BP 6550  DISPOSAL OF PROPERTY

The Superintendent/President is delegated authority by the Board of Trustees to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

References: Education Code Sections 70902(b)(6), 81360 et seq., and 81450-81460

Adopted: 11/20/79  Revised: 7/11/17
Revised: 9/16/80
Revised: 6/19/07
AP 6550 DISPOSAL OF PROPERTY

The District may sell for cash any District personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

When property or equipment is no longer useful to a department, a Request for Declaring Excess Property form must be approved by the appropriate dean, director, or supervisor and submitted to Business Services. Following an evaluation of usefulness to the District, the item(s) may be reallocated to another department or recommended for disposal or replacement. Upon authorization by the Board of Trustees, the District may apply the trade-in value of an item to the purchase of like property or sell the items for cash. Note that if the property or equipment was obtained through federal grant funds, refer to the Education Department General Administrative Regulations (EDGAR) §74.32 and §74.34 and Code of Federal Regulations (CFR) 200.313 for proper disposal procedures.

Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the District for not less than two weeks; notice can also be published for at least once a week for a period of not less than two weeks in a newspaper in the District and having a general circulation.

If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

The Associate Superintendent/Vice President, Finance and Administration, shall sell the property to the highest responsible bidder, or shall reject all bids.

Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.
The District may also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:

a) The District determines that the property is no longer useful for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for District use.

b) The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.

c) The receipt of the property by a school district or community college district will not be inconsistent with any applicable district-wide or school site technology plan of the recipient district.

If the Board of Trustees, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars ($5,000), the property may be sold by the Associate Superintendent/Vice President, Finance and Administration, at private sale without advertising.

Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by the Associate Superintendent/Vice President, Finance and Administration, at private sale without advertising.

If the Board of Trustees by a unanimous vote of those members present, finds that the property is of insufficient value to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board, or it may be disposed of in the local public dump on order of any employee of the District empowered for that purpose by the Board.

In addition, the Board of Trustees may sell or lease real property belonging to the District under the following conditions:

- If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board of Trustees, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.

- Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to
purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board has determined that the District has no anticipated need for additional sites or building construction for the five-year period following the sale or lease.

References: Education Code Sections 70902(b)(6), 81360 et seq., and 81450 et seq.

Approved: 6/19/07
Revised: 6/13/17