

RESOLUTION NO. R-01-2017

**A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS,  
ADOPTING A UNIFORM POLICY FOR THE  
DISPOSITION OF SURPLUS, SALVAGE, AND JUNK  
PROPERTY**

**WHEREAS**, the City of Wimberley, Texas (the “City”) owns certain property that was formerly used by the City, but is no longer of any use for its intended purpose to the City, due to obsolescence, damage, replacement by newer property, and the like;

**WHEREAS**, the City’s operations require occasional replacement of property in order to maintain operations with adequate equipment for which the City budgets and plans;

**WHEREAS**, the City Council wishes to establish a procedure for disposing of such surplus, salvage, and junk property;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, THAT:**

The Council hereby adopts the attached Exhibit A, “City of Wimberley Uniform Policy for the Disposition of Surplus, Salvage, and Junk Property,” as an official policy of the City.

**EFFECTIVE DATE.** This RESOLUTION shall be in full force and effect from and after its date of approval.

**APPROVED: APRIL 20, 2017.**

APPROVED:



\_\_\_\_\_  
Herschel P. “Mac” McCullough, Mayor

ATTEST:

  
\_\_\_\_\_  
Cara McPartland, City Secretary



## **Exhibit “A”**

### **City of Wimberley Uniform Policy for the Disposition of Surplus, Salvage, and Junk Property**

Adopted April 20, 2017  
by Resolution No. R-01-2017

#### **I. Purpose**

The purpose of this policy is to establish criteria and procedures for the City of Wimberley to dispose of all surplus, salvage, and junk property.

#### **II. Definitions**

The following words, terms and phrases shall have the meanings ascribed to them in this policy, except where the context clearly indicates a different meaning:

*City* shall mean the City of Wimberley, Texas.

*Personal property* means any movable or intangible thing that is subject to ownership and not classified as real property.

*Real property* means land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land.

*Salvage property* or *junk property* means personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value to the City for the purpose for which it was originally intended.

*Surplus property* means personal property that is not salvage or junk property, is not currently needed by the City, is not required for the City’s foreseeable needs, and possesses some usefulness or value.

#### **III. Applicability**

This policy shall apply to personal property owned by the city that is either (a) salvage property or junk property; or (b) surplus property. Both herein are referred to as “excess property.”

This policy does not apply to the sale or disposition of city-owned real property.

#### **IV. Duties of Department Heads**

Department heads shall periodically assess and determine the status of personal property within the possession and control of the department. Personal property requiring replacement shall be

budgeted and scheduled for phasing out. Department heads shall, at least annually, provide the Mayor or the Mayor's designee with a list of personal property that has become excess property.

#### **V. Authority of the Mayor or Mayor's Designee**

The Mayor, or the Mayor's designee, shall review and evaluate the appropriateness of declaring City personal property excess property at the recommendation of the department head. Excess property of one department that is needed in another department or branch of the City shall be transferred to such department. All other excess property shall be considered for disposal or sale pursuant to the procedures of this Policy.

#### **VI. Disposal of Property**

Authorization herein to dispose of excess property is authorization to use best efforts to dispose of excess property for the highest price without costing the City more to dispose of such property.

- A. Excess property identified by the Mayor or the Mayor's designee shall be disposed of as surplus property, if qualifying, or salvage or junk property, without further action of the City Council, in a manner set forth in this Policy.
- B. Salvage or junk property may be utilized as a trade-in on new property of the same general type without further action by the City Council. Surplus property may also be utilized as a trade-in on new property of the same general type upon approval of the City Council.
- C. Salvage or junk property for which the undertaking to sell the property would likely result in no bids or a bid price that is less than the City's expenses required for the bid process, may be destroyed or otherwise disposed of as worthless without further action of the City Council, or may be offered to a non-profit or civic organization upon approval of the City Council.
- D. Surplus property shall be offered for competitive bidding as set forth in Section VII without further action of the City Council, or may be offered to a non-profit or civic organization upon approval by the City Council.
- E. Surplus property receiving no competitive bids in an auction may be deemed salvage property and may be disposed of in a manner provided in this Policy.

#### **VII. Competitive Bidding**

The Mayor or the Mayor's designee shall sell surplus property through an approved auction facility, including online auctions. Notice of a bid shall include a description of the surplus property to be sold, and the date and time bids will no longer be accepted. The highest, qualifying bidders shall be sold the surplus property. Notice shall be included in a newspaper of general circulation in Hays County, Texas at least twice, with the first notice being at least

fourteen days before the sale and the second being one week later. Notice shall also be posted on the City's official website.

### **VIII. Proceeds of Sale or Non-Sale Disposition**

All proceeds from the sale of surplus city property shall be committed to the General Fund of the City. Any excess property exchanged or traded for value shall be added to the appropriate inventory of property of the City.

### **IX. Prohibited Transfers or Conversions**

Employees, appointees and City Council members shall be strictly prohibited from purchasing surplus or salvage property from the City or benefitting from the sale or transfer of such property. Persons related in the first degree of affinity or consanguinity to an employee or an officer of the city or a member of City Council may not purchase or have property transferred to them, except for property sold at a competitive bid.

### **X. Severability**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Policy are severable and, if any phrase, sentence, paragraph, or section of this Policy should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Policy, since the same would have been enacted by the City Council without the incorporation of this Policy of any such invalid phrase, clause, sentence, paragraph, or section. If any provision of this Policy shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Policy which can be given effect without the invalid provision, and to this end the provisions of this Policy are declared to be severable.

### **XI. Open Meetings**

It is hereby officially found and determined that the meeting at which the Ordinance adopting this Policy was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by Open Meetings Act, Chapter 551 of the Texas Government Code.

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