

DEPARTMENT: Public Works

By: Marty Allan

Phone: 966-5356

Fleet-Fiscal Manager

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes__ No X)

Resolution authorizing the Chairman to execute a contract with Howard Leach Auctions for auctioneer services. This contract will allow Public Works to auction Mariposa County surplus equipment on May 20, 1995.

In surveying several auction services, it was determined that Howard Leach could offer the best deal. The County will not be charged a fee for the auction services, but a 10% buyer's fee will be added to each item to cover the expenses of the auctioneer.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board approved the use of Howard Leach Auctioneers in 1993, and that auction was highly successful.

In the past, Public Works has coordinated different methods of disposing of surplus equipment, and the public auction has proven to be the most beneficial.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not contract with Howard Leach Auctions and direct Public Works to seek other avenues to dispose of surplus equipment.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve Contingencies,
if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number
the pages consecutively:

1. Contract _____

2. Sample Flyer _____

CLERK'S USE ONLY

Res. No.: 95-167 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved Denied

Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of
the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: MA

original in agreement



California State Auctioneer Association
 CA. LIC. #217
 845
Howard Leach Auctions
 4707 E. HEDGES FRESNO, CA 93703 209/456-8084

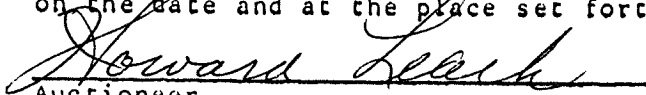
AUCTION CONTRACT

RECEIVED
 3 1995
 MARIPOSA COUNTY
 DEPARTMENT OF PUBLIC WORKS


1. This agreement made and entered into this 25th day of April, 19 95, at Fresno, Fresno County, Ca., by and between HOWARD LEACH hereinafter called Auctioneer, and Marty Allen - Mariposa County hereinafter called Owner(s). The above named Auctioneer is duly licensed by, and bonded in favor of, the state of California, License #217.
2. Owner(s) grant(s) to Auctioneer the exclusive right to sell at public auction without reserve the personal property described in Schedule A attached to and made a part of this Contract. Said personal property is located at Mariposa County yard.
3. The auction sale shall be conducted at Public works Yard Mariposa on the following date(s) June 3rd 1995 or agreed date. 10 A.M. May 20, 1995 unless modified by mutual agreement of the parties.
4. It is understood that Auctioneer will use his best efforts in advertising and conducting the auction, County will collect proceeds of the sale, requiring all checks to be drawn to the order of the County, and will account for the proceeds of the auction sale after holding the proceeds a sufficient length of time, not to exceed 20 working days, to insure all checks have cleared the bank upon which they were drawn, County is responsible for collecting bad checks, collecting the proceeds of accounts receivable of such sale and shall account to the Owner(s) for the net proceeds actually received at the time of accounting.
5. It is further understood that the Clerk(s) and Cashier(s) for the sale shall be Auction Personnel and that the terms of the sale shall be cash day of sale or credit as authorized by Owner(s).
6. Owner(s) agree to pay Auctioneer a commission of Zero percent (0 %) of the gross proceeds of such sale of Vehicles, equipment, & misc. merchandise.
7. Owner(s) authorize(s) Auctioneer to advertise the auction sale as follows: () sale bills or brochures; and advertisements in the following newspapers or publications: Brochures, Fresno Bee, and Mariposa Gazette or local papers.
8. Owner(s) agree(s) not to sell or otherwise dispose of any of the personal property which is the subject of this Contract, or remove any of such personal property from the premises except for the purpose of protecting such personal property until date of sale, after the date of this Contract. Owner(s) further agree(s) to assist in preparing such personal property for sale as may be required or necessary.
9. Owner(s) represent that Owner(s) have full power and authority to sell such personal property and that it is free and clear of all liens or other encumbrances except for those listed in Schedule B attached hereto.
10. Owner(s) agree(s) to indemnify and save harmless Auctioneer, and/or his agents and employees, against any claims, actions, causes of action, demands, rights, damages, losses or costs that may result or occur because of any lien or encumbrance upon such property or because of any warranty or representation made by Owner(s) as to the character or condition of such property at the time of sale or otherwise.

11. Owner(s) and Auctioneer further agree as follows:
Auctioneer to pay all advertising
Owners to maintain insurance on stock until sale is completed.
Auctioneer shall charge a 10% buyers fee to public.
No commission will be charged to Mariposa County.

12. It is mutually agreed by and between Auctioneer and Owner(s) that this Auction Contract shall be binding upon them and upon their respective heirs, executors, administrators, devisees, legatees, assigns and successors in interest.
13. Owner(s) acknowledge(s) that Owner(s) have read the foregoing Contract and agree(s) to all of the conditions contained in it, and further acknowledge(s) receipt of a copy of the Contract with Schedules A and B attached when utilized.
14. IN WITNESS WHEREOF, the parties have hereunto executed this Contract in duplicate on the date and at the place set forth above.


Auctioneer

(Howard Leach is licensed and regulated by the California Auctioneer Commission, 1130 K Street, Suite LL20, Sacramento, CA 95814, and is bonded to the Commission in the amount of \$20,000 for all occurrences)


Garry R. Parker Chairman, Mariposa County Board of Supervisors

Mariposa, Ca. 95338

Owner

Address/Telephone