

CITRUS COMMUNITY COLLEGE DISTRICT ADMINISTRATIVE SERVICES

AP 6550 DISPOSAL OF DISTRICT PROPERTY

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

- Delegation by the Superintendent/President to appropriate administrator(s) of authority to dispose of property to highest bidder after payment has been received by the District
- Schedule for disposal of personal property (e.g., library books, theatre props)
- Schedule for disposal of equipment (e.g., computers, copiers, vehicles)
- Authority to dispose of property in lots
- Requirement for posting in at least three public places in the district for not less than two weeks, or publication at least once a week for a period of not less than two weeks in a District newspaper
- Provision that staff may dispense with posting/publication and sale to the highest bidder if:
 - the surplus property is exchanged with, sold, or donated to a school district, community college district, or other public entity; or
 - the proceeds from sale or lease are expended for capital outlay purposes related to qualified community college facilities and the District complies with specified conditions
- Schedule for reporting to the Board of Trustees (e.g., annually, quarterly)
- Provision, if the District chooses to include it, that District employees may not buy property declared to be surplus (this is an element of conflict of interest)
- Provision for Board action for disposal of property under \$5,000.

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.

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 by publication for at least once a week for a period of not less than two weeks in a newspaper published 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 Vice President of Finance and Administrative Services 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 can 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 not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school 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.

In addition, the District can sell or lease real property belonging to the community college district if both of the following conditions are met:

- a) The property is sold or leased to another local governmental agency, or to a nonprofit corporation that is organized for the purpose of assisting one or more local governmental agencies in obtaining financing for a qualified community college facility; and
- b) The financial proceeds are expended solely for capital outlay purposes relating to a qualified community college facility

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 Vice President of Finance and Administrative Services or Director of Purchasing and Warehouse 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 Vice President of Finance and Administrative Services or the Director of Purchasing and Warehouse at private sale without advertising.

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

If a 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, 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.

Board Approved 07/21/09
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