

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Introduced**

## **Senate Bill 612**

BY SENATORS BOLEY, BOSO, AND MAYNARD

[Introduced February 19, 2018; Referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating  
2 to the sale of municipal property; allowing municipalities to sell real or personal property  
3 by using an Internet-based public auction service; and requiring notice of sale include  
4 notice of the time, terms, manner, and place of sale or the Internet-based public auction  
5 service to be used.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED  
RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL  
OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

PART VI. SALE, LEASE, OR DISPOSITION OF  
OTHER MUNICIPAL PROPERTY.

**§8-12-18. Sale, lease, or disposition of other municipal property.**

1 (a) Every municipality, municipal building commission created pursuant to §8-33-1 *et seq.*  
2 of this code, and municipal development authority created pursuant to §7-12-1 *et seq.* of this code  
3 is authorized to sell, lease as lessor, or dispose of any of its real or personal property or any  
4 interest therein or any part thereof (other than a public utility which shall be sold or leased in  
5 accordance with the provisions of §8-12-17 of this code), as authorized in §1-5-1 *et seq.* of this  
6 code, or to the United States of America or any agency or instrumentality thereof, or to the state  
7 or any agency or instrumentality thereof, for a public purpose for an adequate consideration,  
8 without considering alone the present commercial or market value of such property.

9 (b) In all other cases involving a sale, any municipality is hereby empowered and  
10 authorized to sell any of its real or personal property or any interest therein or any part thereof for  
11 a fair and adequate consideration, the property to be sold at public auction at a place designated  
12 by the governing body, or by using an Internet-based public auction service, but before making  
13 any sale, notice of the time, terms, and place of sale, together with a brief description of the

14 property to be sold, shall be published as a Class II legal advertisement in compliance with the  
15 provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall be the  
16 municipality. The requirements of notice and public auction shall not apply to the sale of any one  
17 item or piece of property of less value than \$1,000 and under no circumstances shall the  
18 provisions of this section be construed as being applicable to any transaction involving the trading  
19 in of municipally owned property on the purchase of new or other property for the municipality and  
20 every municipality shall have plenary power and authority to enter into and consummate any  
21 trade-in transaction.

22 (c) In all other cases involving a lease, any municipality is hereby empowered and  
23 authorized to lease as lessor any of its real or personal property or any interest therein or any part  
24 thereof for a fair and adequate consideration and for a term not exceeding 50 years. Every lease  
25 shall be authorized by resolution of the governing body of the municipality, which resolution may  
26 specify terms and conditions which must be contained in such lease: *Provided*, That before any  
27 proposed lease is authorized by resolution of the governing body, a public hearing on the  
28 proposed lease shall be held by the governing body after notice of the date, time, place and  
29 purpose of the public hearing has been published as a Class I legal advertisement in compliance  
30 with the provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall  
31 be the municipality. The power and authority granted in this subsection shall be in addition to, and  
32 not in derogation of, any power and authority vested in any municipality under any constitutional  
33 or other statutory provision now or hereafter in effect.

NOTE: The purpose of this bill is to allow municipalities to use online auction services to sell real or personal property, as county commissions are presently authorized.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.