



AGENDA ITEM REQUEST FORM
Communication to Board of County Commissioners

To: Chair Sandy Hollingsworth, Commissioner Web Sill, and Commissioner Linda Isenhart

From: Sarah Baciak
Name

Paralegal, County Attorney's Office
Title

Today's Date: 4/26/2022

BoCC Meeting Date: 5/3/2022

Does this item require a PUBLIC HEARING? No.

Item: Resolution adopting Gilpin County Sale and Other Disposition of Personal Property Policy

Request or Issue: Approval of policy.

Recommended Action / Next Step: Approval of policy.

Financial Impact(s): None

Finance/HR Staff: N/A

Grant Apps: N/A

Associated Agencies: N/A

Background Information: Formal policy outlining the procedure for selling and other disposition of Gilpin County personal property.

Amount of agenda time needed: 10 mins.

Is this item time sensitive: No.

Contact for Follow Up: County Manager, Ray Rears, and County Attorney, Bradford Benning.



**GILPIN COUNTY
SALE AND OTHER DISPOSITION OF
PERSONAL PROPERTY POLICY
(Exhibit A)**

A. SCOPE

1. This document applies to the sale and other disposition of Gilpin County personal property, including capital items, and excluding real or person property under the care, custody, control of supervision of the Board of Trustees of the Gilpin County Library per C.R.S. 24-90-109(1).
2. Personal property is movable property.
Real property is land and building.

B. REQUIREMENTS

1. Gilpin County Department Directors and Elected Officials have the authority, with written approval in advance by the County Manager, to arrange for the sale, which could be at an auction, a contract to sell/recycle equipment, or a trade-in of County personal property under their management. The disposal of any personal property must be documented in writing, including, but not limited to: (1) a complete description of the property being disposed of including its estimated Fair Market Value (FMV); (2) signature of the County Manager approving the sale and in the in event that the property being sold is a motor vehicle, the County Manager will be the designated signer of the title; (3) records of advertisements for the sale, on the County website, and any other media used; (4) records of all bids (when competitive bidding is used); (5) records of the acceptance of a bid; and (6) a receipt for delivery of the property signed by the buyer. The documentation must be delivered to the County Finance Department within a week following completion of the sale.
2. Before sale or other disposition, the personal property should be offered to all other County departments/office and then may be transferred to another County department/office. This offering should be communicated through a Gilpin County Human Resources batch email.
3. Personal property with a FMV or Book Value (BV) in excess of \$1,000.00 must be advertised for sale on the County's website for a minimum of ten (10) calendar days before a sale or other disposition is made.
4. Personal property with a FMV or BV in excess of \$5,000.00 must be sold by advertised competitive bid. At a minimum, a Request for Bids must be posted on the County's website for at least ten (10) calendar days before the bid is due. Bids will be accepted by mail or other means not requiring the bidder's presence. For a competitive bid to be accepted, it must be equal to or more than 40% of the assumed FMV.
5. Sale by public auction, trade-in, or a contract to sell/recycle personal property may be used in lieu of advertisement on the county website and competitive bids.
6. Personal property should be sold or traded in a manner likely to gain the best value for

Gilpin County.

7. It is prohibited to break a sale, trade, or other disposition into phases or parts for the purpose of avoiding application of more stringent provisions. It is acceptable for sales, trades, and other dispositions to be made in multiple phases or lots for the purpose of serving the business interest of Gilpin County.
8. Gilpin County personal property may not be given, without consideration to Gilpin County, to governmental agencies or nonprofit organization. This is because, unless expressly authorized by statute, the Colorado Constitution, Article XI (2) & (7) prevents the County from lending to or supporting private corporations or other governments.
9. Gilpin County personal property may not be sold to Elected Officials, Gilpin County employees or their relatives as described in the nepotism section of the Gilpin County Employee Handbook. This is because there is an ethical concern with person property being sold to County employees/officials who may have knowledge of the condition of the personal property that the general public would not have.
10. Personal property may not, in any circumstances, be given to Elected Officials or Gilpin County employees. In addition to ethical concerns, if an Elected Official is given property from the County of any value, he/she is violating the statutory limit on elected official salaries.
11. All sales must be in cash, cashier's check (or check with delivery of possession postponed until the check clears), ACH wire transfer, or in another form acceptable to the Gilpin County Treasurer. Any check must be made payable to, "County of Gilpin, Colorado" or its equivalent. Notice of all incoming ACH wire transfers must be given immediately to the Gilpin County Treasurer and Finance Director.
12. All items should be sold or otherwise disposed "as-is" and cannot be returned for refund.
13. Charge State and/or City sales tax to anyone that is not tax-exempt. For vehicles, no sales tax is charged until the buyer registers the vehicle.
14. Items of minimal or no value or utility, that do not sell, may be disposed of as solid waste in accordance with state and county regulations.
15. Funds received from a sale will be credited back to the department/office which originally purchased the property or to the County General fund balance.