

**TOOELE COUNTY
ORDINANCE 2021-06**

AN ORDINANCE AMENDING AND RENAMING CHAPTER 7, COUNTY PERSONNEL POLICIES AND PROCEDURES, AMENDING CHAPTER 9, MANAGEMENT OF COUNTY PROPERTY, AND REPEALING, RENAMING AND RE-ENACTING CHAPTER 10, PROPERTY DISPOSAL, OF TITLE 1, GENERAL PROVISIONS, OF THE TOOELE COUNTY CODE

WHEREAS, Tooele County has historically been governed by a Board of County Commissioners under the county commission form of government; and

WHEREAS, a majority of Tooele County voters who voted in the 2018 general election voted to change the form of Tooele County government from the county commission form of government to the council-manager form of government; and

WHEREAS, the change to the council-manager form of government occurred on January 1, 2021; and

WHEREAS, certain provisions of existing Title 1, Chapters 7, 9 and 10 became obsolete on that same date; and

WHEREAS, amended or new Title 1, Chapters 7, 9 and 10 are expedient and necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I – CHAPTER 7 RENAMED AND AMENDED. Chapter 7, *County Personnel Policies and Procedures*, of Title 1, *General Provisions*, of the Tooele County Code is hereby renamed to *Personnel Policies and Procedures* and amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION II – CHAPTER 9 AMENDED. Chapter 9, *Management of County Property*, of Title 1, *General Provisions*, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION III – CHAPTER 10 REPEALED. Chapter 10, *Property Disposal*, of Title 1, *General Provisions*, of the Tooele County Code is hereby repealed.

SECTION IV – CHAPTER 10 RENAMED. Chapter 10, *Property Disposal*, of Title 1, *General Provisions*, of the Tooele County Code is hereby renamed to *Disposal of Surplus Property*.

SECTION V – CHAPTER 10 ENACTED. Chapter 10, *Disposal of Surplus Property*, of Title 1, *General Provisions*, of the Tooele County Code is hereby enacted to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION VI – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

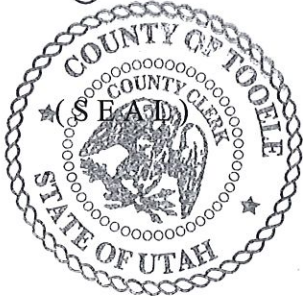
SECTION VII – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 16th day of February, 2021.

Tooele County
Ord. 2021-06

ATTEST:


Marilyn K. Gillette, Clerk



TOOELE COUNTY COUNCIL:


Tom Tripp, Chair

Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Thomas voted aye
Council Member Tripp voted aye
Council Member Wardle voted aye

APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 7
PERSONNEL POLICIES AND PROCEDURES

Section

1-7-1. Adoption of personnel policies and procedures.

1-7-1. Adoption of personnel policies and procedures.

The council shall adopt written personnel policies and procedures relating to all county employees.

CHAPTER 9
MANAGEMENT OF COUNTY PROPERTY

Section

1-9-1. Property management and inventory policy.

1-9-2. Repealed.

1-9-1. Property management and inventory policy.

(1) Department heads and elected officials shall be responsible for all supplies, materials, equipment and other personal property possessed by or used in their respective departments or offices.

(2) (a) Non-consumable supplies, equipment, materials and other personal property having an initial value greater than \$200 shall be specified on an inventory roster.

(b) Non-consumable supplies, equipment, materials and other personal property having an initial value less than \$200 shall be included on the roster if required by the auditor.

(c) The roster shall be maintained by each department head or elected official and the auditor.

(d) For property having an initial value between \$200 and \$5,000, the roster shall be updated and physically verified in January of every even numbered year. For property having an initial value greater than \$5,000, the roster shall be updated and physically verified in January of every year. The roster shall also be updated and physically verified when a new department head or new elected officer is installed.

(e) Property may be removed from the roster if it has been declared surplus and disposed of, or if its removal is authorized by the department head or elected official and the auditor.

(3) The county clerk shall be responsible, under the direction of the council, to hold, manage, lease and insure all county real property and improvements.

1-9-2. Repealed.

CHAPTER 10

DISPOSAL OF SURPLUS PROPERTY

Section

1-10-1. Purpose.

1-10-2. Definitions.

1-10-3. Disposal of surplus real property.

1-10-4. Disposal of surplus personal property.

1-10-1. Purpose.

This purpose of this chapter is to govern the disposal of county property.

1-10-2. Definitions.

As used in this chapter:

(1) "Assessed value" means the most recent market value determined by the county assessor.

(2) "County property" means real property owned by the county, and personal property owned or possessed by the county that has a present fair market value greater than \$100. "County property" does not include county IT equipment, firearms and ammunition, property held as evidence, and property held for forfeiture.

(3) "Presumptive assessed value" means the market value of unassessed or under-assessed real property, as determined by the assessor based on the most recent assessor land guide.

(4) "Significant parcel of real property" means real property owned by the county that has an assessed value or presumptive assessed value greater than \$100,000.

(5) "Surplus property" means real or personal property owned or acquired by the county that: is no longer being used by the county; is no longer usable by the county; is out of date; is damaged and likely cannot be repaired at a cost less than the property's expected fair market value after repair; has exceeded its expected life span; or is no longer needed to fulfill the respective department's or office's responsibilities.

1-10-3. Disposal of surplus real property.

(1) Only the council may declare county real property as surplus real property and authorize the disposal thereof.

(2) The method used to dispose of surplus real property, or any interest therein, shall be at the council's discretion, and may be by public sale, private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade, public auction, public advertisement for open or sealed bids, or any other lawful means.

(3) Disposition of surplus real property shall be for present fair market value.

- (a) For significant parcels of real property, present fair market value is equal to the average of two appraised values, each of which is based upon fair market value and calculated by an independent and properly licensed appraiser;
 - (b) For all other parcels of real property, present fair market value is equal to the assessed value or presumptive assessed value of the property.
- (4) The council may not vote to dispose of a significant parcel of real property until:
- (a) the following information has been publicly disclosed in at least one prior council meeting and published in a local newspaper:
 - (i) a description of the parcel;
 - (ii) the location of the parcel;
 - (iii) the name of the proposed purchaser(s); and
 - (iv) the proposed purchase price;
 - (b) at least 14 days have passed since the public disclosures were first made; and
 - (c) a public hearing has been held.
- (5) Title to surplus real property shall be conveyed or transferred as it was received by the county, unless otherwise agreed or otherwise required by law.
- (6) A purchaser for cash shall tender 10% of the purchase price immediately upon the council's approval of the purchase. Closing must then occur within 30 days or such other time as authorized by the council. The balance of the purchase price is due at closing. If the purchaser fails to timely complete the purchase as provided herein, the county may retain funds sufficient to pay for damages caused by the purchaser's failure, including, but not limited to, publication costs, costs of the sale, personnel costs, attorney fees and costs, and loss of the benefit of the bargain. Remaining funds, if any, shall be returned to the purchaser within a reasonable time.

1-10-4. Disposal of surplus personal property.

- (1) With the approval of the auditor and the manager, department heads and elected officials may declare personal property as surplus and dispose of such property.
- (2) Surplus personal property that is neither traded nor exchanged shall be disposed of in the following manner:
 - (a) the department head or elected official and the auditor shall determine the present fair market value of the property;
 - (b) the property shall be offered to other county departments and offices free of charge for a period of two weeks;
 - (c) if no other county department or office acquires the property pursuant to subsection (2)(b), the property shall be offered to other governmental entities within Tooele County at present fair market value for a period of two weeks;
 - (d) if no governmental entity acquires the property pursuant to subsection (2)(c), the property shall be consigned to a public auction for a minimum of two weeks;
 - (e) if the property is not sold pursuant to subsection (2)(d), the property may be destroyed or donated free of charge to any person or entity.
- (3) A purchaser of surplus personal property shall immediately tender the entire purchase price.
- (4) Funds obtained from the disposition of surplus personal property shall be placed in the appropriate sale of fixed assets account and may later be reallocated to the originating department or office by the council.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 7
~~COUNTY PERSONNEL POLICIES AND PROCEDURES~~

Section

1-7-1. Adoption of personnel policies and procedures.

1-7-1. Adoption of personnel policies and procedures.

The ~~Tooele County Commission~~ council shall adopt written personnel policies and procedures relating to all ~~Tooele County~~ county employees. ~~Such policies or amendments thereto shall be in writing and shall be approved by a minute entry at a County Commission meeting.~~ (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 9
MANAGEMENT OF COUNTY PROPERTY

Section

1-9-1. Property management and inventory policy.

1-9-2. ~~County-owned vehicles~~ Repealed.

1-9-1. Property management and inventory policy.

~~(1) Each Department Head or Elected Official shall be responsible for all supplies, materials, equipment or other personal property possessed by or used in their County department. Department heads and elected officials shall be responsible for all supplies, materials, equipment and other personal property possessed by or used in their respective departments or offices.~~

~~(2) All non-consumable supplies, equipment, material or other personal property having an initial value of \$200.00 or over, shall be specified on a department inventory roster, which roster shall be maintained and kept current by the department and County Auditor.~~

~~(a) Non-consumable supplies, equipment, materials and other personal property having an initial value greater than \$200 shall be specified on an inventory roster.~~

~~(b) Non-consumable supplies, equipment, materials and other personal property having an initial value less than \$200 shall be included on the roster if required by the auditor.~~

~~(c) The roster shall be maintained by each department head or elected official and the auditor.~~

~~(d) For property having an initial value between \$200 and \$5,000, the roster shall be updated and physically verified in January of every even numbered year. For property having an initial value greater than \$5,000, the roster shall be updated and physically verified in January of every year. The roster shall also be updated and physically verified when a new department head or new elected officer is installed.~~

(c) Property may be removed from the roster if it has been declared surplus and disposed of, or if its removal is authorized by the department head or elected official and the auditor.

~~(3) Other items having a value of less than \$200 shall also be accounted for and placed on a department roster when so required by the Auditor. An item may be removed from said roster if it has been declared surplus and disposed of, has been transferred to another department, or if authorized by the County Auditor or the County Commission when so requested by the Auditor or Department Head. The County Auditor shall identify each item on the roster with sufficient specificity that the item can be identified by a person not familiar with the County inventory system. During the first month of each County fiscal year, the Auditor shall prepare complete roster listings of each department's inventory items. The Auditor shall verify that the items are physically present or accounted for by the Department and shall obtain the signature of the responsible Department Head or Officer on the roster who shall verify that the contents of the listing are accurate and complete. A copy of said updated roster shall be supplied to each Department Head upon completion of the above-stated inventory process. The same process shall be complied with when a new Department Head or Elected Officer becomes responsible for any County department.~~

~~(4) The County Clerk-county clerk shall be responsible, under the direction of the County Commissioners council, to hold, manage, lease and insure all County-county real property and improvements. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

1-9-2. County-owned vehicles Repealed.

~~County owned vehicles may be used by non-profit organizations or other political subdivisions of the state, provided such organizations first pay a refundable deposit to the department that has control over such vehicle. Such organization shall also sign a written lease for the use of the vehicle requiring that the vehicle be returned in clean condition, with a full tank of gas, and that any damage will be paid for by the lessee. Should the organization fail to comply with the terms of the lease, the deposit will be forfeited to the county. (Ord. 96-9, 5/7/96)~~

CHAPTER 10

PROPERTY DISPOSAL

Section

~~1-10-1. Purpose.~~

~~1-10-2. Definitions.~~

~~1-10-3. Means of property disposal.~~

~~1-10-4. Adequate consideration.~~

~~1-10-5. Disposal of a significant parcel of real property.~~

~~1-10-6. Payment and conveyance.~~

~~1-10-7. Title.~~

~~1-10-1. Purpose.~~

~~This chapter is to comply with Section 17-50-312, Utah Code Annotated 1953, as amended in establishing for the manner of disposal of real or personal property. (Ord. 2003-39, 12/9/03)~~

~~1-10-2. Definitions.~~

~~For purposes of this chapter:~~

~~(1) "Reasonable notice" means publication at least one time in a newspaper of general circulation in the county and shall include a description of the property including its location, the name of the proposed purchaser, and amount of the purchase;~~

~~(2) "Significant parcel of real property" means a property with no assessed value, an assessed value of more than \$500,000, or a parcel of more than 10 acres in size; and~~

~~(3) "Assessed value" as used in this chapter means the most recent tax value determined by the Tooele County Assessor. (Ord. 2016-09, 7/19/16)~~

~~1-10-3. Means of property disposal.~~

~~The county commission may dispose of any county property not in public use, including real or personal and lost or abandoned property, or any interest in such property, that in its discretion it determines to be in the public interest. The method used to dispose of property or any interest therein shall be at the county commission's discretion and may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade-in, public auction, public advertisement for open or sealed bids, or any other lawful means. Such disposition shall be for adequate consideration unless otherwise permitted by law. Consideration may be other than monetary. (Ord. 2016-09, 7/19/16; Ord. 2016-02, 2/16/16; Ord. 2003-39, 12/9/03)~~

~~1-10-4. Adequate consideration.~~

~~(1) Adequate consideration is present fair market value, and shall be determined as follows:~~

~~(a) If the assessed value of real property to be disposed of is \$10,000 or less, the County Commission may use its discretion in determining the present fair market value.~~

~~(b) If the assessed value of real property to be disposed of is between \$10,000 and \$100,000, the assessed value is considered the present fair market value.~~

~~(c) — If the assessed value of real property to be disposed of is greater than \$100,000 but it is not classified as a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by an independent appraisal.~~

~~(d) — If the property is a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by the average of two independent appraisals.~~

~~(2) — The county may in its discretion choose to keep the appraisals conducted under Subsections (1)(c) and (1)(d) protected from public disclosure until after a sale is completed.~~

~~(3) — In any case, the county shall not dispose of any real property for less than its present fair market value as defined in Subsections (1)(a) through (1)(d). If the county chooses a method to dispose of real property that results in more than one offer or bid that meets or exceeds the property's present fair market value, the county commission may exercise its discretion to select the offer or bid that in its judgment is in the public's best interest. (Ord. 2016-10, 9/20/16; Ord. 2016-09, 7/19/16)~~

~~**1-10-5. Disposal of a significant parcel of real property.**~~

~~Before the county may dispose of a significant parcel of real property, the county shall provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment, and allow an opportunity for public comment on the proposed disposition during a public hearing before the county commission. (Ord. 2016-09, 7/19/16; Ord. 2016-02, 2/16/16; Ord. 2012-20, 10/16/12; Ord. 2003-39, 12/9/03)~~

~~**1-10-6. Payment and conveyance.**~~

~~(1) — Unless agreed otherwise, a purchaser of property for cash must tender 10% of the purchase price upon the county commission's approval of the sale.~~

~~(2) — Unless agreed otherwise, the purchase price shall be paid in full within 30 days of the sale. In no case shall the property be conveyed to the purchaser until paid in full.~~

~~(3) — In the event the purchaser fails to pay in full within 30 days of the sale or as otherwise agreed, the sale will be canceled and the county will retain any or all money paid to it sufficient to pay for any or all damages caused by the purchaser's failure to pay in full, including, but not limited to, publication costs, costs of the sale, personnel costs, attorney fees and costs, and loss of the benefit of the bargain. Any remaining money shall be timely returned to the purchaser. (Ord. 2016-09, 7/19/16)~~

~~**1-10-7. Title.**~~

~~Title to real property shall be conveyed or transferred as it was received by the county, except as otherwise provided by law. (Ord. 2016-09, 7/19/16)~~