

ORDINANCE 2018-12

AN ORDINANCE OF NORTH OGDEN CITY AMENDING CITY CODE SECTION 3 RELATED TO PURCHASING

WHEREAS: North Ogden City wishes to clarify processes, roles, and responsibilities related to purchasing; and

WHEREAS: The independent auditors hired by North Ogden City recommended that the Purchasing Policy be revised; and

WHEREAS: North Ogden City desires to improve efficiencies in purchasing operations; and

WHEREAS: North Ogden City desires to provide a fair opportunity for vendors and suppliers to compete for City business.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code 3-1: PURCHASING be amended to read as follows.

SECTION 1:

3-1: PURCHASING

- 3-1-1: DEFINITIONS
- 3-1-2: PURCHASE ORDERS REQUIRED
- 3-1-3: DUTIES ASSIGNED
- 3-1-4: COMPETITIVE BID
- 3-1-5: PURCHASE ORDERS AND CONTRACTS NOT REQUIRING BIDS
- 3-1-6: ADVERTISEMENT, REJECTION AND EXTENSION OF BIDS
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- 3-1-8: BILATERAL CONTRACTS REQUIRED
- 3-1-9: DISPOSAL OF CITY PROPERTY
- 3-1-9-1: DISPOSAL OF PROPERTY IN POLICE CUSTODY
- 3-1-10: RECORD OF FIXED ASSETS
- 3-1-11: INSPECTION OF MERCHANDISE RECEIVED
- 3-1-12: PERSONAL LIABILITY OF OFFICERS
- 3-1-13: ACQUISITION OF REAL PROPERTY

3-1-1: DEFINITIONS

The following words and phrases used in this chapter shall have the following meanings:

ADVERTISING FOR BIDS: Notice will be published at least once on the state public notice website and on the City's website. The request for bid shall include:

- A. A description of the material, supplies, services, personal property or construction in sufficient detail that prospective bidders should know what their obligations will be;

- B. The time and place for the opening of the bids;
- C. Notification of the City's requirements for a bidder's good faith deposit, bid bond or performance bond, as well as proof of liability insurance and workers' compensation insurance;
- D. An announcement that the City may reject all bids, or any part thereof;
- E. The description required in subsection A of this definition may be made either in the advertisement itself or by reference to detailed plans and specifications on file with the City Recorder;
- F. Any other information upon which the bidder must rely in order to be a responsible bidder.

EMERGENCY CONDITION: A situation which creates a threat to public health, welfare or safety, such as may arise by reason of flood, epidemics, riots, equipment failures, earthquakes, or such other reason as may be declared an emergency by the City Council. The existence of such condition must create an immediate need for materials, services or construction that cannot be met through normal procurement methods, and the lack of which would seriously threaten the function of City government, the preservation or protection of public or private property, or the health or safety of any person.

PURCHASE ORDER: A document that commits the City to pay for goods or services obtained on credit, and is authorized by designated agents of the City.

3-1-2: PURCHASE ORDERS REQUIRED

- A. **When Required:** A purchase order shall be used whenever goods and limited services are to be acquired by outright purchase. The purchase order shall specify any of the following relevant items including: the nature of the goods or services to be acquired, the purchase price or estimate thereof, freight charges, prompt payment discounts, the delivery date, the vendor from whom acquired, the department and division for whom the acquisition is being made, the budgetary department and general ledger number where the funding for the proposed purchase has been appropriated, and such other provisions or information as may be appropriate or required. The purchase order shall incorporate by reference all the terms, conditions and specifications, if any, contained in the related request for bids.
- B. **Less Than Five Thousand Dollars:** Notwithstanding the above conditions, a purchase order shall not be required for purchases of less than five thousand dollars (\$5,000.00). All such expenditures shall be approved by the Department Head, or authorized designee.
- C. **Routine Expenses:** Notwithstanding the above conditions, a purchase order shall not be required for the purchase and payment of routine, consistent expenses, such as, but not limited to: payroll taxes and related expenses, payments on previously approved leases, contract services, utility bills, or similar expenses. Such purchases shall be by way of check request as shall be established by the Finance Director in accordance with accepted accounting standards.

3-1-3: DUTIES ASSIGNED

- A. **Disperse Purchase Orders:** The City Council hereby ordains and establishes that the Finance Director shall be responsible to manage purchase orders of five thousand dollars (\$5,000) or more, keep records of all such purchase orders and oversee the operations of the purchasing function in such a manner as to effectively execute procurement and property acquisition and disposition policies as may be established by the City Council by policy declaration or the City

Administrator/Manager by way of administrative directive, and as shall be incorporated into this chapter.

B. Duties Delegated: The Finance Director may delegate purchasing responsibility, when determined appropriate by the City Administrator/Manager, to any Department Head of the City.

C. Authorization Required:

1. Purchase orders shall require authorization and signatures as follows:

Amount Authorization Required

\$5,000.00 to \$25,000.00 - City Administrator/Manager; and Finance Director or City Treasurer

Greater than \$25,000.00 - City Administrator/Manager; and Mayor or Mayor Pro Tempore; and Finance Director or City Treasurer. Council authorization may be accepted in lieu of Mayor or Mayor Pro Tempore authorization.

D. Department Heads; Authorization: Each Department Head shall be authorized to make purchases costing less than five thousand dollars (\$5000.00) without the use of purchase orders.

Department Heads are free to establish department-specific purchasing processes as needed.

3-1-4: COMPETITIVE BID

All purchases and contracts, whether by sealed bid, quotation or negotiation, shall be made on a competitive basis to the maximum practical extent, except as noted in CCNO 3-1-5 of this chapter and as outlined below.

A. Amounts In Excess Of Twenty-five Thousand Dollars:

1. Except as otherwise provided within this chapter, all purchase orders and other contracts of every kind, involving amounts in excess of twenty-five thousand dollars (\$25,000.00) for personal services, or for the purchase, lease, rental or sale of personal property, materials, equipment or supplies, shall be let by competitive bidding, after public advertising, to the lowest responsible bidder.
2. No purchase shall be split into parts by any concerned party so as to produce amounts artificially lower than the total purchase price. This shall not exclude the purchase of components over different budget years within budget constraints.
3. If it is reasonably expected that the City will expend more than \$25,000 on a particular product or service in a fiscal year, even if individual purchases do not meet the minimum threshold requiring bidding, regular bidding requirements shall apply.

B. Amounts Less Than Twenty-five Thousand Dollars But In Excess Of Five Thousand Dollars:

1. All purchase orders and contracts in amount less than twenty-five thousand dollars (\$25,000.00), but in excess of five thousand dollars (\$5,000.00), shall be offered in the open market by obtaining at least three (3) written bids wherever possible. The Department Heads shall keep a list of the date the vendors were contacted and the vendors' contact information.

2. No purchase shall be split into parts by any concerned party so as to produce artificial amounts lower than the total purchase price. This shall not exclude the purchase of components over different budget years within budget constraints.
- C. Purchases Less Than Five Thousand Dollars: These purchases may be completed as authorized by the appropriate department head.
- D. Vendors Of Gasoline And Diesel Fuel:
 1. The City Council recognizes and finds that wholesale vendors of gasoline and diesel fuel are generally unable to quote prices on fuel that are valid for more than one day. To ensure fair pricing, the City must compare and document fuel prices from at least two vendors, at least once per quarter, if fuel is to be purchased during that quarter.
- E. Choosing by Advantages: The City reserves the right to award bids and contracts and to make purchases in the best interest of the City. The Mayor is authorized to approve purchases and the awarding of bids and contracts after informing the City Council as to why a certain vendor was selected that demonstrates the advantage to the City in selecting the particular service, product, or vendor.

- F. Contract Length: No contract for goods or services shall have an initial term of more than five years. The total term of any contract, including the initial term plus any extensions, may not exceed eight years.

3-1-5: PURCHASE ORDERS AND CONTRACTS NOT REQUIRING BIDS

- A. The restrictions contained in CCNO 3-1-4 of this chapter shall not apply in the following situations:
 1. State/Other Procurement Contracts:
 - a. Purchases, which are made from vendors who are under the state procurement contract, and when the price is that price (or a lower price than that) established by the contract awarded by the State.
 - b. Purchases which are made from vendors who, within the past sixty (60) days, have been under the State procurement contract, and when the price offered is the price established by the former contract awarded by the State, or less.
 - c. Purchases made using other cooperative contracts as authorized by the City Administrator.
 2. Government Goods and Services: For goods and services made available by any federal, state or local unit of government, or association of government, when those goods or services were acquired in compliance with the provisions of this chapter or the Utah procurement code.
 3. Sole Source: Purchases or contracts are for items which may only be purchased from a single or sole source manufacturer or distributor and no reasonable similar alternative exists.
 4. Professional Services: Contracts for professional services less than \$15,000 in any fiscal year.
 5. Legal Services: Contracts for legal services on a per-case or short-term basis.

6. Fringe Benefits: Purchases of services or benefits that are part of any personnel fringe benefit agreements that are authorized by the City Council may be negotiated between the City and the service or benefit vendor.
 7. City Owned Concession Or Recreation Facility: Purchases or contracts for supplies, materials or inventory to be used for resale at any City-owned and/or operated concession or recreation facility.
 8. Public Auction and Other Similar Circumstances: Supplies, materials or equipment which can be purchased at any public auction, closeout sale, bankruptcy sale or other similar sale, and it is found that a purchase at any such auction or sale may be made at a cost below the market cost in the community.
 9. Exchange Of Supplies, Material Or Equipment: Exchanges of supplies, material or equipment between the City and any other entity, which are not by sale or auction.
 10. State Correctional Industries Division: Supplies, material or equipment produced by the state correctional industries division.
- B. Contracts Or Purchases Not Suited To Competitive Bidding: Contracts and purchases which by their nature are not suited to award by competitive bidding shall not be subject to the competitive bidding requirements of CCNO 3-1-4 of this chapter. These contracts include:
1. Contracts or purchases for additions to and repairs and maintenance of equipment and systems owned by the City which may be more efficiently added to, repaired or maintained by a particular person or firm.
 2. Contracts or purchases for equipment, parts, or supplies which, by reason of the existing systems, training of City personnel, or the inventory of replacement parts maintained by the City, is more compatible with the existing equipment or systems owned by the City.
 3. Utility services such as water, electric power, natural gas, and telephone .
 4. Witness and jury fees and other payments as may be ordered by the court.
 5. Medicines or medical supplies which are not generic in nature and which would not be available from other sources through competitive bid or negotiation.
 6. The purchase of subscriptions, magazines, software, software support, books, trade journals, reference works, periodicals, examination or testing materials, and similar items.
 7. Goods, materials, supplies, and services utilized by the City for purposes of performing duties in regards to elections.
 8. Memberships, certifications, trainings, accreditations required or relevant to the duties of City employees.
 9. Drug testing, employee physicals, fitness-for-duty evaluations, and background checks.
 10. Realtors, appraisers, or title work.
 11. Performers, promoters/agents, and license holders for City events.
 12. Contracts or purchases that are not suited to competitive bidding due to proximity, or other relevant factors, as approved by the City Administrator/Manager and Finance Director and documented on the purchase order.
 13. When the public emergency will not tolerate the delay incident to the advertising for or solicitation of bids.
 - a. Purchases under this subsection shall be based on a need that is compelling and of unusual urgency, such as when the City would be seriously injured financially

or otherwise if the personal property or services were not furnished by a certain time, and when they could not be procured by that time by means of advertising, bidding and/or solicitation of quotations as previously provided.

- b. Emergency procurement, which shall be limited to those supplies, services or construction necessary to meet the emergency whenever practical. Approval by the City Council shall be obtained before procurement if not detrimental in the emergency or as soon as possible after the purchase is made as outlined in CCNO 3-1-3C of this chapter.
- c. The department for whom the emergency purchases are made shall, as soon as practical, file a written report with the City Administrator/Manager, which shall contain the following information:
- d. The conditions which created the emergency and a description of the threat to the health, welfare or safety of the public pursuant to finding that an emergency exists;
 - (1) The basis for the selection of the particular contractor or supplier and a description of what efforts were utilized to identify and contact alternative suppliers or contractors;
 - (2) The contractor or supplier's name and address, along with a list of the supplies, materials, services or construction procured under the contract.
 - (3) Completed and signed purchase orders with attached invoices requesting payment for the emergency purchases.
- e. The City Administrator/Manager shall review the report submitted and, if appropriate, shall declare the condition an emergency and shall approve the report and requisitions and authorize the payment of the emergency purchases.
 - (1) The City Administrator/Manager is empowered to declare a state of emergency, for the purposes of this chapter, when, in her/his opinion, such condition, as set out in subsection F3a of this section, exists, and when the amount to be expended to meet such emergency does not exceed twenty five thousand dollars (\$25,000.00).
 - (2) Where the City Administrator/Manager finds and declares an emergency, under subsection F4a of this section, the City Administrator/Manager, in conjunction with the department for whom the emergency purchases are made, shall, as soon as practical, file a written report with the mayor and City Council, which shall contain the following information:
 - (A) The conditions which created the emergency and a description of the threat to the health, welfare or safety of the public pursuant to finding that an emergency exists;
 - (B) The basis for the selection of the particular contractor or supplier and a description of what efforts were utilized to identify and contact alternative suppliers or contractors;
 - (C) The contractor's or supplier's name and address, along with a list of the supplies, materials, services or construction procured under the contract;

(D) Completed signed purchase orders with attached invoices requesting payment for the emergency purchases.

(3) The City Council shall review the report submitted, and if appropriate, shall ratify the City Administrator/Manager's declaration of the condition an emergency, and shall approve the report and requisitions and authorize the payment of the emergency purchases.

14. When the City Council enters into a contract for goods or services and identifies why it is in the best interest of the City.

3-1-6: ADVERTISEMENT, REJECTION AND EXTENSION OF BIDS

A. Advertisement of Bid:

1. The Department Head shall provide the City Recorder with an appropriate advertisement or description of the item to be advertised so that the City Recorder may formulate a bid advertisement. The City Recorder shall then, with the concurrence of the City Administrator/Manager, place the advertisement in the manner most likely to result in the greatest number of bids as determined by the City Recorder and City Administrator/Manager as well as on the City Website.
2. Contracts shall be awarded by competitive sealed bidding, except as otherwise provided herein.
3. An invitation for bids shall be issued when a contract is to be awarded by competitive bidding for an anticipated amount in excess of twenty five thousand (\$25,000). The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement.
4. Public notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation within the City a reasonable time prior to bid opening. "Reasonable time" for purposes of this section, means that a notice of an invitation for bids shall, prior to the acceptance of a bid, be published at least once a week for three (3) consecutive weeks.
5. Bids shall be opened publicly at City hall, or other place designated in the invitation for bids if use of the City hall is not available or impracticable at the time of the bid opening, in the presence of one or more witnesses, including whenever practicable the City Administrator/Manager, City Recorder, Finance Director, and the appropriate Department Head at the time designated in the invitation.
6. The amount of each bid and any other relevant information specified in the bid notice, together with the name of each bidder, shall be recorded by the City Recorder at the time the bids are opened. The record and each bid shall be open to public inspection.
7. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter.
8. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and will be considered in evaluation for award shall be objectively

measurable. The criteria may include discounts, transportation costs, and total or life cycle cost. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.

9. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in accordance with rules and regulations set out in the bid notice.
10. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. Except as otherwise provided by this chapter or rules and regulations set out in the bid notice, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the City Administrator/Manager or City Council, depending on the value of the bid received, and in accordance with the provisions of CCNO 3-1-3C of this chapter.
11. The contract shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event all bids for a construction project exceed available funds as certified by the Finance Director or City Administrator/Manager and the low responsive and responsible bid does not exceed such funds by more than five percent (5%), the City Administrator/Manager is authorized, in situations where time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.
12. When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

B. Rejection of Bids:

1. An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the City in accordance with rules and regulations as set out in the bid notice or invitation. The reasons for such rejections shall be made part of the contract or bid file.
2. Bids may be rejected when the City Council, with the advice of the City Administrator/Manager and such technical department personnel as the City Administrator/Manager may determine appropriate, determines that bid prices, after advertising once for all competitive bids, are not reasonable (either as to all or as to some part of the requirement), exceed the estimated construction cost of a public improvement project by an amount that is unacceptable, or have not been independently arrived at in open competition; provided, that no negotiated purchase or contract may be entered into under this subsection after the rejection of all of the bids received unless the stipulations below are met:

- a. Notification To Negotiate: Notification of the intention to negotiate and reasonable opportunity to negotiate shall have been given to each responsible bidder whose bid conformed to the invitation for bids; and
 - b. Negotiated Price: The negotiated price is the lowest negotiated price offered by a reasonable supplier; and provided, further, that the City Administrator/Manager may, at his/her discretion, elect to re-advertise for bids with approval of the City Council.
- C. Extension of Bids: The City Administrator/Manager, with the approval of the mayor, may extend the time for opening of bids, if in his/her opinion it is in the public interest to do so. Notice of the extension shall be given to all prospective bidders by the City Recorder in such manner as is most practical under the circumstances. Such extension shall not exceed ten (10) working days. No extension may be granted for the purpose of qualifying a bid that was delivered after the time advertised for the original opening.
- D. Late Bids: No bids shall be received or accepted at any time subsequent to the time indicated in the announcement. Any bids delivered by mail, or any other means, subsequent to the appointed time shall not be opened.
- E. Responsible Bidder: The City shall award contracts which are required to be let by competitive bidding under CCNO 3-1-4A of this chapter to the responsible bidder who receives the highest rating under the choosing by advantages system or provides the lowest bid, whichever is specified in the bid request documents. The City may reject any low bid and accept the next lowest bid if the City determines that the low bid was made by a bidder who is not responsible.
 - 1. The City may consider any or all of the following when determining whether a bidder is responsible;
 - a. Whether the bid fully complies with the invitation for bids;
 - b. The bidder is financially responsible;
 - c. The bidder's honesty and integrity;
 - d. Whether the bidder has the skill and business judgment to complete the contract;
 - e. The bidder's experience;
 - f. Whether the bidder has the facilities and equipment to complete the contract;
 - g. The bidder's conduct under other contracts, regardless of whether the contracts were with the City or with other parties;
 - h. The quality of the bidder's other work, regardless of whether the work was performed for the City or for other parties; and
 - i. Any other matter bearing on the likelihood that the bidder will promptly and efficiently perform the contract if it is awarded to the bidder.
- F. If the City determines that the low bidder is not responsible, the City shall notify the bidder in writing that it is rejecting the bidder's bid. The notice shall also contain a short description of the reasons for the rejection.

3-1-7: BONDS OF BIDDERS MAY BE REQUIRED

- A. Bidders may be required to supply deposits of good faith, or bonds with sufficient sureties, in such amounts as shall be deemed adequate and approved by the City Administrator/Manager or City Council, as set out in the bid notice, not only to ensure performance of the contract or

purchase order in the time and manner prescribed, but also to save, indemnify and hold the City harmless against losses, damages, claims, liabilities, judgments, costs and expenses which may accrue in consequences of the granting of the contract or purchase orders.

- B. Before any contract for the construction, alteration or repair of any public building, public work or public improvement of the City is awarded to any person, that person shall furnish to the City such bonds as are required by Utah Code Annotated section 14-1-13 et seq.

3-1-8: BILATERAL CONTRACTS REQUIRED

A bilateral contract signed by both parties is required:

- A. Whenever personal property is acquired by means of lease, rental or installment purchase;
- B. Whenever personal or professional services are required by the City, except where the services are to be performed at the vendor's place of business or where the services are for non-repetitive repairs or maintenance and where a purchase order has been bid or negotiated to cover said services;
- C. Whenever consultant services are to be acquired;
- D. Whenever real estate or any interest therein is to be acquired except:
 - 1. When acquired pursuant to the power of eminent domain and entry of a decree by a court;
 - 2. When acquired as a result of the filings and recording of a map or plat as required by Utah Code Annotated section 57-5-4, as amended;
 - 3. When real estate is donated or dedicated to the City;
- E. Whenever the requesting office, department, agency or City Council shall so specify;
- F. Whenever the vendor requires that a contract other than a purchase order be signed by the City; and
- G. Whenever intergovernmental, interagency and service provider agreements require participation by the City involving funding, performance or assumption of liability or risk in any form.

3-1-9: DISPOSAL OF CITY PROPERTY

- A. Petition: Department Heads shall petition the City Administrator/Manager and mayor to declare property surplus, obsolete or unusable.
- B. Advertise: Any property thus classified with resale value shall be advertised for sale.
- C. No Resale Value: Property not deemed to have any resale value shall be disposed of by the Department Head in the manner deemed to be in the best interest of the public and approved by the City Administrator/Manager.
 - 1. List; Bid Refusal: The Department Head shall provide the Finance Director with a list of all such property disposed of so that it may be removed from the list of City assets. The City may refuse any or all bids on items offered for sale.
- D. Alternative Disposition: In accordance with the terms of Utah Code Annotated section 10-8-2, the City may make a finding that a use or disposition of certain City property provides for the safety, health, prosperity, moral well-being, peace, order, comfort or convenience of the inhabitants of the City, in which case the City Council may authorize the purchase, receipt, holding, selling, leasing, conveying and other disposition of real and personal property for the benefit of the City, whether the property is within or without the City's corporate boundaries and under the terms of

such a finding is not obligated to sell such property at bid but may improve, protect, and do any other thing in relation to this property that an individual could do.

E. Real Property:

1. North Ogden City hereby determines that all real estate owned by the City constitutes a significant parcel of real property pursuant to Utah Code.
 - a. Utility easements do not constitute a significant parcel of real property pursuant to Utah Code.
2. Before the disposition of a significant parcel of real property the City shall provide public notice on its website and in three physical locations throughout the City in compliance with Utah Code 10-8-2 and subsequent revisions.

3-1-9-1: DISPOSAL OF PROPERTY IN POLICE CUSTODY

- A. Purpose: The purpose of this section is to provide a procedure, that complies with state law, for the City to follow when disposing of property held as evidence after it is no longer needed in a criminal prosecution and unclaimed property when effort to find the rightful owner fails.
- B. Disposal Schedule: As often as it deems necessary, but no less than once annually, the police department shall prepare a list of property no longer needed as evidence and a separate list of unclaimed property. The lists shall contain the following information:
 1. A general description of each item of property.
 2. The name and address of the owner of each item of property, if known.
- C. Property Held As Evidence: Prior to disposal of property, other than weapons, contraband and property with no intrinsic value, held as evidence, the police department shall do the following:
 1. Provide twenty (20) days' advance notice to the prosecutor assigned to the case for which the property held as evidence was kept of the City's intent to dispose of the property.
 2. Exercise due diligence in attempting to locate the owner, if known, of the property.
 - a. Due diligence shall consist of sending notice, by regular mail, to the last known address of the owner of the property, giving the owner twenty (20) days to claim the property.
 3. If after twenty (20) days the prosecutor fails to object to the disposal of the property and the owner of the property either cannot be located or fails to claim the property, the police department shall dispose of the property as provided in subsection F of this section.
- D. Weapons, Contraband And Items Of No Intrinsic Value Held As Evidence: When the evidence to be disposed of consists of a weapon, contraband or has no intrinsic value, the police department shall dispose of the property as follows:
 1. If a weapon was used in the commission of a crime the police department shall:
 - a. Notify the owner as provided in subsection C of this section if the owner of the weapon was not involved in the commission of the crime.
 - b. If the owner of the weapon was involved in the commission of the crime, the police department may destroy the weapon or dispose of it as provided in subsection F of this section.
 2. If the property consists of contraband, the police department shall destroy it.
 3. If the property has no intrinsic value, the police department shall destroy it.

- E. Unclaimed Property: The police department may accept for safekeeping property which is lost or found for which the owner can be readily identified and property for which the owner cannot be readily identified, if the property has an estimated fair market value in excess of fifty dollars (\$50.00), and dispose of the property according to the following procedures:
1. The police department shall take reasonable steps to notify the owner of the property.
 - a. Reasonable steps shall consist of notifying citizens by way of the police department website that the police department maintains a "lost and found" for unclaimed property; and
 - b. If no claim for the property is made after holding the item for three (3) months, publishing a notice containing a general description of the item and the date of intended disposal in a newspaper of general circulation or other medium as provided by state law.
 2. If after nine (9) days from the posting of the notice described in subsection E1b of this section the owner of the property fails to claim the property, the police department shall notify the person who turned in the unclaimed property who may take possession of the property subject to the following:
 - a. Pay the fee for storage and advertising of the item in the amount established in the consolidated fee schedule.
 - b. Sign a receipt for the item.
 3. If after following the procedures outlined in this subsection E, no one makes claim for the item of property, the police department shall dispose of the unclaimed property as provided in subsection F of this section.
- F. Disposal Of Unneeded Evidence And Unclaimed Property: When the owner of unneeded evidence and unclaimed property fails to make claim for the property after the police department has followed the procedures outlined in this section, the police department is authorized to sell the property using any reasonable method or means approved by the City manager in consultation with the City finance officer and the proceeds from the sale are to be credited to an unclaimed property revenue account.

3-1-10: RECORD OF FIXED ASSETS

Whenever payment is made for acquisition of a fixed asset unit and whenever acquisition costs of said unit exceed five thousand dollars (\$5000.00) and whenever the unit has a useful life of more than one year, the Finance Director or designee shall forthwith enter a record of said acquisition upon the inventory records of the City. A property sticker shall be placed upon moveable asset units as is practical. Components with unit costs of \$5,000 or more may be considered a fixed asset if they are easily separable and can function apart from the main unit.

The Finance Director must be notified of all assets that are being traded in towards the purchase of a new item.

Donations to the City by outside organizations must be reported to the Finance Director with documentation from the donating organization, a description of items being donated, and the market value. Any item donated that exceeds five thousand dollars (\$5,000.00) will be recorded as a fixed asset.

Department heads are responsible for all fixed assets within their departments. The Finance Director or designee shall conduct a regular asset inventory in order to maintain accurate records, safeguard assets, and ensure proper financial reporting.

3-1-11: INSPECTION OF MERCHANDISE RECEIVED

- A. It shall be the responsibility of the Department Head or his designees to immediately inspect all materials, supplies, equipment and personal property of any nature purchased pursuant to this chapter immediately upon delivery from the vendor and prior to the acceptance of the delivery.
- B. The signature of the individual conducting the inspection shall be required on all invoices to designate that they have inspected and received the merchandise listed on said invoice.
- C. Damaged property or items not specified on the purchase order shall not be accepted, and the nonconforming nature of the goods, together with the reason for rejection thereof, shall be noted in writing upon the delivery receipt.

3-1-12: PERSONAL LIABILITY OF OFFICERS

- A. No officer or employee of the City shall make any expenditure or encumbrance in excess of the total appropriation remaining (excluding salaries and benefits) for any department. Any obligation that is contracted by any such officer or employee in excess of the total remaining department appropriation is the personal obligation of the officer or employee and is unenforceable against the City.
- B. All purchases or all encumbrances on behalf of the City shall be made or incurred only upon any order or approval of the persons duly authorized to act on behalf of the City in such capacity. The liability for purchases or encumbrances made contrary to this chapter, or without authorization as provided herein, shall become the personal liability of the officer or employees who contracted for such purchase or caused such encumbrance.

3-1-13: ACQUISITION OF REAL PROPERTY

- A. Dedication by Plat:
 - 1. All real property interests dedicated to the City on plats properly approved by the Planning Commission and Planning Department including real property, rights-of-way, and utility easements are only acquired upon the recordation of the subdivision plat at the Weber County Recorder's Office.
- B. Acquisition by Agreement:
 - 1. All real property which is not dedicated by plat will be officially acquired only upon written agreement authorized by the City Council. The City Council reserves the right to refuse any property proposed to be acquired by the City.

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 26th day of June, 2018.

North Ogden City:


Brent Chugg
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	
Council Member Barker:	<u>X</u>	___	
Council Member Cevering:	___	___	(excused)
Council Member Stoker:	<u>X</u>	___	
Council Member Swanson:	<u>X</u>	___	
Council Member Turner:	<u>X</u>	___	
(In event of a tie vote of the Council):			
Mayor Chugg	___	___	

ATTEST:


S. Annette Spendlove, MMC
City Recorder

