



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

Stephen L. Madkour
County Counsel

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Assistants

September 2, 2020

Board of County Commissioners
Clackamas County

Members of the Board:

SECOND READING OF AN ORDINANCE AMENDING APPENDIX C – LOCAL
CONTRACT REVIEW BOARD RULES, OF THE CLACKAMAS COUNTY CODE

Purpose/Outcomes	To revise the Clackamas County Code Appendix C – Local Contract Review Board Rules to require County Administrator approval for donations of personal property under C-046-0640
Dollar Amount and Fiscal Impact	\$0
Funding Source	Not applicable.
Duration	Not applicable.
Previous Board Action	Delegation orders entered on 11/29/2018 and 7/16/2020. The first reading took place on 08/13/2020
Strategic Plan Alignment	
Counsel Review	Approved as to form on 7/30/20 by Andrew Naylor.
Procurement Review	N/A. Code amendment
Contact Person	Stephen Madkour, County Counsel

Background:

The Local Contract Review Board Rules (LCRB) allow the sale or donation of personal property to certain activities without the standard competitive bid or proposal process. There currently is no review mechanism whereby the County can evaluate whether a sale or donation of County-owned personal property is appropriate or if a public sale would be in the County's best interest. The LCRB rules will be amended to include this review mechanism as shown on the attached Exhibit A.

Recommendation:

Staff recommends the Board conduct a public hearing and second reading, by title only, for September 10, 2020.

Respectfully submitted,

Andrew Naylor
Assistant County Counsel

ORDINANCE NO. 07-2020

**An Ordinance Amending
Clackamas County Code Appendix C – Local Contract Review Board Rules**

WHEREAS, the Board finds it necessary to ensure there is an approval mechanism for personal property sales or donations done without obtaining competitive bids or proposals;

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Appendix C – Local Contract Review Board Rules is hereby amended as shown on Exhibit “A”, attached hereto and incorporated herein by this reference.

ADOPTED this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

DISPOSITION OF PERSONAL PROPERTY

C-046-0610 Auction Sales of Personal Property

Personal Property may be sold at auction if the Contracting Agency determines that the auction contemplated will probably result in a higher net return than if the property were sold by competitive Bid or Proposal.

[Adopted by Order NO. 2005-34, enacted 2/24/05]

C-046-0620 Sales of Personal Property

(1) When the current market value per item is deemed to be less than \$5,000, the Contracting Agency may sell Personal Property, including recyclable or reclaimed materials, without obtaining competitive Bids or Proposals if the following conditions are complied with:

- (a) determination has been made by the Purchasing Manager that the property is not needed for other Contracting Agency purposes; and
- (b) The director of the department and the Purchasing Manager have determined that a negotiated sale is likely to result in increased net revenue.

(2) When the current value per item is deemed to exceed \$5,000, the Personal Property must be offered for competitive Bids or Proposals and be publicly advertised, or be offered for sale at public auction in accordance with C-046-610. If no Bids or Proposals are received or if a determination is made that the market value of the property exceeds the offer of the highest responsible Bidder or the best Proposer, all Bids or Proposals may be rejected and the Contracting Agency may negotiate a sale subject to the following conditions:

- (a) An appraisal of the market value of the property is obtained and documented and the negotiated sale price equals at least 85% of appraised value; or
- (b) The sale amount exceeds the highest bid received through the bidding or auction process. (3) The Contracting Agency shall maintain a record of all sales authorized by subsections (1) and (2).

[Adopted by Order NO. 2005-34, enacted 2/24/05]

C-046-0630 Liquidation Sales of Personal Property

The Contracting Agency may sell Personal Property through a commercially recognized third party liquidator without obtaining competitive Bids or Proposals, if the Contracting Agency has determined that a liquidation sale will result in increased net revenue and the selection of the liquidator was conducted by a competitive selection process.

[Adopted by Order NO. 2005-34, enacted 2/24/05]

C-046-0640 Donations of Personal Property

(1) The Contracting Agency may sell or donate Personal Property, including recyclable or reclaimed materials, without obtaining competitive Bids or Proposals, to the following activities:

- (a) Another public agency; or
- (b) Any sheltered workshop, work activity center or group care home which operates under contract or agreement with, or grant from, any Contracting Agency or state agency; or
- (c) Any recognized nonprofit activity.

(2) The Contracting Agency shall maintain a record of all transfers, donations or sales authorized by this rule.

~~(3) The All sales or donations of Personal Property under C-046-0640 are subject to the prior written approval of the County Administrator or their designee shall approve all donations of Personal Property.~~

[Adopted by Order NO. 2005-34, enacted 2/24/05]

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