Res. No. 2026-04

BURKE COUNTY
NORTH CAROLINA

RESOLUTION AUTHORIZING CONVEYANCE OF USED LIBRARY MATERIALS TO LIBRARY FOUNDATION OF BURKE COUNTY, INC.

WHEREAS, Burke County, North Carolina (the "County") routinely acquires books for use by the library operated by the County, known as the Burke County Public Library (the "Library"); and

WHEREAS, the Library periodically removes from circulation certain books and other library materials that are obsolete, worn, damaged, duplicative, or otherwise no longer needed for Library purposes; and

WHEREAS, N.C.G.S. § 153A-176 authorizes the County to dispose of personal property and to use the procedures set out in Chapter 160A, Article 12 of the North Carolina General Statutes; and

WHEREAS, N.C.G.S. § 160A-279 authorizes the County to convey personal property by private sale to a nonprofit corporation if the County is authorized by law to appropriate money to the corporation; and

WHEREAS, N.C.G.S. § 153A-449(a) authorizes the County to "contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in"; and

WHEREAS, The Library Foundation of Burke County, Inc. (the "Library Foundation") is a nonprofit corporation whose mission includes supporting the Burke County Public Library, providing public access to information for a diverse community, and offering lifelong learning opportunities through innovative and educational programming; and

WHEREAS, N.C.G.S. § 153A-261 provides that "it is the policy of the State of North Carolina to promote the establishment and development of public library services throughout the State"; and

WHEREAS, N.C.G.S. § 153A-263 authorizes the County to "[a]ppropriate funds to carry out the provisions of" Article 14 of the North Carolina General Statutes ("Libraries"); and

WHEREAS, the County is permitted to appropriate funds to the Library Foundation because the Library Foundation exists for the purpose of promoting library services in Burke County, which is a public purpose, and the County is therefore permitted to convey personal property to the Library Foundation by private sale; and

WHEREAS, the procedural provisions of N.C.G.S. § 160A-267 apply to the sale of personal property by the County to nonprofit corporations carrying out public purposes; and

WHEREAS, the Board of Commissioners wishes to authorize the appropriate County officials to dispose of used library materials by conveying them to the Library Foundation by private sale.

NOW, THEREFORE, THE BURKE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The County Manager and/or the Library Director are each authorized to convey by private sale to the Library Foundation any personal property owned by the County meeting the following description:

   > Books, magazines, journals, periodicals, and other similar library materials acquired by the County for use by the Burke County Public Library that are not in regular circulation in the Library as of the date of this resolution (the "Used Library Materials").

2. The Used Library Materials shall be conveyed by private sale at a negotiated price. The Used Library Materials may be conveyed pursuant to one single transaction or pursuant to a series of transactions.

3. The Library Foundation shall use the Used Library Materials to support library services and programming for the public in Burke County, as well as for any other public purposes.

4. The County Clerk shall publish a notice summarizing the contents of this resolution once after its adoption, and no sale shall be consummated hereunder until 10 days after its publication.

Adopted this 16th day of February 2026.

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Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:

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Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board