

**WILLIAMS COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE NO. 2019-09-17**

**TITLE: AN ORDINANCE AUTHORIZING DISPOSITION OF  
COUNTY PROPERTY, REAL OR PERSONAL, BY PRIVATE  
SALE, PUBLIC SALE, REALTOR, DONATION, OR TREAT  
AS SCRAP/TRASH**

**WHEREAS**, North Dakota Century Code § 11-09.1-05 authorizes Williams County and its citizens, if included in a home rule charter and implemented through ordinances, (1) to acquire, hold, operate, and dispose of property within or without the County limits; (2) to control its finances and fiscal affairs, and appropriate money for its purposes; and (3) to provide for the adoption of ordinances and resolutions to carry out its governmental and proprietary powers, except as provided by law;

**WHEREAS**, Williams County adopted the Williams County Home Rule Charter (“the Charter”) pursuant to N.D.C.C. Chapter 11-09.1 on May 2, 2006, which was recorded in the Office of the Williams County Recorder on August 30, 2006, as Document No. 638482, and filed with the North Dakota Secretary of State’s office;

**WHEREAS**, Charter, Article 1, gives the Williams County Board of County Commissioners (“the Board”) the power to enact ordinances and resolutions to carry out the express and implied powers granted by the Charter;

**WHEREAS**, Charter, Article 2, gives the Board the power, subject to implementation by ordinance or resolution, to (1) acquire, hold, operate, and dispose of property within or without the County limits; (2) control its finances and fiscal affairs and appropriate money for its purposes; and (3) provide for the adoption of ordinances and resolutions to carry out its governmental and proprietary powers, except as provided by the Charter;

**WHEREAS**, the Board is authorized to transfer Williams County property, real or personal, by the methods and means set forth in N.D.C.C. Chapter 11-27;

**WHEREAS**, the Board, pursuant to its Home Rule Charter powers as stated herein, through this Ordinance desires and intends to expand the methods and means by which it may dispose of Williams County property, real or personal, regardless of value, or lack of value;

**WHEREAS**, the Board, pursuant to its Home Rule Charter powers as stated herein, through this Ordinance, desires and intends to authorize the disposition of Williams County property, real or personal, regardless of value, or lack of value, through the following methods and means: private sale, public sale by sealed bids, public sale by public auction, engaging a realtor, donation, or treat as scrap/trash, as deemed appropriate, and subject to approval, by the Board;

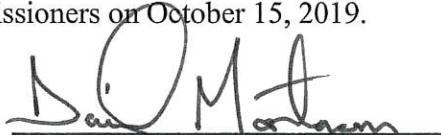
WHEREAS, at the Board's regularly scheduled meeting held on September 17, 2019, Commissioner Steve Kemp moved to adopt this Ordinance authorizing the disposition of Williams County property, real or personal, regardless of value, or lack of value, by private sale, public sale by sealed bids, public sale by public auction, engaging a realtor, donation, or treat as scrap/trash, as deemed appropriate, and subject to approval, by the Board, and Commissioner Barry Ramberg seconded the motion, and the motion having been submitted to a roll call vote of the elected County Commissioners:

David Montgomery, Chairman	Yes <u>✓</u>	No <u>      </u>
Steve Kemp, Vice Chairman	Yes <u>✓</u>	No <u>      </u>
Barry Ramberg, Commissioner	Yes <u>✓</u>	No <u>      </u>
Cory Hanson, Commissioner	Yes <u>✓</u>	No <u>      </u>
Beau Anderson, Commissioner	Yes <u>✓</u>	No <u>      </u>


**NOW, THEREFORE, BE IT ORDAINED** by majority vote of the Williams County Board of County Commissioners as follows:

1. The Williams County Board of County Commissioner ("the Board"), through its powers stated in the Williams County Home Rule Charter, is authorized to enact ordinances and resolutions to carry out the express and implied powers granted by the Charter and , subject to implementation by ordinance or resolution, the Board has the power to (1) acquire, hold, operate, and dispose of property within or without the County limits; (2) control its finances and fiscal affairs and appropriate money for its purposes; and (3) provide for the adoption of ordinances and resolutions to carry out its governmental and proprietary powers, except as provided by the Charter.
2. The Board, pursuant to its powers under the County's Home Rule Charter, does hereby authorize the disposition of Williams County property, real or personal, regardless of value, or lack of value, by the following methods and means deemed appropriate and on terms and conditions as determined, and subject to approval, by the Board:
  - a. private sale;
  - b. public sale by sealed bids;
  - c. public sale by public auction;
  - d. engaging a realtor;
  - e. sell to another political subdivision or public entity;
  - f. donation to another political subdivision or public entity; or
  - g. treat as scrap/trash.
3. In determining whether to dispose of any Williams County real or personal property as allowed by this Ordinance, and, if to be disposed of, which method and means to dispose of such property, and the terms and conditions for such disposal, the Board may consider any factors it deems appropriate, including the type of property, the description of the property, the condition of the property, whether the property was purchased by or donated to Williams County, the original purchase price of the property, the current fair market value of the property, the reason for the disposition, and/or other such factors as the Board may deem proper.

4. This Ordinance is not intended to, and does not, affect the Board's authority to transfer Williams County property, real or personal, as allowed by N.D.C.C. Chapter 11-27.
5. This Ordinance does not authorize the disposal or transfer, without compensation, of any Williams County property, real or personal, to any Williams County employee, official, or agent, or any of their respective family members or associates, directly or indirectly, unless specifically allowed by state law.
6. If any Williams County property, real or personal, is in the custody and possession of a Williams County Department Head for use by that department and the Department Head determines that said property is no longer needed by the department, the Department Head may present a request to the Board to dispose of said property as allowed by this Ordinance. Any such request by a Department Head shall be in a form approved by the Board and shall be subject to approval by motion of the Board as set forth herein.
7. This Ordinance shall be effective upon completion of the First Reading, publication in the Williston Herald, and the Second Reading and final adoption by the Williams County Board of County Commissioners on October 15, 2019.

  
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David Montgomery, Chairman  
Williams County Board of County Commissioners

**ATTESTED BY:**

  
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Beth M. Innis, Williams County Auditor

First Reading: September 17, 2019  
Publication: October 4, 2019  
Second Reading: ~~October 15, 2019~~  
November 5, 2019