

**VILLAGE OF NEW RICHMOND  
RESOLUTION NO. 2023-11**

Council for the Village of New Richmond, Ohio met in regular session this 11<sup>th</sup> day of April 2023 with the following members present:

Richard Feldkamp, <u>Y</u>	Mary Allen, <u>Y</u>	Ryan Woodruff, <u>Y</u>
Jon Tharpe, <u>Y</u>	Dennis Dalton, <u>Y</u>	Larry Prues, <u>Y</u>

Councilperson Woodruff moved for adoption of the following:

**RESOLUTION RESCINDING RESOLUTION 2023-05 AND AUTHORIZING THE SALE DURING CALENDAR YEAR 2023 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D) AND DECLARING AN EMERGENCY**

**WHEREAS**, this Council is required to adopt a Resolution expressing its intent to sell municipally owned property by internet auction, including a description of how the auctions will be conducted, specifying the number of days for bidding, and stating the general terms and conditions of sale; and

**WHEREAS**, this Council adopted such Resolution via Resolution 2023-05 detailing all requirements set forth in R.C. 712.15(D) including, but not limited to, expressing its intent to sell municipally owned property by internet auction and making Light-Gov, LLC, the Village's contracted representative to conduct such internet auctions on the Village's behalf; and

**WHEREAS**, upon further research and due diligence, the Village Fiscal Officer now recommends replacing Light-Gov, LLC, with "Liquidity Services Operations LLC" dba GovDeals, Inc. to be in the Village's best interest as serving the Village's contracted representative to conduct auctions on the Village's behalf; and

**WHEREAS**, "Liquidity Services Operations LLC" dba GovDeals, Inc., can be contacted via its statutory agent, Corporation Service Company at 3366 Riverside Drive, Suite 103, Upper Arlington, OH 43221 or at telephone number: 1-800-613-0156, or via the following link at <https://www.govdeals.com/index.cfm?fa=Main.Comments> ; and

**WHEREAS**, it is the opinion of the Village Fiscal Officer, interim Village Administrator, and Mayor that said contract with "Liquidity Services Operations LLC" dba GovDeals, Inc., will benefit the health, safety and welfare of the Village of New Richmond and its residents and property owners as well as help maximize the financial budget and resources available to the Village.

**NOW, THEREFORE** be it resolved, that New Richmond Village Council, with a majority of its members concurring:

**Section 1.** That during the remainder of the calendar year 2023, municipally owned personal property which is not needed for public use, or which is obsolete or unfit for the use for which it was acquired may be sold at internet auction.

**Section 2.** That any and all necessary actions, if any are required, be taken by the Village Administration to cease/terminate the Village's contract with Light-Gov, LLC, as the Village's representative to conduct internet auctions on the Village's behalf (if any such contract exist) and that any and all necessary actions, if any are required, be taken by the Village Administration to designate "Liquidity Services Operations LLC" dba GovDeals, Inc., as the Village's new representative to conduct auctions on the Village's behalf for the remainder of 2023.

**Section 3.** That the Village Fiscal Officer, interim Village Administrator, and/or Mayor be authorized to place for auction and sell to the highest bidder such unneeded, obsolete, or unfit personal property by internet auction. That any such internet auction sales shall be conducted pursuant to the rules and regulations promulgated and in effect for those sales organizations, however, the sales fees to be paid by the Village of New Richmond to such internet auction service shall in no event exceed the amount of six (6%) per cent of the accepted auction bid.

**Section 4.** That the Village Administration shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the Village Administration offices and shall cause said notice to be posted continuously throughout the year on the Village's website.

**Section 5.** That the Village shall conduct the internet auction via "Liquidity Services Operations LLC" dba GovDeals, Inc., using the parameters provided by the auction site and that a minimum price or reserve may be set, but is not required by law.

**Section 6.** That all terms and conditions of sale including, but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site with the highest bidder upon close of the bidding period being deemed the successful bidder for each individual internet action. That all items shall be sold without warranty in "AS IS" condition.

**Section 7.** That in connection with each such contemplated internet auction sale, bidding shall remain open for not less than fifteen (15) days, including Saturdays, Sundays and legal holidays and in connection with each such contemplated internet auction sale, the terms of payment shall be cash, payment in full on or before the date of delivery to the successful bidder; further, the successful bidder shall be solely responsible for all acts and expenses associated with the delivery of such item(s) so purchased.

**Section 8.** That the Village Fiscal Officer, interim Village Administrator, and/or Mayor having supervision or management of the auctioned item is hereby authorized to dispose of any item that is listed for auction and does not sell due to lack of any bid and/or offer (without any minimum price).

**Section 9.** That Council finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting and that all deliberations of Council which resulted in the passage of this resolution, were taken in meetings open to the public, in full compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 10:** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, welfare, and financial well-being of said Village and provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

Councilperson Feldkamp seconded the motion to adopt the foregoing Resolution and upon roll call the vote was as follows:

Richard Feldkamp	<u>Y</u>
Mary Allen	<u>Y</u>
Larry Prues	<u>Y</u>
Ryan Woodruff	<u>Y</u>
Dennis Dalton	<u>Y</u>
Jon Tharpe	<u>Y</u>

First Reading 3/29/2023 <sup>10</sup> 4-11-2023  
Second Reading \_\_\_\_\_  
Third Reading emergency

Adopted: 3/29/2023 <sup>10</sup> 4-11-2023

Attest:

Glenn Ewing  
Glenn Ewing, Mayor

Kelley Snider  
Kelley Snider, Council Clerk

Approved as to Form:

[Signature]

\_\_\_\_\_  
Scott Sollmann, Law Solicitor

**CERTIFICATE**

I, the undersigned, hereby certify this to be a true and correct copy of Resolution 2023-11 passed at a meeting of Council of the Village of New Richmond on the 13 day of April, 2023, and that I am duly authorized to execute this certificate.

Kelley  
Kelley Snider, Clerk of Council