

**BOARD OF COUNTY COMMISSIONERS
CHAUTAUQUA COUNTY, KANSAS**

RESOLUTION NO. 2022- 07

**A RESOLUTION ESTABLISHING AN ALTERNATE METHODOLOGY
FOR THE DISPOSAL OF PROPERTY**

PREAMBLE

WHEREAS, K.S.A § 19-211(b)(1) provides, in pertinent part, that “[i]n lieu of following the procedures established in subsection (a), a county commission may adopt a resolution establishing an alternate methodology for the disposal of property”; and

WHEREAS, the Chautauqua Board of County Commissioners (“BOCC”) has determined that establishing the alternative methodology for the disposal of property belonging to Chautauqua County (“County”), as set forth herein, is a more effective way to notify the public about sales of County property;

NOW THEREFORE, IT IS RESOLVED AS FOLLOWS:

- 1. Incorporation.** The Preamble set forth above is incorporated into this resolution by reference as if here fully set forth.
- 2. Notification of the Public.** Notification of the public of the property to be sold (“Notice”) shall be published once in the legal notices section of the official county newspaper.
- 3. Property to be Sold.** The Notice shall describe the County property to be sold with sufficient detail to inform the public of the type of property being sold.
- 4. Method of Sale.** The Notice shall include the method of sale, including, but not limited to, fixed price, negotiated bid, sealed bid, public auction in person or on-line, or by any other method of sale which allows public participation.
- 5. Time of Sale.** The Notice shall specify include the time, place and conditions of such sale or disposition.
- 6. Disclaimer of All Warranties.** The Notice shall include the following Disclaimer of All Warranties (“Disclaimer”):

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ALL PROPERTY IS SOLD "AS-IS." CHAUTAUQUA COUNTY DISCLAIMS ANY AND ALL WARRANTIES, WHETHER EXPRESS, OR IMPLIED, INCLUDING THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. NO INFORMATION, WHETHER VERBAL OR WRITTEN, INCLUDING, BUT NOT LIMITED TO, SERVICE AND/OR REPAIR HISTORY, PHYSICAL DESCRIPTION, DESCRIPTION OF PAST PERFORMANCE, OR PUFFERY BY OR FROM ANY COUNTY EMPLOYEE, OR OTHER COUNTY REPRESENTATIVE, SHALL CREATE EITHER AN EXPRESS OR AN IMPLIED WARRANTY OF ANY KIND. MANUFACTURERS' WARRANTIES, IF ANY, REMAINING AT THE TIME OF SALE, WILL BE TRANSFERRED TO THE PURCHASER AFTER THE CHAUTAUQUA COUNTY TREASURER HAS RECEIVED THE PURCHASE PRICE IN VERIFIED FUNDS.

7. **Conspicuous Disclaimer Presentation.** The Disclaimer must be conspicuous. Methods of conspicuous presentation include, but are not limited to, off-setting it from the rest of the text, using a color and/or font that is different from the rest of the text, using all capital letters, bolding, underlining, italicizing, or any combination of the foregoing, or any other such fonts and/or placements that the official paper requires or recommends.
8. **Advertising.** At the discretion of the BOCC, the items for sale set forth in the Notice may be advertised in places and in media where property of the type listed in the Notice is customarily advertised, including, but not limited to, electronic and print classifieds, on the County's website, and posting on public physical or electronic noticeboards. Advertising may take place contemporaneously with and subsequent to the publication of the Notice.

9. **Miscellaneous.**

- a. **Effective Date.** This resolution shall become effective as of September 19th, 2022.
- b. **Severability.** Should any section, clause, or provision of this resolution be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of this resolution as a whole, or any part thereof, other than the part declared to be invalid.

Commissioners present and voting were:

David Deal

Rodney Shaw

YES
YES

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Parker Massey

Yes

Dated this 19th day of September, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF CHAUTAUQUA COUNTY, KANSAS**



David Deal

Chairman



Rodney Shaw



Parker Massey

ATTEST:



Niki Collier, Chautauqua County Clerk

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