

## **Chapter 6 - Business and Fiscal Affairs**

### **AP 6550 Disposal of Personal Property**

#### **References:**

Education Code Sections 70902(b)(6), 81383, 81384, and 81450 et seq.

#### Sale of Personal Property; Notice; Public Auction

The College may sell for cash any College property if the property is not required for College purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use. Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the College 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. The Director of Purchasing 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 College, or by other public agencies, or by contract with a private auction firm. The property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the College.

#### Criteria for Exchange, Sale, or Donation of Personal Property

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

- A. The College determines that the property is not required for College 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.

In addition, the College can sell or lease real personal property as part of the sale or lease of real property belonging to Mt. San Antonio College if both of the following conditions are met:

- A. the property is sold or leased to another local government agency or to a nonprofit corporation that is organized for the purpose of assisting one or more local governmental agencies in obtaining financing for a qualified community college facility; and

- B. the financial proceeds are expended solely for capital outlay purposes relating to a qualified community college facility.

If the Board of Trustees, by a unanimous vote of those members present, finds either that the property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5,000) or that the property is of insufficient value to defray the costs of arranging a sale, the property may be sold by the Director of Purchasing at private sale without advertising.

Any item or items of property having previously been offered for sale as provided in the first section above, but for which no qualified bid was received, may be sold by the Director of Purchasing at private sale without advertising.

#### Other Conditions for the Disposal of Personal Property

Personal property deemed surplus by action of the Board of Trustees may also be sold for replacement to the lowest net bid or exchanged for new property. Bids may require a bidder's purchase and removal of old materials as a bid deduction, with award to the lowest net bid. The College may contract with manufacturers/suppliers for exchange of household appliances/equipment used for instructional purposes for similar new property without bidding or advertising, provided the cost does not exceed the excess of the selling price of the new property over the original cost of the property being disposed, plus taxes. The Board of Trustees may approve an agreement with an agricultural cooperative or association for the purpose of maintaining, harvesting, or selling the College's agricultural products.

#### Personal Property to Employees or Students

College employees may not buy property declared to be surplus to avoid conflict of interest except through a College-sanctioned public auction. The Board of Trustees may approve the sale to a student of personal property fabricated by that student at the College's cost.

#### Sale of Published Material

If for educational use, the College may sell, give, or exchange for similar published materials, published materials prepared by the College to any person, political subdivision, public officer or agency, or educational institution. The College may also license the use of any copyrights held by the College to the same person or entities and for the same purpose as stated above. The College shall grant a license to any California public agency unless an exclusive license has previously been granted a private publisher. Any charge for the license to use a copyright, or for materials to which the College holds the copyright, shall not exceed the cost to the College of the preparation and reproduction of the materials.

#### Reporting of Surplus Property

The Director of Purchasing shall prepare a report of surplus personal property for the Board's action on an annual basis. The report shall include schedules for the disposal of such property and shall indicate whether the property is to be disposed individually or in lots.

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