

## ORDINANCE # 1.06

### AN ORDINANCE OF THE CITY OF MERTZON, TEXAS TO SET THE RULES AND REGULATIONS FOR THE SELLING AND DISPOSING OF EXCESS PROPERTY THAT HAS BECOME NO LONGER USEFUL TO THE CITY.

WHEREAS, City Council has deemed it beneficial to repeal and replace Ordinance No. 14-05-04

Now, Therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERTZON, THAT: The City of Mertz, Texas, hereby adopts the following ordinance:

#### SECTION 1. REPEAL OF ORDINANCE

Ordinance 14-05-04 first introduced on May 5<sup>th</sup> 2014 and passed on May 5<sup>th</sup> 2014, and any other ordinance in conflict with the provisions of this ordinance are hereby repealed.

#### SECTION 2. DEFINITIONS

- 2.1 Salvage property: Personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause have become so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended.
- 2.2 Surplus property: personal property that: (1) is not salvage property or items routinely discarded as waste; (2) is not currently suitable for use by the city; and (3) possesses some usefulness for the purpose for which it was intended.

#### SECTION 3. APPLICABILITY.

This ordinance shall apply to all personal property owned by the City that is either (a) salvage property; or (b) surplus property, both herein collectively referred to as excess property.

#### SECTION 4. AUTHORITY.

The authority for assessing and determining the status of excess property shall come from no less than four of the following people: Operations Manager, City Administrator, Mayor, Mayor Pro-Tem or one City Council Member. They shall use their best efforts to dispense of excess property in the best interest of the City.

#### SECTION 5. SALVAGE PROPERTY.

Salvage property constituting as scrap, for which an undertaking to sell the property would likely result in an offer that is less than the City's disposals costs, may be destroyed or otherwise disposed of as worthless without further action by the City Council, or may be offered to a qualifying non-profit or civic organization upon approval of the City Council. Salvage property may also be utilized as a trade-in on new property of the same general type without further action by the City Council.

#### SECTION 5 SURPLUS PROPERTY

- 5.1 Surplus property may be offered for sale by the Operations Manager or may be offered to a qualifying non-profit or civic organization, upon approval by the City Council provided the organization services to the City are sufficient to authorize such transfer. A qualifying non-

profit or civic organization receiving surplus property from the City must provide the City with adequate compensation, such as relieving the City of transportation of disposal expenses related to the property. Surplus property may also be utilized as a trade-in on new property of the same general type upon approval of the city council. Surplus property offered for sale for which no reasonable offers are received may be deemed salvage property and may be disposed of without further action by the council.

5.2 A list of surplus property shall be maintained by the Operations Manager, and Records Management Operator and shall be updated at least annually, so that surplus property requiring replacement may be included in the budget. During the budget process, the Mayor, and City Administrator shall identify major equipment for which a title is held in the name of the city, such as cars, which will be replaced with new equipment or otherwise liquidated, and shall include such information in the budget. Items identified for replacement in the budget shall be authorized to be disposed of as surplus property without further action of the City Council.

#### **SECTION 6. PROCEEDS OF SALE OR NON-SALE DISPOSITION.**

Any and all proceeds of a surplus property sale shall be deposited in the treasury of the City and accounted for in the financial records of the City. Any excess property exchanged or traded for value shall be added to the appropriate inventory of property of the City.

#### **SECTION 7. PROHIBITED EMPLOYEE TRANSFERS OR CONVERSIONS.**

Employees shall be strictly prohibited from purchasing excess property from the city or benefiting from the sale or transfer of such property. Persons related in the first degree of affinity or consanguinity to an employee may not purchase or have property transferred to them, except for property sold at a competitive bid.

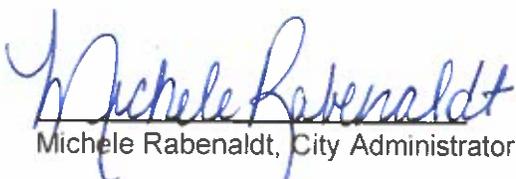
#### **SECTION 8. Ordinance Effective Date.**

This Ordinance shall take effect immediately from and after its passage and publication by the City of Mertzon (the "effective date"), and it is accordingly so ordained.

#### **SECTION 9. PROPER NOTICE & OPEN MEETING.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, as required by law, and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

INTRODUCED AND APPROVED ON THE 15TH DAY OF DECEMBER 2025, AND PASSED AND ADOPTED THE 15TH DAY OF DECEMBER 2025, by a vote of  
\_(ayes) to \_(nays) and \_(abstentions) of the City Council of the City of Mertzon, Texas.

  
Michele Rabenaldt, City Administrator

  
Aubrey Stewart, Mayor