

AP 6550 Disposal of District Property

Reference:

Education Code Sections 70902(b)(6), 81360 et seq., and 81450 et seq.

- 1.0 **District Personal Property:** The Vice Chancellor, Finance and Facilities, or the District Director, Purchasing, are authorized to dispose of District personal property to the highest bidder after payment has been received by the District.
 - 1.1 The disposal of District personal property and equipment will be conducted on an as needed basis and will be reported to the Board of Trustees at that time.
 - 1.2 District personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The District personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.
 - 1.3 The District may sell for cash/check any District personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use. District personal property cannot be sold until notice has been given. Notice must be posted in at least three public places in the District for not less than two weeks; notice may also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the District and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the county in which the District or any part thereof is situated. The Vice Chancellor, Finance and Facilities, or the District Director, Purchasing, shall sell the District personal property to the highest responsible bidder, or shall reject all bids.
 - 1.4 The District may also exchange for value, sell for cash/check, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:
 - 1.4.1 The District determines that the personal property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.
 - 1.4.2 The District personal property is exchanged with, or sold or donated to a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.
 - 1.4.2 The receipt of the District personal property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.
 - 1.5 If the Board of Trustees, by a unanimous vote of those members present, finds that the District personal property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5,000), the property may be sold by the

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Vice Chancellor, Finance and Facilities, or the District Director, Purchasing, at private sale without advertising. If the property is of insufficient value to defray the cost of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board of Trustees, or it may be disposed of in the local public dump.

- 1.6 Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by the Vice Chancellor, Finance and Facilities, or the District Director, Purchasing, at private sale without advertising.
 - 1.7 Any equipment purchased with grant funds must be disposed of in accordance with the grant-funding agency guidelines.
- 2.0 **District Real Property:** The Vice Chancellor, Finance and Facilities, is authorized to dispose of District real property to the highest bidder after payment has been received by the District.
- 2.1 The Board of Trustees may sell or lease real property belonging to the District under the following conditions:
 - 2.1.1 If the District receives only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board of Trustees, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.
 - 2.1.2 Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board of Trustees has determined that the District has no anticipated need for additional sites or building construction for the five-year period following the sale or lease.
 - 2.1.3 The proceeds from sale or lease are expended for capital outlay purposes related to qualified community college facilities and the District complies with specified conditions.

See Board Policy 6550, Disposal of District Property.

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