

RESOLUTION 2008-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA FINDING IT NECESSARY TO SELL SURPLUS PERSONAL PROPERTY; PROVIDING FOR DEFINITIONS APPLICABLE TO THE SALE OF PERSONAL PROPERTY OF THE CITY; PROVIDING FOR THE TERMS AND CONDITIONS OF THE SALE; PROVIDING FOR THE APPLICATION OF THE PROCEEDS FROM THE SALE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the policy of the City of St. Pete Beach, Florida (the "City") when the City owns personal property which is no longer useful to the City, for the City Commission (the "Commission") to adopt a resolution setting forth that the property is no longer useful, and authorizing the sale of the personal property to either the public at large or any member thereof; and

WHEREAS, under Florida law dogs are classified as personal property; and

WHEREAS, the City owns dogs used by Law Enforcement Officers which are the personal property of the City; and

WHEREAS, the City has determined that a specific police dog ("Ken") is no longer useful to the City (the "Surplus Personal Property"); and

WHEREAS, upon the Commission's approval, City Manager may sell the Surplus Personal Property, as per the terms and conditions of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA:

**SECTION 1. DEFINITIONS:** The following words and phrases shall have the following meanings when used herein:

“General Fund” means the operating fund of the City, used to account for all financial resources except those required to be accounted for by another fund. General operating expenditures, fixed charges, and capital costs are paid from the General Fund.

“Official Certificate of Veterinary Inspection” means a legible certificate of veterinary inspection which is signed by the examining veterinarian licensed by the State of Florida and accredited by the United States Department of Agriculture, and which complies with all requirements as set forth in Florida Statute §828.29(3)(b).

“Personal Property” means every species of property except real property.

“Pet Dealer” means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public as defined by Florida Statute §828.29(13). This definition includes breeders of animals who sell such animals directly to a consumer.

“Purchaser” means that member or members of the public at large who, by the payment of money or its equivalent; buys and takes title to the Surplus Personal Property as defined hereinafter.

“Surplus Personal Property” means personal property, Ken, which the City Commission, by resolution, has determined to be personal property which is no longer

useful the City and which may be disposed of by sale to the public at large or any member thereof.

**SECTION 2. TERMS AND CONDITIONS:** The City Manager has determined that the Surplus Personal Property is to be sold for Three Thousand Five Hundred dollars (\$3,500.00) to the Purchaser. The City Manager shall comply with the vaccination and certification requirements set forth in Florida Statute § 828.29(1)(b) requiring vaccination against such diseases and parasites including: canine distemper, leptospirosis, bordetella, parainfluenza, hepatitis, canine parvo, rabies, roundworms, and hookworms. Additionally, the City Manger shall ensure that an examination conducted by a veterinarian will take place no more than thirty (30) days before the Surplus Personal Property is offered for sale who will issue an Official Certificate of Veterinary Inspection, pursuant to Florida Statutes §828.29(3). The City is not classified as a Pet Dealer as defined and for purposes of Florida Statutes §828.29(13); therefore, the City makes no representations as to the Surplus Personal Property's condition at or after the date of sale, and Purchaser shall take said Surplus Personal Property in an as-is condition. Purchaser has no right to refund, return, or exchange the Surplus Personal Property. Further, all ownership rights and responsibilities of the Surplus Personal Property will be transferred upon execution of the Purchase and Sale Agreement and upon the signing of the Bill of Sale. The City shall not be considered presently or subsequently liable for any acts or actions of Purchaser or Surplus Personal Property.

**SECTION 3. APPLICATION OF THE PROCEEDS:** All revenues received by the City from the sale of the Surplus Personal Property shall be deposited into the City's General Fund.

**SECTION 4: EFFECTIVE DATE:** This Resolution shall take effect immediately upon its adoption by the Commission.

PASSED AND DULY ADOPTED, with a quorum present and voting, this 26<sup>th</sup> day of August 2008.

CITY OF ST PETE BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION  
OF THE CITY OF ST PETE BEACH

By: Mike Finnerty  
Mayor

ATTEST:

By: Theresa McMash  
City Clerk