



EDWARD FITZGERALD
Cuyahoga County Executive

Executive Order No. O2012-0001

Sale, Donation, Discarding, or Salvaging of Furniture, Motor Vehicles, Construction Materials, and Other Personal Property

WHEREAS, Ohio Revised Code Section 307.12 provides a procedure for the sale, donation, discarding, and salvaging of furniture, motor vehicles, construction materials, and other personal property in counties;

WHEREAS, R.C. 307.12 provides that the board of county commissioners determines whether such property is needed for public use, is obsolete, or unfit for the use for which it was acquired and also determines the valuation of said property to determine whether it should be sold or donated;

WHEREAS, R.C. 307.12(I) provides that “[i]f a board of county commissioners determines that county personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the board may discard or salvage that property”;

WHEREAS, the Cuyahoga County Department of Law has concluded that the determinations made by boards of county commissioners under R.C. 307.12 are administrative functions that should be performed by the County Executive subject to the requirements and approvals mandated by the Cuyahoga County Contracting and Purchasing Procedures Ordinance, Ordinance O2011-0014, as amended;

WHEREAS, Section 3.12(c) of the Cuyahoga County Contracting and Purchasing Procedures Ordinance provides that the County Executive may submit any “contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or other action that does not otherwise require approval by the County Council, Board of Control, or the Contracts and Purchasing Board, but the County Executive determines” to the Contracts and Purchasing Board for its consideration, review, and approval or denial; and,

WHEREAS, I have determined, pursuant to Section 3.12(c) of the Contracting and Purchasing Procedures Ordinance, to refer the determinations that are made by boards of county commissioners under R.C. 307.12 to the Cuyahoga County Contracts and Purchasing Board.

NOW, THEREFORE, I, Edward FitzGerald, County Executive of Cuyahoga County, Ohio, by virtue of the powers vested in me by the Charter of Cuyahoga County and the laws of the State of Ohio, do hereby order and direct that:

SECTION 1. Pursuant to Section 3.12(c) of the Cuyahoga County Contracts and Purchasing Procedures Ordinance, Ordinance No. O2011-0014, as amended, I hereby submit all determinations that are made by boards of county commissioners under R.C. 307.12 to the Contracts and Purchasing Board.

SECTION 2. Provided that the Contracts and Purchasing Board authorizes the action, the Department of Public Works may discard and/or salvage furniture under R.C. 307.12(I) if it is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and the property has no value.

SECTION 3. Should the Contracts and Purchasing Board determine that any property should be sold or donated under R.C. 307.12, the County shall comply with all applicable approval requirements under the Contracting and Purchasing Procedures Ordinance, Ordinance No. O2011-0014, as amended, in selling or donating such property.

SECTION 4. This Executive Order shall go into immediate effect upon my signature, and shall remain in force until rescinded by me or any of my successors.

I signed this Executive Order on Friday, March 9, 2012, in Cleveland, Cuyahoga County, Ohio.


Edward FitzGerald, County Executive

Approved,


Majeed G. Makhoul, Director of Law