

RESOLUTION #

RESOLUTION APPROVING SURPLUS PROPERTY DISPOSAL POLICY

- WHEREAS, from time to time it becomes necessary to remove or replace items of personal property including motor vehicles;
- WHEREAS, when a County department determines that such personal property is no longer functional for governmental purposes the property will be offered to County departments before being offered to the public as authorized by law;
- WHEREAS, this Board desires to adopt regulations prescribing procedures for disposing of personal property;
- WHEREAS, the sale and disposition of property by counties is governed by NCGS Ch. 160A, Art. 12 as applicable to counties by NCGS §153A-445;
- WHEREAS, counties may establish procedures for disposing of personal property valued at less than thirty thousand dollars (\$ 30,000) for any one item or group of items designed to secure for the county fair market value for all property disposed of; and
- WHEREAS, this Board desires to adopt a policy prescribing procedures for disposing of personal property.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for the County of Buncombe as follows:

1. The Finance Director, or designee, are hereby authorized and instructed to dispose of property declared by the Board to be surplus as follows:
 - a. to set its fair market value;
 - b. to convey title to the property by private sale for the county in accord with this policy;
 - c. Buncombe County non-profit entities certified as 501(c) compliant will have the opportunity to purchase the surplus property at fair market value on a first come first serve basis during the ten (10) day period following the date when such property is declared surplus;
 - d. to keep a record of all property sold pursuant to this policy and that record shall generally describe the property sold, to whom it was sold, and the amount of money received for each sale; and
 - e. items not sold will be disposed of using any other method authorized in

said NCGS Chapter 160A, Article 12, including discarding the items.

2. That the Buncombe County Surplus Personal Property Policy is hereby amended, a copy of which is attached hereto.
3. All surplus property will be sold "as is," and all sales will be final; Buncombe County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. That all resolutions and clauses of resolutions in conflict herewith be and are hereby repealed to the extent of such conflict;
5. All acts and doings of officers, employees and agents of the County that are in conformity with the purposes and intents of this Resolution and in the furtherance of the intents and purposes of this Resolution as described above shall be, and the same hereby are, in all respects approved and confirmed.
6. That this resolution shall be effective upon its adoption.

This the ____ of April, 2019.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney