RESOLUTION #R-19-15

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN PRESCRIBING PROCEDURES FOR DISPOSAL OF SURPLUS PERSONAL PROPERTY VALUED AT LESS THAN $30,000.00

WHEREAS, the Town of Black Mountain, from time to time has personal property which is no longer needed or required;; and

WHEREAS, North Carolina General Statute 160A-266 authorizes cities to adopt procedures for the disposal or exchange of personal property valued at less than $30,000 for any one item or group of items; and,

WHEREAS, North Carolina General Statute 160A-270 provides that the governing board may conduct electronic auctions of the government's personal property by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services (such as GovDeals); and

WHEREAS, the Board of Aldermen desires to adopt procedures for the disposal and exchange of surplus personal property valued at less than $30,000 for any one item or group of items, including but not limited to disposal and exchange by electronic means;

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of Black Mountain:

Section 1. **Property That Can be Disposed of Under this Resolution.** The Finance Officer is hereby authorized to declare surplus and dispose of any personal property owned by the Town of Black Mountain when, in his or her judgment, each of the following three criteria are met:

a) the item or group of items to be disposed of 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 Town business; and,
c) sound property management principles and financial considerations indicate that the interests of the Town of Black Mountain would be best served by disposing of the property.

Personal property that, in the judgment of the Finance Officer, meets these three criteria is referred to in this Resolution as "Surplus Property."

Section 2. **Methods of Disposition.** The Finance Officer may dispose of Surplus Property by any means which he or she judges reasonably calculated to secure for the Town the fair market value in money or other consideration and to accomplish the disposal efficiently and economically, including but not limited to the methods of sale provided in Article 12 of North Carolina General Statutes, Chapter 160A-266 and 160A-270. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. **Sale by Electronic Auction.** As one of several means of disposing of Surplus Property, the Finance Officer is specifically authorized to dispose of Surplus Property by

electronic means. The Finance Officer is authorized to establish procedures for disposing of Surplus Property by electronic means, and is further authorized to use existing public or private electronic auction services to dispose of Surplus Property. Notwithstanding the requirements of North Carolina General Statute 160A-270, the Town shall not be required to provide advance notice of such Surplus Property disposal.

Section 4. **Terms of Disposition.** The Surplus Property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town of Black Mountain if greater value may be obtained in that manner, and the Finance Officer is hereby authorized to execute and deliver any applicable title documents necessary or appropriate to consummate such sale. If no offers are received within a reasonable time, the Finance Officer may retain the property for the Town, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No Surplus Property may be donated except by resolution of the Board of Aldermen.

Section 5. **Records and Reports.** The Town's Finance Department shall keep a record of all property sold under the authority of this Resolution and that record shall describe the property sold or exchanged, to whom it was sold, or with whom it was exchanged, and the amount of money or other consideration received for each sale or exchange. This record shall be reported to the Board of Aldermen on a semiannual basis. One report will be due each February 1, summarizing sales from the preceding July 1 through December 31, and the other report will be due each August 1, summarizing sales from the preceding January 1 through June 30.

Section 6: **Delegation.** The Finance Officer is authorized to delegate any or all of the authority granted or responsibilities assigned under this Resolution to other Town employees.

Section 7. This Resolution is adopted pursuant to the provisions of North Carolina General Statutes 160A-266 and 160A-270.

Section 8. This Resolution shall become effective upon adoption.

I move the adoption of the foregoing Resolution:

Timothy L. Lanes
Alderman

READ, APPROVED AND ADOPTED by a vote of 4 to 0 this the ____ day of June, 2019.

Don Collins, Mayor

Angela Reece, Town Clerk