



COUNTY OF MORA

RESOLUTION NO. 2019-075

ESTABLISHING A DISPOSAL COMMITTEE FOR PROPERTY DISPOSITION

WHEREAS, the Mora County Commission did adopt, on August 24, 2014, the Mora County Procurement Policies and Procedures; and,

WHEREAS, Section 8 of this policy describes the processes and procedures for disposing of obsolete, worn-out or Unusable Tangible Personal Property, owned by Mora County; and,

WHEREAS, this policy was developed in accordance with New Mexico Statutes, 13-6-1; and,

WHEREAS, Section 8.B.1 of the Mora County Procurement Policies and Procedures, states that the Board of County Commission shall 'establish a Disposal Committee of at least three Mora County officials to approve and oversee the disposition'; and,

WHEREAS, this committee shall meet on an as-needed basis to research and review County property that has been identified as 'obsolete, worn-out or unusable'; and,

WHEREAS, this committee shall make recommendation to the Board of County Commissioners to officially declare the property surplus, in an official public meeting; and,

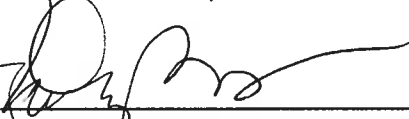
WHEREAS, this committee shall consist of a representative from the following Mora County departments: County Manager, Finance and Procurement;

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners does hereby create and appoint this disposal committee;

PASSED, APPROVED AND ADOPTED THIS 12 TH **DAY OF** December, **2019**

BOARD OF COUNTY COMMISSIONERS:


Lionor F. Maestas, Chair


Veronica M. Serna, Vice-Chair


Alfonso J. Griego, Member

Attest:

Carlos J. Arellano, County Clerk



SECTION 8 – Property Disposal

MCPPP08-101 Obsolete, Worn-out or Unusable Tangible Personal Property.

This Section MCPPP08-101 applies to items of tangible personal property (“items”) that have little or no value (including those with scrap or salvage value only) as well as to items with negative value (items that we will have to pay to dispose of, such as items containing toxic or hazardous materials).

A. The BCC may dispose of any item, other than real estate, belonging to Mora County upon written determination that the item is:

- (1) of a current resale value of five thousand dollars (\$5,000) or less; and
- (2) worn out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use.

B. Before disposing of any such item, the BCC shall:

- (1) establish a Disposal Committee of at least three Mora County officials to approve and oversee the disposition;
- (2) approve the recommendation of the Disposal Committee in a public Business Meeting; and
- (3) for items on the capital asset list and equipment containing computer hard disk drives, provide the State Auditor a minimum of thirty (30) days written notice prior to the actual disposal of the item. This written notice shall be duly sworn and subscribed under oath by each member of the BCC. If computer hard disk drives are included, certification of destruction or erasure consistent with 2.2.2.10(V) NMAC shall accompany the notification letter to the State Auditor.

[Note: The Mora County BCC may wish to consider appointing a standing Disposal Committee, on an annual basis, at such time as other county board appointments are made.]

C. After disposal authorization has been granted by the BCC (per above) (AND – for items on the capital asset list - the thirty (30) day notification period (“waiting period”) to the State Auditor has passed), a County Department or County Elected Official Office may use any of the following methods to dispose of the item:

- (1) Negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico;
- (2) negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities; or
- (3) competitive sealed bid or public auction – each through the Purchasing Department.

For items on the capital asset list, disposal through one of the above methods may be started during the waiting period but it must be understood that the State Auditor has the right to question, challenge or deny a disposal. Such will delay or terminate the disposal process. Actual disposal of the item can not take place until the waiting period has passed, indicating approval to proceed. If disposal is attempted through the use of competitive sealed bids, during the waiting period, language shall be included in the competitive sealed bid indicating that the (disposal) procurement action is subject to cancellation if not approved by the State Auditor. If auction is used as a disposal method, the actual auction itself shall not start until after the waiting period. In no case shall the actual transfer of an item occur until the waiting period has passed.

[NOTE: For items not on the capital asset list, disposal may occur as quickly as desired after BCC approval provided the disposal is conducted consistent with one of the three (3) disposal methods identified immediately above.]

D. If, after making a reasonable effort to dispose of an item through the methods detailed in subsection C, and if none of those methods are successful, then the BCC may sell or, if the property has no value, donate the property to any non-profit [501(c)(3)] organization.

E. If disposal through neither subsections C or D is successful after a reasonable effort, the BCC may order that the property be destroyed or otherwise permanently disposed of in accordance with applicable laws.

F. If the BCC concurs, during the disposal approval process, that the item is hazardous or contains hazardous materials and may not be used safely under any circumstances, it shall be destroyed and disposed of in accordance with applicable laws.

G. Items to be disposed of may not be donated to an employee or relative of Mora County. Those persons, however, may participate and bid for that item at a public auction.

H. For items with a current resale value of over five thousand dollars (\$5,000), all of the above applies and the Local Government Division (LGD) of the Department of Finance and Administration shall also be notified in the same manner as the State Auditor and shall have approval authority as well. The same waiting period applies to LGD as does for the State Auditor. Both the State Auditor and LGD should be notified at the same time and the waiting period for each shall run concurrently. (Note also that Section 2.B, below, may apply and should be considered.)

MCPPP08-201 Useable Tangible Personal Property and Real Property.

Unless otherwise indicated, this Section MCPPP08-201 applies to items of tangible personal property and real property (typically real estate) that still have useful life remaining but are not needed by the County. Such items are "surplus property".

The BCC may sell or otherwise dispose of any surplus property belonging to Mora County upon written determination that the surplus property is not needed by Mora County or that such disposal is in the best interest of Mora County.

C. A report shall be submitted to the BCC, at the last business meeting of each calendar month, as to the outcome of disposal efforts for each item the BCC has previously approved for disposal and that have been disposed of since the last such report was provided to the BCC.

D. Items which are normally or customarily "thrown away" at the end of their useful life (such as expendable supplies, broken furniture or office equipment that can not be economically repaired or soiled items that can no longer be economically cleaned such that they can remain in service) are not subject to this policy and may be disposed of in the customary manner, consistent with any applicable laws. This exception DOES NOT APPLY to any item that can be disposed of in such a manner to bring income (monetary or otherwise) to Mora County. In such case, the item SHALL be subject to this disposal policy.

MCPPP08-401 Disposal of Items Associated with Insurance Settlements.

Items surrendered to an insurance company or insuring authority in exchange for payment for such items where the County is made whole, less any applicable deductible, are not subject to this disposal policy.

Procurements and Grant Money

SECTION 9 – POLICY ADOPTION CERTIFICATION

PASSED, ADOPTED AND APPROVED THIS 12TH DAY OF AUGUST, 2014; DONE AT MORA, COUNTY OF MORA.

BOARD OF COUNTY COMMISSIONERS:




JOHN P. OLIVAS, CHAIRMAN



PAULA A. GARCIA, VICE-CHAIRMAN



ALFONSO J. GRIEGO, MEMBER



ATTEST: JOANNE E. PADILLA-SALAS, COUNTY CLERK

