

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 17-07-18-07

IN THE MATTER OF AMENDING LANE
MANUAL CHAPTER 60 TO REVISE
PROVISIONS PERTAINING TO DISPOSAL OF
UNCLAIMED PERSONAL PROPERTY AND
COUNTY-OWNED SURPLUS PROPERTY

The Board of County Commissioners of Lane County **ORDERS** as follows:

Lane Manual Chapter 60 is amended by removing, substituting and adding the following sections:

REMOVE THIS SECTION

60.405

INSERT THIS SECTION

60.405

If any section, subsection, sentence, clause, phrase or portion of this Order or the referenced Lane Manual provisions are for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

ADOPTED this 18th day of July 2017.



Pat Farr, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date

7/13/17

LANE COUNTY OFFICE OF LEGAL COUNSEL

reconsideration in writing to the Board of County Commissioners within 5 (five) days of the County Administrator's decision on reconsideration. The appeal must be in writing and state the alleged grounds for reversal of the County Administrator's decision. *(Revised by Order No. 13-09-07-07, Effective 9.17.13)*

60.405 Disposal of Unclaimed Personal Property and County-Owned Surplus Property.

(1) Policy.

(a) Pursuant to ORS 279A.070, personal property in the County's possession, whether unowned or unneeded by the County, must be disposed of under the supervision of the County financial officer. Disposal must be made by sale, transfer to other governmental bodies or non-profit organizations, or discarding.

(b) The policy in this section does not apply to unclaimed, lost or abandoned property coming into the possession of the County, where disposition is specifically subject to Oregon Statutes, such as: vehicles, bicycles, intangible personal property, stolen property where the owner is known, seized concealed weapons, and property of a deceased person taken into possession by the County.

(2) Certification of Unclaimed and Surplus Personal Property.

(a) Unclaimed Personal Property. Before disposition of any unclaimed personal property in the County's possession, the Director of the Department in custody of the property must certify to the County financial officer that a reasonable effort to identify and locate the owner of the property has been unsuccessful. Upon such certification, and with the approval of the County financial officer, the certifying Department may retain any certified property for County use.

(b) Surplus Property. Before County-owned personal property may be disposed of as surplus, the Director of the Department in custody of the property must certify to the County financial officer that such property is surplus as to that Department.

(3) Disposal of Certified Unclaimed and Surplus Personal Property. The County financial officer, or the officer's designee, must establish procedures for storage and disposal of certified unclaimed and surplus property. Such procedures may include:

(a) Circulating lists of selected items to other County Departments, other governmental organizations, and non-profit groups.

(b) Preferential consideration for cities and school districts located within Lane County, and for other Oregon local agencies, for disposal of certified surplus vehicles and motor-driven equipment, as follows:

(i) The fair market value of the surplus vehicles and equipment must be established by the Department Director or Director's designee.

(ii) Before surplus vehicles and equipment are offered for public sale, all school districts and incorporated cities within Lane County must be notified in writing of the availability of such surplus vehicles and equipment. The notice must include, at a minimum, a list of surplus vehicles and equipment, the established fair market value for each, the date by which an irrevocable offer to purchase must be received from a school district or city, and the date on which such offers will be reviewed. Such notice may be sent to other Oregon local agencies that may be interested in such equipment, along with notice that priority will be given to offers from cities, schools, and other agencies within Lane County, as provided in subsection (iii) below.

(iii) In the event that more than one offer is received for a vehicle or unit of equipment, acceptance of the offers will be in the following order of priority:

1. An offer from a city. If an offer is received from more than one city, priority will be given to cities based upon each city's population, in order from smallest to largest.

2. In the event that no offer is received from a city, an offer from a school district will be given priority. If an offer is received from more than one school district, priority will be given to the school districts based upon each district's enrollment, in order from smallest to largest.

3. In the event that no offer is received from a city or school district within Lane County, offers from other Oregon local public agencies will be given priority in the following order: agencies located within Lane County, followed by agencies outside Lane County.

(iv) After offers from cities, school districts, and other local agencies have accepted or rejected, a final list of any remaining surplus vehicles and equipment must be prepared for public sale.

(c) Public sale. Public sale must be made by public auction or sealed bid, after advertising pursuant to LM 20.055 not less than 2 weeks prior to the time for receipt of bids. For sales estimated at \$100,000 or less in total value of property sold, a public opening of bids is not required, provided that the Department notifies bidders of the results of the auction or sale within 14 days following the closing of bids. Such notice may be given by a posting on the County's internet site. Auctions or sales may be conducted through publicly-available third-party electronic bidding services. Acceptance or rejection of the bid price will be at the discretion of Lane County.

(d) Sale of individual items with an estimated fair market value of less than \$1,000, or items remaining unsold after a public auction, may be conducted by posting the items for sale on one or more publicly-available electronic marketplaces. At the discretion of the County financial officer or designee, resulting sales may be made for nominal sums if, in the officer's or designee's judgment, the offer received is reasonable given the nature of the property and current market conditions.

(e) Discarding when, in the judgment of the County financial officer or the officer's designee, the property is of such low value that it should be discarded.

(4) Limitation on Sales to County Employees. Surplus County may not be sold or transferred to any County employee, except through public auction or sealed bid in accordance with this section.

(5) No Warranty. No warranty or guarantee may be made as to the condition of any item offered for sale. All surplus property is offered for sale "as is and where is," without recourse against the County.

(6) Terms of Purchase. All property must be paid for in full during the sale, and purchaser must accept legal title to the property prior to removal from the sale site.

(7) Disposition of Firearms. Notwithstanding the provisions of LM 60.405(2) through (6) above, the Sheriff will return all stolen firearms in the Sheriff's possession to the rightful owner if the owner can be identified and located through reasonable effort. All seized concealed weapons must be disposed of in accordance with Oregon law. The Sheriff may dispose of all other firearms by any reasonable means, which may include sale at auction, destruction, or donation to other agencies for such purposes as training in hunter safety.

(8) Disposition of Police Dogs. Notwithstanding the provisions of LM 60.405(2) through (6) above, the Sheriff is granted authority to certify police dogs as no longer serviceable or of no further value to the County, and to dispose of certified dogs in accordance with this subsection.

(a) Unless the dog is disqualified from service by illness, temperament, or a related condition, the Sheriff may offer a certified dog to the dog's last assigned handler for sale, at the nominal price of one dollar. If a certified dog is sold to its handler, the purchaser must, as a condition precedent to the sale, enter into a sale agreement which contains all the following conditions:

(i) The purchaser releases Lane County, the Lane County Sheriff's Office, and their respective divisions, commissioners, officers, agents, employees and assigns from all liability or responsibility for any action or circumstance which concerns the dog after the time of sale;

(ii) The purchaser agrees to immediately license the dog in the purchaser's name and at the purchaser's expense;

(iii) The purchaser assumes all future costs associated with the dog, including but not limited to food, shelter, and medical care; and

(iv) The purchaser takes possession of all pedigree papers and related documentation for the dog.

(b) Each sale must be authorized by the Sheriff and a copy of the agreement filed with the Office of County Counsel.

(c) Police dogs certified to be no longer serviceable and not sold to a former handler must be disposed of in a manner deemed advisable by the Sheriff, taking into consideration the physical condition, temperament, and other conditions relating to the dog; the safety of the community at large; and the reputation of the County and Sheriff's Office. *(Revised by Order No. 93-1-19-14, Effective 1.19.9; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05)*

60.410 Disposal of Museum Deaccessioned Property.

The Lane County Historical Museum, on occasion, will find it necessary to permanently remove artifacts or museum library materials from its collections.

(1) Rationale for Deaccession. Before an object can be considered for deaccession one or more of the following reasons must apply:

(a) The object is duplicated by others in the collection.

(b) The object is beyond the museum's financial resources to properly care for or store.

(c) The object is broken, deteriorated or otherwise in poor condition and is considered by the Museum Manager to be cost prohibitive to restore, repair, or preserve.

(d) The object has been altered to such a degree that its interpretive value has been compromised.

(e) The object has become dangerous because of damage, deterioration, or has always been hazardous.

(f) The object has no significance to Lane County, or it is not possible to ascertain the object's significance to Lane County.

(g) The object was not solicited and is of no redeeming quality for either exhibit or research. This includes abandoned property left at the museum or otherwise given to the museum without proper documentation or legal transfer of ownership.

(2) Procedure for Disposal. The decision to deaccession must be made by the Museum Manager. Disposal of deaccessioned museum objects shall be in accordance with the following methods.

(a) A list of deaccessioned objects will be produced and circulated to other appropriate museums in Oregon. (Government-operated or non-government-operated museums).

(b) Objects not disposed of through other museums shall be offered to other Lane County Departments for departmental use, again by means of a circulated list.

(c) Remaining deaccessioned objects shall then be offered to the public for sale. The Museum Manager is authorized to determine the type of public sale deemed appropriate. (Ex: oral auction, silent auction, sealed bids.) The sale requirement may be waived if in the judgment of the Director of the Department of Management Services, or

- (a) Notify the applicant or permittee of the reasons for the action; and
 - (b) Inform the applicant or permittee of his/her appeal rights.
- (5) Appeals.
- (a) An applicant may request reconsideration in writing to the County Administrator within 5 (five) days of a permit being denied. The request for reconsideration must contain the alleged grounds for reconsideration.
 - (b) If an applicant's reconsideration of a permit is denied, the applicant may appeal the denial by filing an appeal with has the opportunity to request reconsideration in writing to the Board of County Commissioners within 5 (five) days of the County Administrator's decision on reconsideration. The appeal must be in writing and state the alleged grounds for reversal of the County Administrator's decision. *(Revised by Order No. 13-09-07-07, Effective 9.17.13)*

60.405 Disposal of Unclaimed Personal Property ~~in the County's Possession~~ and County-Owned Surplus Property.

(1) Policy.

(a) Pursuant to ORS 279A.070, personal property in the County's possession, whether unowned or unneeded by the County, must be disposed of under the supervision of the County financial officer. Disposal must be made by sale, transfer to other governmental bodies or non-profit organizations, or discarding.

(b) The policy in this section does not apply to unclaimed, lost or abandoned property coming into the possession of the County, where disposition is specifically subject to Oregon Statutes, such as: vehicles, bicycles, intangible personal property, stolen property where the owner is known, seized concealed weapons, and property of a deceased person taken into possession by the County.

(2) Certification of Unclaimed and Surplus Personal Property.

(a) Unclaimed Personal Property. Before disposition of any unclaimed personal property in the County's possession, the Director of the Department in custody of the property must certify to the County financial officer that a reasonable effort to identify and locate the owner of the property has been unsuccessful. Upon such certification, and with the approval of the County financial officer, the certifying Department may retain any certified property for County use.

(b) Surplus Property. Before County-owned personal property may be disposed of as surplus, the Director of the Department in custody of the property must certify to the County financial officer that such property is surplus as to that Department.

(3) Disposal of Certified Unclaimed and Surplus Personal Property. The County financial officer, or the officer's designee, must establish procedures for storage and disposal of certified unclaimed and surplus property. Such procedures may include:

(a) Circulating lists of selected items to other County Departments, other governmental organizations, and non-profit groups.

(b) Preferential consideration for cities and school districts located within Lane County, and for other Oregon local agencies, for disposal of certified surplus vehicles and motor-driven equipment, as follows:

(i) The fair market value of the surplus vehicles and equipment must be established by the Department Director or Director's designee.

(ii) Before surplus vehicles and equipment are offered for public sale, all school districts and incorporated cities within Lane County must be notified in writing of the availability of such surplus vehicles and equipment. The notice must include, at a minimum, a list of surplus vehicles and equipment, the established fair market value for each, the date by which an irrevocable offer to purchase must be received from a school district or city, and the date on which such offers will be reviewed. Such notice may be sent to other Oregon local agencies that may be interested in such equipment, along with notice that priority will be given to offers from cities, schools, and other agencies within Lane County, as provided in subsection (iii) below.

(iii) In the event that more than one offer is received for a vehicle or unit of equipment, acceptance of the offers will be in the following order of priority:

1. An offer from a city. If an offer is received from more than one city, priority will be given to cities based upon each city's population, in order from smallest to largest.

2. In the event that no offer is received from a city, an offer from a school district will be given priority. If an offer is received from more than one school district, priority will be given to the school districts based upon each district's enrollment, in order from smallest to largest.

3. In the event that no offer is received from a city or school district within Lane County, offers from other Oregon local public agencies will be given priority in the following order: agencies located within Lane County, followed by agencies outside Lane County.

(iv) After offers from cities, school districts, and other local agencies have accepted or rejected, a final list of any remaining surplus vehicles and equipment must be prepared for public sale.

(c) Public sale. Public sale must be made by public auction or sealed bid, after advertising pursuant to LM 20.055 not less than 2 weeks prior to the time for receipt of bids. For sales estimated at \$100,000 or less in total value of property sold, a public opening of bids is not required, provided that the Department notifies bidders of the results of the auction or sale within 14 days following the closing of bids. Such notice may be given by a posting on the County's internet site. Auctions or sales may be conducted through publicly-available third-party electronic bidding services. Acceptance or rejection of the bid price will be at the discretion of Lane County.

(d) Sale of individual items with an estimated fair market value of less than \$1,000, or items remaining unsold after a public auction, may be conducted by posting the items for sale on one or more publicly-available electronic marketplaces. At the discretion of the County financial officer or designee, resulting sales may be made for nominal sums if, in the officer's or designee's judgment, the offer received is reasonable given the nature of the property and current market conditions.

(e) Discarding when, in the judgment of the County financial officer or the officer's designee, the property is of such low value that it should be discarded.

(4) Limitation on Sales to County Employees. Surplus County may not be sold or transferred to any County employee, except through public auction or sealed bid in accordance with this section.

(5) **No Warranty. No warranty or guarantee may be made as to the condition of any item offered for sale. All surplus property is offered for sale "as is and where is," without recourse against the County.**

(6) **Terms of Purchase. All property must be paid for in full during the sale, and purchaser must accept legal title to the property prior to removal from the sale site.**

(7) **Disposition of Firearms. Notwithstanding the provisions of LM 60.405(2) through (6) above, the Sheriff will return all stolen firearms in the Sheriff's possession to the rightful owner if the owner can be identified and located through reasonable effort. All seized concealed weapons must be disposed of in accordance with Oregon law. The Sheriff may dispose of all other firearms by any reasonable means, which may include sale at auction, destruction, or donation to other agencies for such purposes as training in hunter safety.**

(8) **Disposition of Police Dogs. Notwithstanding the provisions of LM 60.405(2) through (6) above, the Sheriff is granted authority to certify police dogs as no longer serviceable or of no further value to the County, and to dispose of certified dogs in accordance with this subsection.**

(a) **Unless the dog is disqualified from service by illness, temperament, or a related condition, the Sheriff may offer a certified dog to the dog's last assigned handler for sale, at the nominal price of one dollar. If a certified dog is sold to its handler, the purchaser must, as a condition precedent to the sale, enter into a sale agreement which contains all the following conditions:**

(i) **The purchaser releases Lane County, the Lane County Sheriff's Office, and their respective divisions, commissioners, officers, agents, employees and assigns from all liability or responsibility for any action or circumstance which concerns the dog after the time of sale;**

(ii) **The purchaser agrees to immediately license the dog in the purchaser's name and at the purchaser's expense;**

(iii) **The purchaser assumes all future costs associated with the dog, including but not limited to food, shelter, and medical care; and**

(iv) **The purchaser takes possession of all pedigree papers and related documentation for the dog.**

(b) **Each sale must be authorized by the Sheriff and a copy of the agreement filed with the Office of County Counsel.**

(c) **Police dogs certified to be no longer serviceable and not sold to a former handler must be disposed of in a manner deemed advisable by the Sheriff, taking into consideration the physical condition, temperament, and other conditions relating to the dog; the safety of the community at large; and the reputation of the County and Sheriff's Office.** ~~—(1)— Policy. Except as otherwise provided and pursuant to ORS 279A.070 and 279A.185, unclaimed personal property in the County's possession and unneeded County-owned personal property shall be disposed of expeditiously under the centralized supervision of the County financial officer. Disposal shall be by auction, sealed bids, grant to other governmental bodies or non-profit organizations, or discarding. The policies in this section expressly do not apply to unclaimed, lost or abandoned property coming into the possession of the County, where disposition is specifically subject to State Statutes e.g., vehicles, including bicycles, intangible personal property, stolen property where the owner is known, seized concealed weapons, and property of a deceased person taken into possession by the County.~~

~~— An "auction" for purposes of LM 60.405 may be electronic in accordance with procedures deemed necessary by the County Administrator, in his or her discretion, to protect the County's interest. Otherwise an auction shall be live.~~

~~— (2) Certification of Inability to Determine Owner of Property. Before disposition of any unclaimed, lost or abandoned personal property not owned by the County but in possession of the County, the Director of the Department in possession of the property shall certify to the County financial officer that a reasonable effort to identify and locate the owner of the property has been unsuccessful. Upon such certification, and with the approval of the County financial officer, the certifying Department may retain any specified property as County property for County use. The County financial officer, or his or her designee, shall establish procedures for storage of property certified to his or her Department for disposition by means other than retention by the certifying Department.~~

~~— (3) Certification as Surplus Property. Before County owned personal property may be disposed of as surplus, the appropriate Department Director shall certify that such property is surplus as to his or her Department to the County financial officer. The County financial officer, or his or her designee, shall establish procedures for storage of property so certified. If the certified surplus property consists of vehicles or motor-powered equipment in the possession of any Department, the County financial officer shall authorize sale by auction, sealed bid, direct sale, grant or discard by the possessing Department pursuant to LM 60.405(4) below.~~

~~— (4) Disposal of Unclaimed Personal Property in the County's Possession and Certified County Owned Surplus Property. The County financial officer or his or her designee, shall establish procedures for disposal of unclaimed, lost or abandoned personal property in the County's possession and certified County owned surplus property to include at minimum the following:~~

~~— (a) Circulating lists of selected items declared surplus to other County Departments, other governmental organizations, and non-profit groups. Cities and school districts located within Lane County shall receive preferential consideration for disposal of certified County owned surplus vehicles and motor powered equipment, as follows:~~

~~— (i) The fair market value of the surplus vehicles and equipment shall be established by the Department Directors or their designee based upon prices obtained in prior years' auctions and upon other relevant information.~~

~~— (ii) Before the final list of surplus vehicles and equipment for public sale is prepared, all of the school districts and incorporated cities within Lane County shall be notified in writing of the availability of such surplus vehicles and equipment.~~

~~— (iii) The notice shall include, but need not be limited to, the list of surplus vehicles and equipment, the established fair market value for the surplus vehicles and equipment, the date by which an irrevocable school district or city offer to purchase surplus vehicles and/or equipment at the established fair market value must be submitted, and the date on which the purchase offers will be reviewed.~~

~~— (iv) In the event that more than one city makes an offer on a vehicle or unit of equipment, the priority for approval of the purchase offers shall be in inverse order to the cities' populations. In the event that more than one school district makes an offer on a vehicle or unit of equipment, the priority for approval shall be in inverse order of the school district's enrollment. In the event that a city and a school district make an offer on a vehicle or unit of equipment, the city shall receive preference over the school district.~~

~~(v) The execution of certificates of title and bills of sale for surplus vehicles and equipment sold under this provision shall comply with LM 2.260(1)(h).~~

~~(vi) Once the school districts' and cities' offers have been met to the extent possible, any remaining offers shall be returned to the appropriate school districts and cities and the final list of any remaining surplus vehicles and equipment shall be prepared for public sale.~~

~~(b) By public auction, or~~

~~(c) By advertising pursuant to LM 21.105(3), for the purpose of sealed bids. For sales estimated at \$100,000 or less, a public opening of bids is not required as long as the department notifies bidders of its decision as soon as practicable and within a reasonable time. Acceptance or rejection of the sealed bid price will be at the discretion of Lane County.~~

~~(d) By discarding when in the judgment of the County financial officer, or his or her designee, the property is of such little value that it should be discarded.~~

~~(5) Disposition of Firearms. The Sheriff will return all stolen firearms in the Sheriff's possession to the rightful owner if the owner can be identified and located through reasonable effort. All seized concealed weapons shall be disposed of in accordance with State statute. The sheriff shall dispose of all other firearms by any reasonable means chosen by the Sheriff, which may include sale at auction, destruction, and donation to other agencies for such purpose as training in hunter safety.~~

~~(6) County Employees. Surplus County supplies and equipment shall not be made available to any County employee, except through public auction or sealed bid.~~

~~(7) Warranties. No warranty or guarantee shall be made as to the condition of any item offered for sale. All surplus property is offered for sale "as is and where is," without recourse against the County.~~

~~(8) Terms of Purchase. All property shall be paid for in full during the sale and legal title of ownership shall pass from the County to purchaser prior to removal from the site. (Revised by Order No. 93-1-19-14, Effective 1.19.9; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05)~~

60.410 Disposal of Museum Deaccessioned Property.

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(1) Rationale for Deaccession. Before an object can be considered for deaccession one or more of the following reasons must apply:

- (a) The object is duplicated by others in the collection.
- (b) The object is beyond the museum's financial resources to properly care for or store.
- (c) The object is broken, deteriorated or otherwise in poor condition and is considered by the Museum Manager to be cost prohibitive to restore, repair, or preserve.
- (d) The object has been altered to such a degree that its interpretive value has been compromised.
- (e) The object has become dangerous because of damage, deterioration, or has always been hazardous.
- (f) The object has no significance to Lane County, or it is not possible to ascertain the object's significance to Lane County.
- (g) The object was not solicited and is of no redeeming quality for either exhibit or research. This includes abandoned property left at the museum or otherwise given to the museum without proper documentation or legal transfer of ownership.