



City of North Port

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA AMENDING SECTION 2-419 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO DISPOSITION OF CITY ASSETS AND PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Port has established a procurement code in Chapter 2, Article VIII of the Code of the City of North Port, Florida, for the fair and equitable method of administering purchases of goods and services to maximize the purchasing value of public funds;

WHEREAS, the City Commission of the City of North Port has directed the City Code to be modified to allow the disposition of city assets through direct sale to other governmental entities without auction and updated for any revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS FOLLOWS:

SECTION 1 – FINDINGS

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 – ADOPTION

2.01 Section 2-419 of the Code of the City of North Port, Florida is hereby amended as follows:

“CHAPTER 2 – ADMINISTRATION

...

ARTICLE VIII. – PROCUREMENT

...

Sec. 2-419. – Disposition of city assets and property.

- (a) *Responsible agency.* The finance department and departments that are disposing of items shall be deemed responsible for the disposition of city surplus assets.
- (b) *Use by city.* Surplus assets being disposed will be first offered to city departments.
- (c) *Disposal generally.* Assets with an original purchase value less than the city's current threshold limit ~~set forth in F.S. § 274.02(1)~~, may be disposed of at the discretion of the individual department. ~~Tracking of said assets is the responsibility of the individual department. Storage and physical disposal of surplus assets is the responsibility of the finance department, except for assets determined to have no useful purpose and no value for the city or any other entity and may be discarded in the trash.~~
- (d) ~~[When commission approval required.]~~ Assets with an original purchase value greater than the threshold limit set forth in F.S. § 274.02(1), equal to or greater than the city's current threshold limit must receive city commission approval for disposal and may then be disposed of in the following fashion:
- (1) *Sold.* Surplus assets determined to have no useful purpose for the city but that may have useful purpose for other public governmental entities or nonprofit corporations may be sold directly to such entities. ~~yet still having some intrinsic value may~~ Such assets may also be held for inclusion in an auction or other city sale, such as closed bidding.
 - (2) *Discarded.* Surplus assets determined to have no useful purpose and no value for the city, or any other entity may be discarded in the trash.
 - (3) *Donated.* Surplus assets determined to have no useful purpose for the city yet still containing some intrinsic value may be donated by the city commission to a nonprofit agency or governmental agency.
- (e) *Exceptions.*
- (1) *Trade-ins.* Assets determined to have no useful purpose for the city may be traded in at the department's request only when a like item is purchased. Trade-ins may not be used for dissimilar items.
 - (2) *Destroyed assets.* If in the course of its productive life an insured asset is destroyed by accident, the asset should be disposed of in an appropriate fashion, with the cooperation of the city's insurance carrier.
 - (3) *Real property.* Real property transactions are exempt from the provisions of this section.
- (f) *Approvals.* At no time is an employee allowed to take, give away or sell an asset or inventory item of the city, regardless of condition or original cost, except as provided within this section.

- (g) ~~Notices. Notices for the sale of city surplus assets shall be published at least once a week for two consecutive weeks in a public medium. Public notice shall be given not less than seven calendar days prior to the date of the sale. Any sale of an asset the value of which is estimated to be \$5,000.00 or more, with the exception of assets sold directly to other public entities or nonprofit agencies, shall be sold only to the highest responsible bidder, or by auction, after publication of notice not less than one week nor more than two weeks prior to sale in a newspaper of local circulation."~~

SECTION 3 – SEVERABILITY

- 3.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4 – CONFLICTS

- 4.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 5 – CODIFICATION

- 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE

- 6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session the 5th day of December 2019.

READ BY TITLE ONLY at second reading by the City Commission of the City of North Port, Florida in public session the 28th day of January 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY