

**Business and Fiscal Affairs  
DRAFT as of 2/6/13**

**AP 6550 DISPOSAL OF PROPERTY**

**References:**

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

**NOTE:** *This procedure is **legally advised**. Local practice may be inserted, but should include **at least the following elements**:*

- *Delegation by the Chancellor to appropriate administrator(s) of authority to dispose of property to highest bidder after payment has been received by the District*
- *Schedule for disposal of personal property (e.g., library books, theatre props)*
- *Schedule for disposal of equipment (e.g., computers, copiers, vehicles)*
- *Authority to dispose of property in lots*
- *Requirement for posting in at least three public places in the district for not less than two weeks, or publication at least once a week for a period of not less than two weeks in a district newspaper*
- *Provision that staff may dispense with posting/publication and sale to the highest bidder if:*
  - *the surplus property is exchanged with, sold, or donated to a school district, community college district, or other public entity; or*
  - *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*
- *Schedule for reporting to board (e.g., annually, quarterly)*
- *Provision, if district chooses to include it, that District employees may not buy property declared to be surplus (this is an element of conflict of interest)*
- *Provision for board action for disposal of property under \$5,000.*

❖ **From current CLPCCD Administrative Rules and Procedures 3212 titled Private Sale of Personal Property**

Pursuant to the provisions of [in](#) Board Policy ~~3212~~, the Chancellor's designee is authorized to dispose of personal property and equipment owned by the District which is no longer suitable or 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. The following procedures shall govern the disposal of such property:

1. A Request for Disposal of District Equipment form shall be completed by a Manager and submitted to the District Purchasing Department who will arrange for removal of the equipment to the District warehouse for storage pending disposal.
2. An item value determination will be made prior to any sale offering. Individual items of equipment with a valuation in excess of the amount specified in Education Code Section 81452 will be referred to the Board of Trustees for sale ~~in accordance with Board Policy 3212.~~
3. Equipment is sold on an "as is" basis. Purchasers shall remove equipment from the premises within one week from date of sale and full payment of the purchase price. A bill of sale will be furnished upon request.
4. The District reserves the right to reassign property and equipment to another area of the District where it may serve a useful purpose or as a trade-in on new equipment.

**NOTE:** *The following is language inserted by Victoria Lamica from another document.*

- a. Equipment may be disposed of by trade-in if new equipment is being purchased.
- b. Other material having a total declared value of \$5,000 or more must be sold through public sale to the highest bidder after notice of such sale has been posted or advertised.
- c. Materials having a declared value of less than \$5,000 shall be sold at private sale without public notice. See Education Code section 81452.

**NOTE:** *The following is an example.*

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 can 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 District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

The Vice Chancellor, Business Services or designee shall sell the property to the highest responsible bidder, or shall reject all bids.

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 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.

The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:

(a) The District determines that the 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.

(b) The 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.

(c) The receipt of the 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.

If the Board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of \$5,000, the property may be sold by [the Vice Chancellor, Business Services or designee](#) at private sale without advertising.

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, Business Services or designee](#) at private sale without advertising.

In addition, the Board may sell or lease real property belonging to the District under the following conditions:

If a district has received 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, 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.

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 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.

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**NOTE:** The **red ink** signifies language that is **legally advised** and recommended by the Policy and Procedure Service and their legal counsel. The language in **black ink** is from current CLPCCD Administrative Rules and Procedures 3212 titled Private Sale of Personal Property issued on June 1996. The language in **blue ink** was added by Business Services on February 6, 2013.

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**Date Approved:**

*(This new procedure replaces current  
Administrative Rules and Procedure 3212)*