

RESOLUTION 92-2021

A RESOLUTION ESTABLISHING POLICIES RELATING TO THE DISPOSAL OF SURPLUS PERSONAL PROPERTY IN THE CITY OF WESTWOOD, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, JOHNSON COUNTY, KANSAS:

SECTION I: Definitions

For the purposes of this Resolution, the following words and phrases shall have the meaning given herein.

“Personal Property” – Means movable property; belongings exclusive of land and buildings.

“City” – Means the City of Westwood, Kansas.

SECTION II: Disposal of Surplus Personal Property

A. Guidelines for Disposal

- i. Department Managers may, from time to time, identify surplus, abandoned, or confiscated property that no longer has useful life in the department.
- ii. Departments shall obtain approval of the City Council to dispose of property with an individual value believed to be \$5,000 or greater. Property with a value believed to be \$5,000 or greater shall be disposed of via auction or sealed bid.
- iii. Departments may dispose of surplus property with an individual value believed to be less than \$5,000 via any of the methods listed under Item B of this Policy. Property with a value believed to be less than \$5,000 may be disposed of without approval by the City Council and without competitive bidding.
- iv. Departments disposing of surplus property shall work with the City’s Clerk’s Office to collect sales tax on the sale, as appropriate.
- v. Prior to the disposal of any electronic device, the Department Manager is responsible for ensuring the device is wiped clean of sensitive information.

B. Methods of Disposal

- i. Transfer: Departments shall notify the City Clerk and other Department Managers when surplus property is available in the event that another department has use for the item. If another department does not have use for the item, it may be disposed of via the methods below.
- ii. Sale: Methods include:
 - a. Auctions - The City may contract with an auctioning service or auction via online internet service to sell items to the highest bidder.

- b. Sealed Bids - The department may determine that items shall be sold at sealed bid sale. Public notice of the sale shall be published on the City's website or in the local newspaper.
 - c. Sale of Scrap - Items that are no longer usable may have a residual value. The department may arrange for the sale of scrap items.
 - d. Posted Prices - From time to time, where there is no regular market and demand is erratic, an item may be marked with a pre-established price and sold to the public on a first-come basis. Public notice of the sale shall be published on the City's website.
 - iii. Destruction: Surplus property of no or minimal monetary value may be destroyed or disposed as trash. Care shall be taken to destroy or dispose of items with regard to environmental impact and cost. The City's Public Works Director shall direct disposal of hazardous materials. Departments shall contact the Public Works Director before moving, transferring or selling any hazardous materials.
 - iv. Other methods:
 - a. Trade-in - The department may determine that it is advantageous to the City to seek bids on replacement items with the vendors allowing/offering trade allowances.
 - b. Cannibalization - Disassembling an item to use its components for repair or maintenance of a similar item is permitted only if cannibalization is expected to create greater value than disposal or trade-in of the item.
 - c. Donation - Donation of items believed to have a value of more than \$5,000 must be approved by the City Council. Donation of items believed to have a value of \$5,000 or less shall be approved by the Department Manager.

C. Terms and Conditions of Sale

- i. Surplus equipment is sold without warranty or guarantee. It is sold "as is", "where at", and "without recourse". The buyer shall be required at their own risk and expense to remove any items purchased. The City reserves the right to accept or reject any or all offers of purchase.

D. Report of Disposition and Allocation of Proceeds

- i. The City Clerk's Office must be advised of the disposition of all items with an original value of \$5,000 or more in order to update general fixed asset records.
- ii. All proceeds resulting from the sale of surplus, abandoned, or confiscated property shall be deposited in the Equipment Reserve Fund or another fund as directed by the City Treasurer.

E. Sales to Employees

- i. When deemed appropriate, with approval of the Department Manager and the City Clerk, an item believed to be valued at less than \$2,500 in wholesale value, may be sold to an employee of the City. The sale price should be balanced against the wholesale value of the item, the item's condition and the time and effort it would take to post, receive, and evaluate bids.

This resolution shall take effect and be in force from and after its adoption by the Governing Body.

PASSED by the Governing Body of the City of Westwood, Kansas and approved by the Mayor this 13th day of May, 2021.

APPROVED:


By: _____


David E. Waters, Mayor

ATTEST:


Leslie Herring, City Clerk

APPROVED AS TO FORM AND LEGALITY:


Ryan B. Denk, City Attorney