# CHAPTER ONE: ORGANIZATION, FUNCTIONS, AND GENERAL PROVISIONS

## Subchapter 1.10: Sale of Surplus Personal Property

### 1.10.010 Designation of surplus personal property.

The City Manager may, after consultation with the appropriate department head, declare any personal property as surplus. The declaration shall be in writing, and the property shall be delivered to the City Manager who shall store the property and maintain a written inventory. If any other department head has use of the property, he or she may so request from the City Manager who shall have the authority to assign the property to any department able to make best use of such property. If, however, no department head makes request for the use of such property in his department after the inventory has been circulated at least once, then the property shall be finally deemed surplus.

[*History*: formerly § 1.1001; ORD. 478, 3/8/95; ORD. 638., 12/14/05]

### 1.10.020 Sale by sealed bid or auction of surplus personal property.

The City Manager shall, in all cases where the estimated value of personal property is five thousand dollars or more, and may, in the sale of all other personal property where, in his or her discretion, he or she determines it in the best interest of the city, sell surplus personal property by means of sealed bid or public auction. The procedure for conducting such sale shall be determined by the City Manager, providing, however, that the following are included in such procedure: (1) At least one notice, three days before the sale, shall be posted in three public places in the Town of Colma, containing a general description of the type of property to be sold and the time and place of such bid opening or auction; (2) That the terms of all sales shall be cash; (3) The sale by sealed bid or auction shall be to the highest responsible bidder; (4) That a receipt be given to the purchaser. In conducting an auction, the City Manager may contract with a professional auctioneer, and his or her fee may either allow a flat fee, hourly fee, or a percentage of the amount of the sale, based upon that which is the common and customary method and rate for such auctioneering services.

[*History*: formerly § 1.1002; ORD. 478, 3/8/95; ORD. 638, 12/14/05 ]

### 1.10.030 Sale in open market of surplus personal property.

Surplus city property in usable condition, if its estimated value is less than five thousand dollars, may be disposed of in the following manner: The City Manager shall make an investigation of the market conditions of personal property of the type declared surplus and determine prices for all surplus property which, in his or her opinion, will be competitive with prices in the open market. He or she may then sell the personal property at market prices by advertising in the most appropriate means which, in his or her opinion, will bring the greatest number of potential purchasers. A notice of the sale shall be posted in three places, at least three days before the sale, which notice shall set forth the day and time it shall begin; the number of days it is to be continued if it is to last more than one day; the place where the articles may be examined; the place where the purchase price is to be paid and the property delivered; and a general description of the type of property being sold. The terms of all such sales shall be cash in the amount of the full purchase price. The City Manager or his or her authorized representative

shall give a receipt to the purchaser of such property and keep a copy for the files. No sale may be made under this section to any city employee. As an alternate to the procedure in this section, the City Manager may dispose of the property as provided in section 1.10.020.

[*History*: formerly § 1.1003; ORD. 478, 3/8/95; ORD. 638, 12/14/05]

### 1.10.040 Trade-in surplus personal property.

Notwithstanding any provisions of this article for the sale of surplus personal property in the open market or any auction, the City Manager may trade in surplus personal property with an amount he or she determines to be reasonable, to be allowed toward the purchase of a similar type of personal property. Typical situations where this might apply might be in the disposal of used motor vehicles and other machinery and equipment for which trade-ins are commonly permitted by the manufacturer.

[*History*: formerly § 1.1004; ORD. 478, 3/8/95; ORD. 638, 12/14/05]

### 1.10.050 Sale of unserviceable junk or scrap personal property.

When any surplus city property is deemed to be unserviceable, junk or scrap, no longer suitable for its original purpose, the City Manager shall dispose of such personal property by destruction, trade or sale of said personal property at the best competitive price available in the open market without regards to the other provisions of this article.

[*History*: formerly § 1.1005; ORD. 478, 3/8/95; ORD. 638, 12/14/05]

### 1.10.060 Conveying surplus personal property to charitable, nonprofit organizations.

Notwithstanding the other provisions of this article, the City Council may convey to a charitable nonprofit organization or a school district any surplus personal property upon receiving reasonable assurances that the property (or the proceeds therefrom) will be used for the benefit of educational, scientific, or charitable purposes, or for community matters such as recreation, education, aid to the destitute, city beautification, or any other activity in which the city government may legitimately participate. The maximum estimated value for said personal property shall not exceed five thousand dollars.

[*History*: formerly § 1.1006; ORD. 478, 3/8/95; ORD. 638, 12/14/05]

### 1.10.070 Conveying surplus personal property to other public agencies.

Notwithstanding the other provisions of this article, the City Council may convey or sell without recourse to sealed bid or auction surplus personal property to other public agencies including cities, counties, school districts, special districts and joint powers agencies as may be determined by the City Council.

[*History*: formerly § 1.1007; ORD. 478, 3/8/95; ORD. 638, 12/14/05]

## 1.10.080 Disposal of unclaimed property in the possession of the Police Department.

(a) Notwithstanding other provisions of this article, unclaimed property in the possession of the police department that has been adjudicated by a court of competent jurisdiction to be the property of the police department or held by the department for at least three months may be either retained by the Town, upon the finding that the property is needed for public use, or sold at public auction in accordance with this section by the Chief of Police or designee, or by a professional auctioneer with whom the Town has contracted.

(b) In the event that the property is sold at public auction, whether by the Town or a professional auctioneer, the Police Chief or designee shall post notice of the sale on the three official bulletin boards of the Town of Colma at least five (5) days before the date the auction will commence. The notice shall contain a general description of the type of property to be sold and the date, time and location of the sale. If the sale is to take place via the world wide web, the "location" shall mean the website listing the property for sale.

[*History*: formerly § 1.1008; ORD. 478, 3/8/95; ORD. 638, 12/14/05; ORD. 675, 3/11/09]

## 1.10.090 Disposal of bicycles.

Notwithstanding other provisions of this Code, bicycles that have been lost or abandoned and recovered by police officers of the police department and held by the department for at least fourths may be disposed of by the police department by placing such bicycles with charitable agencies, other governmental agencies concerned with the welfare of the poor and needy; or with individuals who are without funds to purchase a bicycle and need a means of transportation; or with children if their parents do not have funds to purchase bicycles because of unemployment or extremely low income and where the purchase of a bicycle for the child from family funds would deprive the family from the necessities of life.

[*History*: formerly § 1.1009; ORD. 478, 3/8/95; ORD. 638, 12/14/05]