where feasible and timing allows. The Property Committee may require additional notice of sale be posted on the County's website and at the County Board Office. Such postings shall include photos of the property, when appropriate, and the postings will be made for at least seven (7) consecutive days.

   ii. **Sales by Sealed Bid.** Notice of sale by sealed bid shall specify the form of the bid, and the date and time by which bids much be submitted. Sealed bids shall be opened at a meeting of the Property Committee, and the Committee shall vote immediately after the opening of bids to accept the high bid or reject all bids. A report shall also be posted to the County website for a period of seven days after such bids are opened. Payment must be made within seven (7) County business days after acceptance of a bid.

   iii. **Auction Sales (Includes Online Auctions).** Notice of auction sales shall specify the time and place of the auction and whether the sale is with or without reserve. Auctions may be conducted by the Chairman of the Property Committee or a Committee appointed by the Chairman or an auctioneer hired for that purpose. The Property Committee may secure the services of an auctioneer, to be compensated solely from the proceeds of the auction, if the Committee determines it would be in the best interest of the County to do so. Surplus property sold at auction for $1000.00 or less must be paid for on the dale of sale. Surplus property sold for more than $1000.00 must be paid for in full within three (3) County business days after the sale, and a minimum deposit of ten percent (10%) of the purchase price or $100.00, whichever is greater, must be deposited on the day of sale: if the sale is not completed by payment of the full purchase price within three (3) County business days after the sale, the minimum deposit shall be retained by the County as liquidated damages and not as penalty. If a successful bidder cannot pay the purchase price or the required minimum deposit on the day of the sale, their bid shall be void and of no effect, and the Property Committee may re-auction the property, accept the next highest bid, or reject all bids, as may be in the best interest of the County.

   iv. **Terms and conditions of sale.** Sales of all County surplus property are final. County surplus property shall be sold "as is" and no warranties, expressed or implied, shall

attach to any County surplus property. Payments and deposits for County surplus property shall be by cash, certified check or money order. No person may take possession of County surplus property until the full amount of the sale price has been paid. All costs of pick up and transportation of surplus property sold under this ordinance is the responsibility of the bidder and the County has no responsibility to provide for transportation or shipping of any item.

6. **Deposit of Sale Proceeds.** Sales proceeds from County surplus property shall be deposited by the direction of the Finance Committee and County Board Chairman. The Department Head will notify the County Auditor of the disposal, transfer, or sale of surplus property so that the inventory of County property may be accurately kept.

7. **Limitation on Purchase by County Officials and Employees.** No member of the County Board shall be eligible to purchase, directly or indirectly, any surplus County property. No elected or appointed County official shall be eligible to purchase, directly or indirectly, any surplus property which was excess, obsolete or unusable property of their office or department. No County official or employee who is a member of the Department or Office which has declared such property surplus shall be eligible to purchase such surplus County property. Any purchase by an ineligible person shall make the sale void and the property shall either be re-sold as provided for in this ordinance, or accept the next highest bid, or reject all bids, as may be in the best interest of the County. Ineligible persons who purchase surplus County property in violation of this Section shall be subject to a fine not to exceed $500.00 if the surplus property is not returned to the County is the same condition as sold within (24) twenty-four hours.

8. **Delegation of Authority to Property Committee.** The County Board hereby delegates authority to the Property Committee to act on behalf of the County Board with respect to surplus property in the manner set forth in this Section, except with respect to those matters in which County Board approval is specifically required.

PRESENTED, APPROVED AND ORDAINED by the County Board of Vermilion County, Illinois at the July 8, 2025 A.D. Session. DATED this 8th day of July 2025 A.D.

AYE 23 NAY 0 ABSENT 3

Steve Miller
Chairman, Vermilion County Board

ATTEST:

Robyn Hedlesn (VP)
Clerk of the County Board #25-0704

APPROVED BY Property Committee:
Date: June 16, 2025

Mark Steinbaugh	(Y)	N	A
Committee Chairperson			
Larry Baughn	(Y)	N	A
Phil Jackson	Y	N	(A)
Kevin Bodine	(Y)	N	A
Dan Wright	Y	N	(A)
Becky Stark	Y	N	(A)
Kevin Green	Y	N	(A)
Christine Lamar	Y	N	(A)
Tim McFadden	(Y)	N	A
Steve Miller	(Y)	N	A