

ORDINANCE NO. 3 - 2018

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TAHOE-TRUCKEE SANITATION AGENCY ESTABLISHING SURPLUS PERSONAL PROPERTY SALE/DISPOSAL POLICY AND PROCEDURES

BE IT ORDAINED by the Board of Directors of Tahoe-Truckee Sanitation Agency that the following surplus personal property sale and disposal policy and procedures are hereby established:

1. Purpose and Authority. The purpose of this ordinance is to establish policies and procedures governing the sale and disposal of surplus Agency personal property. This ordinance is adopted pursuant to Agency Act sections 67 and 80, Public Contract Code sections 21614 and 21616, and other applicable law.

2. Applicability. For purposes of this ordinance, "Personal Property" means Agency-owned material, supplies, equipment, vehicles, computers, other machines, office supplies, tools, furniture, and other personal property. This ordinance applies to (a) the determination of whether Personal Property is surplus, and (b) the process to sell or otherwise dispose of surplus Personal Property. This ordinance does not apply to Agency-owned real property or easements.

3. Surplus Personal Property Determination. "Surplus" for purposes of this ordinance means that the item is no longer needed for the current, emergency, or future operations, uses, or purposes of the Agency. The General Manager is authorized to determine and declare whether an item of Personal Property with an estimated valued of less than \$15,000 is surplus. The General Manager shall prepare a written report to confirm his or her declaration that an item of Personal Property is determined to be surplus. The Board of Director shall determine and declare whether an item of Personal Property with an estimated valued of more than \$15,000 is surplus. Personal Property declared as surplus by the General Manager or Board is referred to as "Surplus Personal Property."

4. Sale or Disposal of Surplus Personal Property

a. The General Manager is authorized to sell Surplus Personal Property for fair value and on such terms and conditions as the General Manager deems appropriate and in the best interests of the Agency, through an auction, bid solicitation proceeding, salvage company, or other reasonable sale procedure. Any Surplus Personal Property shall be sold in its "as is" condition without any warranty (except for any pre-sale repair or maintenance work required by law). If the expected cost of any pre-sale repair or maintenance work required by law exceeds the estimated fair value of the Surplus Personal Property item, the Agency shall not proceed with the repair or maintenance work and instead shall dispose of the item pursuant to subparagraph (b). All revenue received from the sale of Surplus Personal Property will be deposited in the Agency general fund.

b. If the General Manager reasonably determines that an item of Surplus Personal Property has no or only trifling resale value, then he or she may (i) donate the item to a

government agency or tax exempt nonprofit organization, or (ii) dispose of the item in any reasonable manner and in accordance with applicable laws.

c. The General Manager is authorized to enter into Surplus Personal Property sale, disposal, and disposition related contracts consistent with the policies and procedures in this ordinance. The General Manager may adopt rules and procedures to implement and supplement these policies and procedures so long as they are consistent with this ordinance.


5. Conflict of Interest Prohibition. In accordance with Government Code section 1090, all Agency directors and the General Manager are prohibited from purchasing Surplus Personal Property. An Agency employee (other than the General Manager) is eligible to buy Surplus Personal Property noticed for sale on the same terms and conditions as those offered to members of the public so long as the employee did not participate in (a) making the determination that the Personal Property is surplus, (b) arranging for the sale of the Surplus Personal Property, or (c) any other manner regarding the Surplus Personal Property transaction in the scope of his or her Agency employment duties.

6. Effective Date. This ordinance shall be effective 30 days from the date of its adoption.

7. Posting. This ordinance shall be posted within the Agency in at least three conspicuous places within ten days after its adoption.


PASSED AND ADOPTED by the Board of Directors of the Tahoe-Truckee Sanitation Agency on this 10th day of October 2018 by the following vote:

AYES: Directors Lewis, Northrop, Cox and Tresan.
NOES: None
ABSENT: None
ABSTAIN: Director Wilkins



S. Lane Lewis
President, Board of Directors

Attest:



LaRue Griffin
Secretary, Board of Directors