

RESOLUTION 2008-12

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

WHEREAS, the Board of Commissioners has determined the need to establish guidelines for disposition of surplus property for Jefferson County, and

WHEREAS, this policy supersedes all prior resolutions or policy statements by the Board of the County Commissioner's regarding the disposition of surplus property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS that the policy titled "Disposition of Surplus Property" attached hereto and incorporated herein, is hereby adopted and shall become effective upon passage of this resolution.

BE IT FURTHER RESOLVED THAT all prior resolutions including Resolution 2007-10 and policy statements by the Board of County Commissioners in conflict with this resolution are hereby repealed.

Dated this 31st day of March, 2008.

JEFFERSON COUNTY, KANSAS
BOARD OF COMMISSIONERS

/s/David Christy, Chairman

/s/Francis Grollmes, Member

/s/Donald Edmonds

ATTEST:

/s/Linda M. Buttron, County Clerk

APPROVED AS TO FORM:/s/Janice L. Hayes, Co-County Counselor

DISPOSITION OF SURPLUS PROPERTY

1. **PURPOSE:** This policy established guidelines for the identification and disposition of surplus property, including personal and real property owned by Jefferson County.
2. **POLICY STATEMENT:** Real and personal property of Jefferson County represents a considerable investment of public funds. Public funds include any funds received by Jefferson County. 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.

3. **DEFINITIONS:** Surplus Property Real or personal property owned by Jefferson County that is no longer needed due to service Requirements, damage or wear.

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

Real Property Real estate, including land, easements, buildings, and related permanent, immovable assets affixed to land are considered real property.

4. PROCEDURES:

1. 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 Auxiliary Services Director or appropriate designee will be notified. The Department Manager 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 Department Head 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 Department Head will assess 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. The disposition of personal property valued at \$10,000 or more shall be affected in a manner to be determined by the County Commissioners to be most beneficial to the County.

6. Following disposition, notification shall be provided to the Board of County Commissioners including the method of disposition, description of property, time and date of sale, recipient of property and value received. Such notification shall also be published on the County's Website.

7. Disposition of personal property valued at less than \$10,000 shall be accomplished by the Department Head in a manner deemed most beneficial to the County. Prior to disposition, notification shall be provided to the Board of County Commissioners and shall include the proposed method of disposition, description of property, time, date, recipient of property and

value. Such notification shall also be published on the County's website.

2. REAL PROPERTY

A. Disposition of real property shall be coordinated by the County Commissioners. The County Commissioners shall be responsible for obtaining the current appraised value of the real 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.

B. Real property may be disposed of through negotiated sale, sealed bid, fixed price, or any other method of disposition deemed in the best interest of the County.

C. Upon disposition of real property, an Asset disposition Form shall be completed by the County Clerk who will be responsible for updating Financial records and providing notification to the Insurance Company for the update of insurance and risk management records.

D. Public Notice

Public notice of the disposition of real and personal property shall be made in a manner dependent upon the method of sale, including, but limited to posting on the County's website, 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 conditions regarding disposition. Inclusion of items on the Board of County Commissioners' agenda shall constitute sufficient public notification.

E. Legal Review

All contracts, deeds, and related documents must be reviewed and approved by the county Counselor's Office prior to the disposition of real or personal property.

F. Donations

Notwithstanding any provisions to the contrary, surplus property may be donated other governments or not-for-profit organizations if, in the opinion of the Department Head or County Commissioners if the donation involves real property, doing so is in the best interest of the County. 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.

G. Conflicts of Interest

County employees shall be permitted to participate as buyers in competitive sales of 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.

H. Exceptions

Exceptions not defined within this policy shall be approved by the Board of Commissioners on an individual basis.

I. Disposition of Real Property:

1. Real Property with value greater than \$50,000.00:

Disposition of real property with an appraised value greater than \$50,000 shall be approved the Board of County Commissioners and the Board of County Commissioners shall authorize the Chairman or designee to sign all related documents.

2. Real Property with value greater than \$1,000.00 and less than \$50,000.00

Disposition of real property with an appraised value of \$50,000 or less, but greater than \$1,000.00 shall be determined by the County Commissioners in a manner most beneficial to the County. Upon review by the County Counselor, the deed and related documents shall be provided

to the Chairman of the Board of Commissioners or the designee for signature. 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. Such notification shall also be posted on the County's website.

3. Real Property with value of less than \$1,000.00

A. The Board of County Commissioners shall find that the property cannot prudently be used for public purposes of the County prior to selling the real estate.

B. The Board of County Commissioners direct the County Clerk to publish the "Notice of Intent to Sell Real Property" in the official newspaper one time per week for three consecutive weeks with reference to the list of parcels available at the County Treasurer's office and on the Jefferson County Kansas Treasurer's web site: <http://treasurer.jfcountyks.com> at "lots for sale" and shall described the property to be sold.

C. The notice shall describe the method of sale, including, but not limited to fixed price, negotiated bid, sealed bid, public auction or auction or other method of sale which allows public participation.

D. To be eligible for sale, the property must have been deeded back to Jefferson County in a previous tax sale.

E. The Interested Purchaser must be current on all property taxes and special assessments in Jefferson County and have not been a party in a previous tax sale.

F. If, within 45 days after the first publication of such notice a petition signed by not less than 2% of the qualified electors of the county is filed with the county election officer, such property shall not be conveyed unless the proposition of sale or disposal of such property is submitted to and approved by a majority of the qualified voters of the county at an election called therefor. The election shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto, or at a general election.

G. The Jefferson County Clerk shall sign all contracts and deeds on behalf of the County.