

RESOLUTION NO. 1304

A RESOLUTION ADOPTING THE CITY OF WEST BRANCH, IA SURPLUS PROPERTY POLICY.

BE IT RESOLVED, by the City Council of the City of West Branch, Iowa:

Section 1. The City Council hereby establishes the following policy, attached as "Exhibit A" for the disposal of surplus property.

Section 2. All Resolutions or parts of Resolutions in conflict with the provisions of this resolution are hereby repealed.

PASSED AND APPROVED, this 4th day of May 2015.



Mark Worrell, Mayor

ATTEST:



Matt Muckler, City Administrator/Clerk

Exhibit A

CITY OF WEST BRANCH, IA SURPLUS PROPERTY POLICY

I. GENERAL

- A. "Surplus property" is defined as City owned property that no longer is needed or has no practical use to a particular City Department (hereafter "Surplus Property" or "Property").
- B. Items seized, confiscated, or found by the Police Department shall be handled and disposed of in accordance with applicable Federal, State, and local requirements (hereafter "Seized Property" or "Unclaimed Property").
- C. Surplus property shall be disposed of in accordance with this policy. Seized Property and Unclaimed Property may be disposed of in accordance with this policy. All Surplus, Seized and Unclaimed Property is disposed of "as is" and "where is", with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or use-ability of the property offered.
- D. It is critical to maintain a trail of documentation for audit purposes regarding the disposition of Property of the City of West Branch ("City").

II. RESPONSIBILITIES

- A. It shall be the responsibility of the department with the Property to notify the City Administrator's designee of Property it has in its possession
- B. The method of disposal shall be determined by the designee in accordance with this policy.
- C. The department with Property for disposal is responsible for providing information to the designee including a photo, brief description and estimated value. Each department will maintain storage of Property until final disposal.
 1. Disposition of real estate or any interest in land requires a resolution of the City Council after published notice and public hearing in accordance with the Code of Iowa.
 2. Seized and Unclaimed Property by the West Branch Police will be handled in accordance with Federal, State, and local requirements.
 3. Items purchased with grant funds shall be disposed of in accordance with applicable grant requirements.
 4. Computer and Electronic Data Storage Equipment are defined as any equipment that contains electronic data or has contained electronic data. Such items shall be returned to the city office for proper data wiping and disposal. This includes, but is not limited to Computers, Laptops, Tablets, Servers, Backup Tapes, Media Switches, Routers, Hubs, Phones, Printers, Fax Machines, Copiers, Scanners, Monitors, and External Hard Drives.

Exhibit A

III. Methods of Disposal

The City Administrator's designee shall notify the appropriate department(s) of the transfer, sale, or disposal of any item. This shall be coordinated to update City records, insurance reports, audit lists, and grant required documentation.

The following methods will be considered for disposal of surplus property:

A. Transfer to other Departments

1. The transfer of any purchase information, service manuals, service records, and all other applicable information shall be encouraged if at all possible.

B. Trade-in - property may be used in trade if determined to provide the best return for the City.

C. Sale

1. The department representative shall provide an estimated value of the property sought for sale to the City Administrator's designee
 - i. Property valued in excess of \$25,000 requires approval of the city council prior to sale.
 - ii. Property estimated in value less than \$25,000 requires prior approval of the city administrator's designee.
2. Surplus Property may be sold at public auction, including public auctions of other government agencies
 - i. Surplus property may be sold at public auction if the quantity and types of Property on hand warrant such action.
 - ii. The department that is in possession of the Property shall coordinate auctions with the city administrator's designee
 - iii. It is the responsibility of the department with possession of the property to provide administration and logistical support of the auction item/event. Any expense incurred in conducting the auction shall be deducted from the auction receipts.
3. Surplus property may be sold using internet auction sites
 - i. It is the responsibility of the department having possession of the Property to provide administration and logistical support of the auction item. Any expense incurred in conducting the auction shall be deducted from the auction receipts
 - ii. The selling department shall provide photo, brief description, and estimated value of the Property. All property will be posted for auction at least two times with each auction lasting a minimum of 10 calendar days. If the Property does not sell after the second auction, the city administrator's designee will then determine the best method of disposal, as provided by this policy.
4. Surplus Property may be sold by soliciting written bids/quotations or similar means (3 external bid minimum), all as approved by the city administrator's designee.
5. Scrap metal may be sold through a reputable metals recycling dealer without competitive bids if the value of the scrap metal is estimated at less than \$1,000.
6. West Branch Police Department service weapons may be purchased at the time of trade-in by West Branch officers at the price offered as trade-in value for those service weapons.

Exhibit A

D. Cannibalizing:

1. Property may be disassembled and used for parts when this is the most cost-effective method of disposal for the city.

E. Transfer to other public agency or charity.

1. No property shall be transferred to another public agency or charity before it is first offered to City departments as outlined in section "A"
2. When the value of the property is estimated at \$25,000 or less, the city administrator's designee, shall approve its sale or transfer to another Iowa public agency or charitable organization exempt under Section 501(c)(3) of the Internal Revenue Code, without competitive bid. Public agency means the State of Iowa or any agency or subdivision thereof, any city, county, special district, or school district.
3. When the value of the property is estimated to be more than \$25,000, the sale or transfer to another Iowa public agency without competitive bid shall be approved by the city council.
4. The transfer of Property, of any value, to a non-Iowa public agency shall be approved by the City Council.

F. Property having no Value

1. Property that has no practical salvage or scrap metal value including all disposable goods and perishables may be disposed of in the proper manner for the item.
2. If property cannot be recycled or disposed of in the regular solid waste disposal process, departments shall take or make arrangements to take them to the appropriate disposal location.
3. No property shall be given to or salvaged by city officials or employees.

IV. City officials and employees

- A. Employees shall be defined as any full-time or part-time/seasonal employee of the city of West Branch
- B. City official shall be defined as elected officials, commission members, board members, and committee members.
- C. City Officials and Employees are eligible to bid on property listed for disposal in section III within this policy
- D. City officials and employees shall not bid on property while on duty nor while acting in official capacity of the city

V. Unauthorized personal scrapping, recycling, or disposal of trash or junk

- A. Transferring, selling, donating, scrapping, recycling, or disposing of property by city officials or employees for personal gain or to benefit the interest of any person or party other than the city of West Branch, including handling or disposal of trash or junk except as directed by city management personnel lawfully and duly authorized and designated to direct such activity, is strictly forbidden.

Exhibit A

- B. City officials and employees shall not claim ownership of, give away, recover, or salvage and y materials abandoned, disposed, or stored upon city premises, including trash or other materials, placed in, upon, or in the vicinity of recycling or collection cans, dumpsters or bins located on city premises, or collection or debris piles, or other city storage or disposal facilities or refuse sites, and including any such facility or site belonging to any city tenant. Furthermore, city officials and employees shall not obtain property or the proceeds from the disposal of property designated for disposal as trash, scrap, or as recyclables, except as lawfully authorized by the city manager. This prohibition includes giving any such property or proceeds to any person or party other than for the duly authorized benefit and interest of the city of West Branch, or authorizing any other person or party to accept, receive or take any such surplus property to benefit their own interest, except as provided herein above.
- C. Disciplinary actions
1. Appropriate disciplinary action, up to and including termination, will be taken should an employee be found, through proper investigation, to
 - i. Have failed to promptly remit to person officially designated to receive proceeds, including cash or other consideration, from the sale of city property, as defined herein, including the proceeds from the sale, scrapping, or recycling of any such property belonging to city tenants.
 - ii. Have failed, in the performance of the duties, to promptly place in appropriate city containers, bins, dumpsters, or other collection facilities, equipment or containers, or have received, taken, given away, collected, stored, or retained in other than appropriate city containers, bins, or other collection facilities, or dup sites, city scrap, recyclables, trash, or any such surplus property belonging to city tenants
 - iii. Have engaged in selling, scrapping, recycling, or handling of city property in violation of this policy or the procedures set forth herein, including having engaged in any such activity for their personal interest or gain, or in aid of others doing the same for their respective interest or gain
 - iv. Have used city vehicles, facilities, or equipment to collect, store, or transport surplus property to sites, locations, or facilities, including the facilities of scrap vendors or recycling centers, except as specifically directed by authorized city management, in accordance with this policy and the procedures set forth herein
 - v. Have failed to notify his/her department director in a prompt and timely manner after having observed any individual engaging in any of the above-described act(s) or having learned that such act(s) were being committed by other city employees

VI. Examples of surplus property (but not limited to)

- A. Automobiles/vehicles
- B. Athletic and sporting equipment
- C. Bicycles
- D. Cabinets, lockers, bins
- E. Electronics,
- F. Electrical supplies
- G. Furniture
- H. Generators
- I. Seized and unclaimed property approved for release by the police department
- J. Library equipment
- K. Lost and found items
- L. Machinery and tools
- M. Miscellaneous equipment
- N. Motorcycles
- O. Mowing equipment
- P. Office machines
- Q. Playground equipment