

ORDINANCE NO. 19 - 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KENEDY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCE, TO ADD SECTION 2-310 THROUGH SECTION 2-313 OF THE CITY OF KENEDY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Kenedy, as a general law city, has the authority as provided under the state constitution and statutes to adopt ordinances providing for the disposition of any unclaimed or surplus property within the city limits of the City of Kenedy; and

WHEREAS, Chapter 2, Administration, Article VI, Finance, of the Kenedy Code of Ordinances regulates the city's fiscal responsibilities in regards to a fiscal year for budgeting purposes; and

WHEREAS, the City desires to add provisions directing the disposition of such unclaimed and surplus property by the City of Kenedy by authorized sale, providing notice thereof, and providing for an accounting of the proceeds of any such sale and allowing an alternative process for worthless property; and

WHEREAS, the City Council has determined that these amendments are in the best interest of the City and citizens; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENEDY, TEXAS:

1. That Chapter 2, Administration, Article VI, Finance, of the Kenedy Code of Ordinances is hereby amended to add Sections 2-310 through 2-313 as set forth in the attached Exhibit A.
2. All other conflicting ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent they are in conflict.
3. If any provision of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.
4. This ordinance shall take effect immediately upon its passage, approval and official publication as provided by law.

PASSED AND APPROVED THIS 12th DAY OF March 2019.

CITY OF KENEDY:



James D. Sutton, Mayor

ATTEST:



Amanda Hines, City Secretary

EXHIBIT A

CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCE, OF THE CITY OF KENEDY CODE OF ORDINANCES IS AMENDED TO ADD SECTIONS 2-310 THROUGH 2-313 AS FOLLOWS:

Sec. 2-310 Sale authorized.

All abandoned, stolen, recovered, or surplus property of every kind [except motor vehicles, outboard motors, motorboats and other vessels as defined in V.T.C.A., Health and Safety Code, section 365.011 (the Texas Litter Abatement Act) and beer, whisky, or wine] which shall remain unclaimed with the city for a period of six (6) months without being claimed or reclaimed by the owners, whether known or not, or is surplus property of the city may be sold at public auction. However, these provisions also do not apply to property being held as evidence in a pending case or if a magistrate orders destruction of the property.

Sec. 2-311 Notice of sale; conduct of public auction.

(a) Before selling any unclaimed or surplus property, the city manager shall post two notices of the sale, one at the county courthouse and the other at city hall, and shall cause a copy of the notice of public sale to be published in the official newspaper of the city at least once a week for two (2) consecutive weeks, with the date of the first (1st) publication to be at least fourteen (14) days prior to the day of the sale. The notice of the sale shall describe the impounded property, state that same is unredeemed and therefore will be sold at public auction, and designate the time, date, and place of sale, which shall not be less than fourteen (14) days from the date of the first publication and posting of such notice.

(b) The city manager, or any designee, shall conduct the public auction, at which such property is to be sold to the highest bidder. An accurate statement of each piece of property sold, the sale price, and the name and address of the bidder shall also be kept. A copy of such report shall be provided to the city secretary as soon as possible after the close of sale. A bill of sale of the property shall be executed by the city to the purchaser.

(c) All funds received on account of such auction shall be delivered to the city secretary, who shall give his or her receipt therefor.

Sec. 2-312 Disposition of proceeds of sale.

After deducting any costs of the sale, the proceeds of the sale are to be deposited in the general fund of the city and disbursed as the city council shall order.

Sec. 2-313 Worthless property.

Any property which has been listed and offered for sale under the provisions of this article and for which no price or sum has been offered, if deemed in the opinion of the city manager to be worthless and without value, shall be disposed of in such manner as he shall prescribe. A written description of all property destroyed or disposed of as worthless or without value shall be filed to the city secretary, together with the date and manner of disposal.