

RESOLUTION NO. 2004-16

**A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE
FOR DISPOSITION OF SURPLUS PROPERTY**

WHEREAS, the Board of County Commissions has determined the need to establish guidelines for disposition of surplus property for Lincoln County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, KANSAS, that:

1. A policy and procedure for disposition of surplus property for Lincoln County is hereby adopted by the Board of County Commissioners as set forth in Exhibit "A" attached hereto and made a part hereof by reference.
2. The policy and procedure adopted hereunder shall become effective upon passage of this resolution.

Commissioners present and voting were:

Terry Finch	<u>yes</u>
Dwight Heller	<u>yes</u>
Doug Gomel	<u>yes</u>

DATED this 2nd day of August, 2004.



ATTEST:

Dawn M Harlow
Dawn Harlow
County Clerk

APPROVED AS TO FORM

Jennifer R. O'Hare
Jennifer R. O'Hare
Lincoln County Attorney

BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, KANSAS

Terry Finch
Terry Finch, Chairman

Dwight Heller
Dwight Heller, Vice-Chairman

Doug Gomel
Doug Gomel, Member

Exhibit "A"

SUBJECT: Disposition of Surplus Property

OFFICE WITH PRIMARY RESPONSIBILITY:
County Clerk's Office

I. PURPOSE

This policy establishes guidelines for the identification and disposition of surplus property, including personal and real property owned by Lincoln County.

II. POLICY STATEMENT

Real and personal property of Lincoln County represents a considerable investment of public funds. Procedures and safeguards provided herein are designed to encourage efficient utilization of property, establish managerial control and provide for the efficient disposition of property deemed as surplus in accordance with this policy or other applicable restrictions governing the disposition of such property.

III. DEFINITIONS

Surplus Property Real or personal property owned by Lincoln County that is no longer needed due to changing service requirements, damage, or wear.

Personal Property Movable items, including equipment, vehicles, machinery, furniture, fixtures, tools or other movable, physical goods.

Real Property Real Estate, including land, easements, building and related permanent, immovable assets affixed to land.

IV. PROCEDURES

A. Personal Property

1. Each department manager or designee will determine whether property assigned to their department is no longer of use; when this is determined, the Lincoln County Clerk or designee will be notified. The Lincoln County Clerk shall make a determination as to how the County property was acquired and whether a transfer or disposition is subject to any restrictions due to the original source of funding. Examples include, but are not limited to federal or state grant requirements or other statutory constraints.
2. The Lincoln County Clerk will ensure that property declared surplus by departments is made available to other County departments before sale or disposal, in order to obtain the maximum economic utility from such property.
3. If surplus property is not desirable to other County departments, the Lincoln County Clerk will determine the value of surplus property in order to establish its status relative to this policy.

4. Once the value is established, personal property may be disposed of through the most efficient and economical method to maximize returns, including, but not limited to, auction, trade-in, negotiated sale, sealed bid, fixed price, negotiated bid, or any other method of sale deemed most beneficial to the County.

5. Disposition of personal property valued at \$25,000 or more shall be determined by the Board of County Commissioners. If the method of disposition is made through trade-in bid, approval shall be in accordance with the bid process.

6. Disposition of personal property valued at less than \$25,000 shall be determined by the Lincoln County Clerk in a manner deemed most beneficial to the County. Notification shall be provided to the Board of County Commissions and shall include the method of disposition, description of property, time, date and recipient of property and value.

B. Real Property

1. Disposition of real property shall be coordinated by the Lincoln County Clerk. The Lincoln County Clerk shall be responsible for obtaining the current appraised value of the real estate property and shall gather and retain information regarding the location and size of the property, zoning and any restrictions, covenants, encumbrances, etc. that remain attached to the parcel.

2. All contracts, deeds, and related documents must be reviewed and approved by the County Attorney's Office prior to disposition of real property.

3. Real property may be disposed of through negotiated sale, sealed bid, fixed price, or any other method of disposition of real property.

4. Disposition of real property with an appraised value of \$50,000 or less and value greater than \$50,000 shall be approved by the Board of County Commissioners through the established agenda process and shall authorize the Chairman or designee to sign all related items. Upon review by the County Attorney, the deed and related documents shall be provided to the Board of County Commissioners.

Notification shall be provided to the Board of County Commissioners regarding the disposition of real property valued at less than \$50,000 or less, including the method of disposition, description of property, recipient of property and the value received.

C. Public Notice

Public Notice of the disposition of real and personal property shall be made in a manner dependant upon the method of sale, including, but not limited to, publication in the official newspaper of the County, or any other mechanism deemed appropriate to allow public participation or notification. Such notice shall include the date, time, description of property and any other terms and conditions regarding disposition

D. Donations

Donations of County-owned property shall require approval by the Board of County Commissioners through the established agenda process. The agenda item shall include a description of the property, recipient, date of transfer and estimated fair value.

E. Conflicts of Interest

County employees shall be permitted to participate as buyers in competitive sales of such surplus property as any other member of the public. Consistent with ethical conduct, County employees shall not take advantage to gain personal benefit from such transactions.

F. Exceptions

Exceptions not defined within this policy shall be evaluated by the County Attorney on an individual basis.