

CITY OF HAMILTON, OHIO

No. 207

ADMINISTRATIVE DIRECTIVE

Effective Date: 8-29-16

Supersedes:

Approved by: Joshua A. Smith,
City Manager

SUBJECT: DISPOSITION OF PROPERTY

REFERENCES: Hamilton Codified Ordinance, Chapter 173; Hamilton City Charter, Sections 7.05.

PURPOSE: To develop a system, consistent with Codified Ordinance Chapter 173 for the disposition of surplus property (not real property) and the disposition of personal property confiscated through law enforcement activities.

1. Policy.

- a. The procedures outlined herein conform to the requirement in Chapter 173, C.O., of the Hamilton Administrative Code relative to the Disposition of Surplus Property (not Real Property), and the Disposition of Personal Property Confiscated Through Law Enforcement Activities. There are two sets of procedures. One set applies to the disposition of any personal property of the City not needed by the Department or Office which it is under its charge. The second applies to the disposition of any personal property which is confiscated, defined as lost, abandoned, stolen, seized, or forfeited as a result of enforcement by the Hamilton City Police Division, is unclaimed after ninety (90) days or more, and is no longer needed as evidence.

2. Procedures.

- a. Disposition of Surplus Property
 - i. Personal Property of the City no longer needed by the department in its charge shall be submitted to the Purchasing Agent for disposition. Written notice from the Department Head is sufficient unless the purchase price of the asset was ten thousand dollars (\$10,000.00) or more, in which case an Asset Disposal Form, found on the City of Hamilton Intranet (City Forms_Property Asset Disposal Form), is also required.
 - ii. If property is deemed suitable for use by any other department or office of the City, it shall be charged at the current fair market value of the asset to the department or office making a claim to the item.
 - iii. If property is not deemed suitable for use by any other department or office of the City, it shall be disposed of through public auction, or any method deemed to be the most cost-effective by the Purchasing Agent, with approval by the City Manager.
 - iv. Any property sold through public auction shall have any proceeds from the sale of said property credited to the fund of the City in which the property was originally purchased.
 - v. Any property which is intended to be sold to, or involved in a trade with another governmental agency shall not be publicly advertised or sold. If the City Manager decides to sell or trade property in this manner, he or she shall request permission from City Council.

1. The City Manager shall prepare a report and submit to Council for approval.
 - This report shall describe the property to be sold or traded;
 - The estimated fair market value of the property; and
 - The consideration to be received, whether it be cash or property, for the property being sold or traded.
 2. If Council approves the report for such a transaction, a Resolution must be adopted authorizing the execution of the proposed transaction by the City Manager prior to the sale of property.
- b. Disposition of Confiscated Property
- i. Any property confiscated by law enforcement activity by the Hamilton Police Division which is not claimed after ninety (90) or more days and is no longer needed as evidence shall be submitted to the Purchasing Agent for disposition. Written notice from the Department Head is required to initiate the disposition of confiscated property.
 - ii. Any confiscated property shall be disposed of through public auction. Any property sold through public auction shall have any proceeds from the sale of said property credited to the General Fund of the City.
 - iii. Any property which is deemed suitable for police work may be retained for use within the Hamilton Police Division by the Chief of Police. When the property is deemed no longer suitable for police work, it shall be disposed of in the aforementioned manner.
3. **Disposition Schedule.**
- a. Week One (First Week of Month)
 - i. Notification of Property to be disposed of submitted to Purchasing Agent. A Description of the Surplus Property or Confiscated Property and photographs of the property shall be included with notification, and if necessary, shall include Asset Disposal Form.
 - b. Week Two
 - ii. Notice shall be given to Departments and Offices within the City to determine if property is deemed suitable for use (when Surplus Property only). If property is claimed, a fair market value will be determined for the transfer of funds.
 - c. Weeks Three and Four
 - iii. Any property (Surplus or Confiscated) shall be made available through public auction, to be listed for ten (10) business days.