AN ORDINANCE PRESCRIBING PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN $30,000[1]

BE IT ORDAINED by the Board of Commissioners of the County of Caldwell, North Carolina:

Section 1. The County Manager or his or her designee is hereby authorized to dispose of any surplus personal property owned by the County of Caldwell, whenever he or she determines, in his or her discretion, that:

(a) the item or group of items has a fair market value of less than thirty thousand dollars ($30,000.00);

(b) the property is no longer necessary for the conduct of public business; and,

(c) sound property management principles and financial considerations indicate that the interests of the County would best be served by disposing of the property.

Section 2. The County Manager or his or her designee may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. The surplus property shall be sold to the party who tenders the highest offer or exchanged for any property or services useful to the County if greater value may be obtained in that manner, and the County Manager or his or her designee is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the County Manager or his or her designee may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Board of Commissioners.

Section 4. The County Manager or his or her designee shall keep a record of all property sold under authority of this Ordinance and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.[2]

Section 5. This Ordinance is enacted pursuant to the provisions of N.C. Gen. Stat. § 160A-266(c).

Section 6. This Ordinance shall become effective upon adoption.

Adopted this 10th day of March 2025.

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Chairman

ATTEST:

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Clerk to the Board

Approved as to Form:

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County Attorney

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[1] The 2005 General Assembly enacted Session Law 2005-227 entitled "An Act to Facilitate Electronic Purchase and Sale of Local Government Property and to Make Other Purchasing Changes" ("Act"). Among other things, the Act modifies G.S. § 160A-266(c) to raise the ceiling below which informal procedures may be used for disposing of personal property. The ceiling was formerly $5000. The Act raises the ceiling to $30,000. Section 5 of the Act states that if any local act provides a threshold amount for the subjects addressed in G.S. § 160A-266(c) that is less than the amount provided, the Act prevails to the extent of that conflict. The Act was effective July 27, 2005.

[2] The SL 1997-174 modified the reporting requirements for personal property sold under authority of G.S. § 160A-266(c). Those reporting requirements are provided for in the model.