

CHAPTER 37: CITY POLICIES

Section

- 37.01 Procedures for disposing of personal property
- 37.02 Authority to purchase apparatus, supplies, materials or equipment

§37.01 PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY

- (A) *Grant of Authority:* Subject to the restrictions and conditions hereinafter provided, when purchasing apparatus, supplies, materials or equipment for use by the City of Belmont, in addition to such authority as may be provided by law and/or otherwise delegated by the City Council, the City Manager shall have the authority to:
- (1) Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features and/or requirements therefore;
 - (2) Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified person property owned by the City of Belmont;
 - (3) Advertise, or otherwise secure bids, for such item(s) , if required under applicable law;
 - (4) Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the item(s) and the sale of trade-in property;
 - (5) Reject bids;
 - (6) Re-advertise to receive bids;
 - (7) Waive bid bond or deposit requirements;
 - (8) Waiver performance and payment bond requirements; and,
 - (9) Execute and deliver the purchase contract(s).

- (B) *Report:* At the first meeting of the City Council following the award of any contract(s) pursuant to this section, the City Manager shall submit a report to the City Council summarizing the bids received and the contract(s) awarded. Such report shall be included in the minutes of the meeting at which it is received.
- (C) *Extent of Authority:* Except in cases of sole source purchase pursuant to G.S. §143-129(f) and cases of purchases from established contracts pursuant to G.S. §143-129(g) unless otherwise provided by the law, the provisions of this Chapter shall apply to the purchase of all apparatus, supplies, materials or equipment required for use by the City of Belmont.
- (D) *No Limitation of Other Authority:* The provisions of this Chapter are not intended to limit, restrict or revoke, in any matter, authority otherwise granted and/or delegated to the City Manager by statute, law or action of the City Council.
- (E) *Appropriation required:* No purchase shall be made by the City Manager under authority of this section unless an appropriation for such purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the City Council.
- (F) *Application of General Statutes:* In acting pursuant to the authority delegated by this chapter, the City Manager shall comply with the requirements of Article 8, Chapter 143 of the North Carolina General Statutes, as from time to time amended, modified, supplemented, revised, or superseded, to the same extent as would have otherwise applied to the City Council.
- (G) *Authority:* This section is enacted pursuant to the provisions of G.S. §143-129(a). (Ord. 98-08, passed 3-2-98)

§37.02 AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS OR EQUIPMENT

- (A) The City Manager is hereby authorized to dispose of any surplus person property owned by the City of Belmont, whenever he or she determines, in his or her discretion, that:
 - (1) The item or group of items has a fair market value of less than \$5,000;
 - (2) The property is no longer necessary for the conduct of public business; and
 - (3) Sound property management principles and financial considerations indicate that the interests of the City would best be served by disposing of the property.
- (B) The City Manager may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of

sale provided in Article 12 of the G.S. Chapter 160A. Such sale may be public or private, and if private, the sale shall not be consummated until ten days after the publication of a notice of the sale.

- (C) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the City if greater value may be obtained in that manner, and the City Manager is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the City Manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the City Council.
- (D) The City Manager shall keep a record of all property sold under authority of this Chapter and that record shall generally describe the property sold or exchanged, to whom it was sold, or which who exchanged, and the amount of money or other consideration received for each sale or exchanged.
- (E) This Chapter is enacted pursuant to the provisions of N.C.G.S. 160A-266(c).
(Ord. 98-04, passed 2-2-98)