



ORDINANCE SERIAL NO. 18-03

AN ORDINANCE AMENDING TITLE 3, TO ADD CHAPTER 3.02.031 OF THE ALEUTIANS EAST BOROUGH CODE OF ORDINANCES TO PROVIDE FOR DISPOSAL OF SURPLUS, OBSOLETE OR UNNEEDED PROPERTY

WHEREAS, the legislative power of the Aleutians East Borough ("Borough") is vested in its Borough Assembly under Alaska State Statute Sec. 29.20.050; and

WHEREAS, the Borough's Code of Ordinances, Title 3, establishes purchasing procedures for the Borough; and

WHEREAS, Title 3 of the Borough's Code of Ordinances does not presently provide for disposal of surplus, obsolete, or unneeded supplies or property of the Borough; and

WHEREAS, in order to provide a procedure for disposal of surplus, obsolete or unneeded supplies or property of the Borough, it is necessary to revise Title 3 of the Borough's Code of Ordinances and add new Section 3.02.031, Disposal of Surplus, Obsolete, or Unneeded Supplies; and

WHEREAS, the Assembly believes such revision to be in the Borough's best interests.

NOW, THEREFORE, LET IT BE ORDAINED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH AS FOLLOWS:

Section 1. Amendment of Borough Code. Amendment of the Aleutians East Borough Code of Ordinances, Title 3, Chapter 3.02 is hereby enacted as follows:

TITLE 3
PURCHASING PROCEDURES
General Provisions

Sections:

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3.02.030 Authority and Duties of Purchasing Officer

3.02.031 Disposal of Surplus, Obsolete, or Unneeded Supplies

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3.02.030 Authority of Purchasing Officer

- (a) Except as this code provides otherwise, the purchasing officer shall:
- (1) Procure all supplies, services and construction required by the borough;
 - (2) Sell, trade or otherwise dispose of surplus, obsolete or unneeded supplies belonging to the borough;
 - (3) Maintain all records pertaining to the procurement of supplies, services and construction, and the disposal of supplies by the borough;
 - (4) Join with other units of government in cooperative purchasing ventures where the best interests of the borough would be served;
 - (5) Compile and maintain, to the extent practicable, bidders' and vendors' lists for supplies, services, professional services and construction utilized by the borough;
 - (6) Compile and maintain a log of all contracts awarded for supplies, services, professional services or construction, together with any amendments to the contracts.
- (b) The purchasing officer shall perform any other authorities and responsibilities which this chapter assigns the purchasing officer.

3.02.031 Disposal of Surplus, Obsolete, or Unneeded Supplies

- (a) Notwithstanding any other provision in this code, the Purchasing Officer may authorize the abandonment or destruction of borough property which has no commercial value or of which the estimated cost of continued care, handling, repair, maintenance or storage would exceed the estimated proceeds of sale.

- (b) Supplies which are deemed by the Purchasing Officer to be sold as surplus, obsolete or unneeded, which value collectively does not exceed \$2,000, may be sold or otherwise disposed of by the Purchasing Officer.
- (c) Upon a determination by the Purchasing Officer that the best interests of the public would be served, the Purchasing Officer may transfer any surplus, obsolete or unneeded supplies to another governmental or quasi-governmental unit, or to a charitable, civic, nonprofit organization, except that where the estimated value of the supplies to be transferred exceeds \$2,000, the transfer may be made only after approval by the assembly by resolution.
- (d) No surplus, obsolete, or unneeded supplies, materials, equipment, or other personal property valued in excess of \$2,000 may be sold until the assembly has declared such property to be obsolete or surplus, upon motion, or by resolution.
- (e) Any supplies, materials, equipment, or other personal property valued in excess \$2,000 designated to be sold, must be advertised for sale either in a newspaper of general circulation, electronic means, or other means to provide reasonable public notice to adequately reach prospective buyers to provide an opportunity to submit bids for purchase. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The Purchasing Officer may repeatedly reject all bids and advertise or give notice again. The Purchasing Officer shall sell such surplus supplies, materials, equipment, or other personal property to the highest responsible bidder for cash. In case of a tie, the successful bidder shall be determined by publicly drawing lots at a time and place specified by the Purchasing Officer, always selling to the highest responsible bidder or bidders for cash. If there are no bidders, the Purchasing Officer is authorized to sell such supplies, materials, equipment or other personal property for the minimum value established prior to sealed bidding.

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- Section 2.** Classification. This Ordinance shall be of a permanent nature and shall become a part of the Aleutians East Borough Code of Ordinances.
- Section 3.** Severability. If any provision of this Ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application to other persons or circumstances shall not be affected thereby.
- Section 4.** Effective Date. This Ordinance shall become effective upon adoption, and shall be included in the Aleutians East Borough Code at the time of its next regular supplementation and printing or ratification by the qualified voters of the Aleutians East Borough.

Passed and adopted by the Aleutians East Borough Assembly this 14th day of December, 2017.

Alvin D. Osterback
Alvin D. Osterback, Mayor

ATTEST:

Tina Anderson
Tina Anderson, Borough Clerk

(SEAL)

