

RESOLUTION NO. 1267

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ATCHISON 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resolutions and policy statements by the Board of County Commissioners in conflict with this resolution are hereby repealed.

BOARD OF COUNTY COMMISSIONERS  
OF ATCHISON COUNTY, KANSAS

By Floyd Oswald  
Floyd Oswald, Chairman

George Ross  
George Ross

Thomas Wagner  
Tom Wagner



Pauline Lee  
Pauline Lee, County Clerk  
Deputy Co Clerk

DISPOSITION OF SURPLUS PROPERTY  
(Enabling Resolution No. 1267  
dated 5-3-06)

I. PURPOSE

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

II. POLICY STATEMENT

Real and personal property of Atchison 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.

It is the policy of Atchison County to dispose of surplus property in the manner that will provide the greatest monetary return to county government and its taxpayers.

III. DEFINITIONS

Surplus Property: Real or personal property owned by Atchison 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 are considered personal property.

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

IV. PROCEDURES

A. Personal Property:

1. Each Department Head or designee will determine whether property assigned to their department is no longer of use; when this is determined, the County Clerk or designee will be notified. The County Clerk and 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. Each Department 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. 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, live auction, internet live auction, internet only auction, trade-in, negotiated sale, sealed bid, fixed price, negotiated bid, or any other method of sale deemed most beneficial to the county.

4. The disposition of personal property shall be affected in a manner to be determined by the Board of County Commissioners to be most beneficial to the county.

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.

5. Following disposition, notification shall be provided to the Board of County Commissioners and shall include the method of disposition, description of property, time, date, recipient of property and value. Such notification shall also be published on the county's website. The department head will fill out the Transfer of Property form and file said form in the County Clerk's office.

B. Real Property:

1. Disposition of real property shall be coordinated by the Board of County Commissioners. The Board of 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.

2. 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.

3. The deed and related documents shall be provided to the Chairman of the Board of County Commissioners for signature.

Notification shall be provided to the Board of County Commissioners regarding the disposition of real property 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.

4. 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 for the update of insurance and risk management records.

C. 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 not 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, and description of property, and any other terms and conditions regarding disposition. Inclusion of items on the Board of County Commissioners' agenda shall constitute sufficient public notification.

D. 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.

E. Donations:

Notwithstanding any provisions to the contrary, surplus property may be donated to other governments or no-profit organization if, in the opinion of the Board of County Commissioners, doing so serves 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.

F. 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.