

ORDINANCE NO. 23-06

AN ORDINANCE OF THE NORTHERN MORAINÉ WASTEWATER RECLAMATION DISTRICT,
LAKE AND MCHENRY COUNTIES, ILLINOIS, AUTHORIZING THE
DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Northern Moraine Wastewater Reclamation District (the "***District***") owns certain non-real estate property and, from time to time, that property ceases to be necessary or useful to the District in its operations ("***Surplus Property***");

WHEREAS, the District Board desires to sell any Surplus Property and use the proceeds for the general operations of the District; and

WHEREAS, the District further desires to establish a procedure for the District Board of Trustees (the "***District Board***") to designate property as Surplus Property and to direct District staff to sell that Surplus Property; and

WHEREAS, pursuant to 70 ILCS 2405/8 and 70 ILCS 2405/11, the District Board has the authority to sell, convey, vacate, or release its interests in property when no longer required for the purposes of the District; and

WHEREAS, pursuant to Article VII, Section 10 of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, the District may enter into agreements with other units of local government for the sale or disposal of Surplus Property;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Northern Moraine Wastewater Reclamation District, Lake and McHenry Counties, Illinois, as follows:

SECTION ONE: Recitals. The foregoing recitals are incorporated into and made a part of this Ordinance by this reference.

SECTION TWO: District Board's Designation of Surplus Property. Pursuant to aforementioned statutory authority, the District Board may, by written resolution or motion set forth in the meeting minutes of the District Board, designate non-real estate property owned by the District to

be Surplus Property. Any such designation shall be deemed to constitute a finding and determination of the District Board that the best interests of the District will be served by the sale or other disposition of the Surplus Property. Upon such designation of Surplus Property, the District Manager shall cause such Surplus Property to be sold or otherwise disposed of in accordance with Section Three of this Ordinance.

SECTION THREE: Sale or Disposition of Surplus Property; Authority of the District Manager. Upon the District Board's designation of property as Surplus Property, the District Manager is hereby authorized and directed to sell or otherwise dispose of the Surplus Property in any manner authorized in this Section Three. Upon the sale or disposition of the Surplus Property, the District Manager is authorized and directed to convey and transfer title for the Surplus Property to the purchaser(s) and to deposit the proceeds from such sale into the District's general fund. The manner of sale of any Surplus Property shall conform with one of the following methods:

- A. Except as provided in Subsection D below, any Surplus Property may be sold or otherwise disposed of by means of intergovernmental transfer upon terms that the District Manager deems to be fair and reasonable.
- B. Except as provided in Subsection D below, the District Manager is authorized and directed to sell Surplus Property by either (i) sealed or open bids, (ii) auction, or (iii) any other lawful means as the District Manager determines to be in the best interests of the District. In the event that the District Board establishes a minimum price for the sale of Surplus Property, the District Manager may only sell Surplus Property for an amount equal to or greater than the minimum price for that Surplus Property established by the District Board. In addition, unless Surplus Property is sold pursuant to sealed or open bids or auction advertised publicly at least 15 days before such bid deadline or auction date, no District Parties (as defined in Subsection C below) may acquire Surplus Property sold or disposed of pursuant to this Subsection B.

- C. If the District Board desires to permit the Surplus Property to be sold to any District staff or official ("**District Parties**"), then the District Manager shall only sell such Surplus Property upon: (i) obtaining an appraisal or other reasonable estimate of the Surplus Property's value from a third party source (a "**Valuation**"), (ii) establishing a minimum price for the sale of such Surplus Property equal to or greater than such Valuation; and (iii) receiving from the District Party an amount equal to or greater than the minimum price for such Surplus Property.
- D. Unless the District Board establishes a minimum price for an article of Surplus Property or otherwise directs the conveyance thereof by intergovernmental agreement, no Surplus Property for which the District originally paid in excess of \$10,000.00 shall be sold unless the District Manager shall: (i) obtain a Valuation of the Surplus Property from a third party source; (ii) advertise the sale of such Surplus Property by sealed or open bid or by auction for at least 15 days; and (iii) transfer the Surplus Property to the highest bidder, provided that the highest bid is at least eighty percent (80%) of the Valuation.

SECTION FOUR: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this 12th day of Sept, 2023.

AYES: (5)

NAYS: (0)

ABSENT: (0)

APPROVED this 12th day of Sept, 2023.

ATTEST:

District Clerk

Elise Fisher

District President

