

### **DISPOSAL OF PROPERTY**

When the Board decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value Ten Thousand Dollars (\$10,000.00), it shall sell the property at public auction, after giving at least thirty (30) days' notice of the auction by publication in a newspaper of general circulation in the District, by abbreviated publication as provided in O.R.C. §7.16, or by posting notices in five (5) of the most public places in the District. The Board may offer real property for sale as an entire tract or in parcels.

When the Board has offered real or personal property for sale at public auction at least once, and the property has not been sold, the Board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the Board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

If the Board decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value Ten Thousand Dollars (\$10,000.00), it may sell the property to the adjutant general; to any subdivision or taxing authority under O.R.C. §5705.01, township park district, board of park commissioners under O.R.C. Chapter 755, or park district under O.R.C. Chapter 1545; to a wholly or partially tax-supported university, university branch, or college; to a nonprofit institution of higher education that has a certificate of authorization under O.R.C. 1713; to the governing authority of a chartered nonpublic school; or to the board of trustees of a school district library, upon such terms as are agreed upon. The sale of real or personal property to the board of trustees of a school district library is limited, in the case of real property, to a school district library within whose boundaries the real property is situated, or, in the case of personal property, to a school district library whose boundaries lie in whole or in part within the District.

If the Board decides to trade as a part or an entire consideration, an item of personal property on the purchase price of an item of similar personal property, it may trade the same upon such terms as are agreed upon.

The President and the Treasurer of the Board shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade of property under this Policy.

Except as provided in O.R.C. §§3313.412 and 3313.413, when the Board has identified a parcel of real property that it determines is needed for school purposes, the Board may, upon a majority vote of the members of the Board, acquire that property by exchanging real property that the Board owns in its corporate capacity for the identified real property, or by using real property that the board owns in its corporate capacity as part or an entire consideration for the purchase price of the identified real property. Any exchange or acquisition made pursuant to this division shall be made by a conveyance executed by the President and the Treasurer of the Board.

Except as provided in O.R.C. §§3313.412 and 3313.413, if the Board decides to dispose of real property, prior to disposing of that property, it shall first offer that property for sale to the governing authorities of the start-up community schools established under O.R.C. Chapter 3314, and the board of trustees of any college-preparatory boarding school established under O.R.C. Chapter 3328, that are located within the territory of the District. The Board shall offer the property at a price that is not higher than the appraised fair market value of that property as determined in an appraisal of the property that is not more than one year old. If more than one community school governing authority or college-preparatory boarding school board of trustees accepts the offer made by the Board, the Board shall sell the property to the governing authority or board that accepted the offer first in time. If no community school governing authority or college-preparatory boarding school board of trustees accepts the offer within sixty (60) days after the offer is made, the Board may dispose of the property.

#### **Private Sale or Waste Removal of Personal Property**

The Superintendent is authorized to dispose of personal property that the Board owns in its corporate capacity, which does not exceed in value Ten Thousand Dollars (\$10,000.00), through private sale or through normal waste removal procedures. Disposal of property should serve the public interest and benefit the District. In determining whether and how to dispose of property, the Superintendent shall consider the following factors:

1. Whether the property is needed and regularly used;
2. Whether the property can be repaired;
3. Whether replacement parts for the property are readily available;
4. The cost efficiency of repairing the property versus replacing it;
5. Whether retaining the property creates a health or safety hazard;
6. The likelihood of the property being sold for more than a nominal sum.

The Superintendent shall notify the Board, during its monthly meeting, of his/her intention to sell or dispose of property, the aggregate value of which is reasonably estimated to exceed One Thousand Dollars (\$1,000.00). The Superintendent shall provide the Board with the reason(s) for the intended disposal and the intended method of disposal. Should a majority of the Board object to the Superintendent's intended disposal or method of disposal, the Superintendent shall not dispose of the property, or shall not dispose of the property by his/her intended method, as indicated by the Board.

### Donating Board Property

When the Board has property that it finds, by resolution, is not needed for District use, is obsolete, or is unfit for the use for which it was acquired, the Board may donate that property if the fair market value of the property is, in the opinion of the Board, Two Thousand Five Hundred Dollars (\$2,500.00) or less.

The property may be donated to an eligible nonprofit organization that is located in Ohio and is exempt from federal income taxation pursuant to 26 U.S.C. §501(a) and (c)(3). Before donating any property, the Board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to these organizations. The resolution shall include guidelines and procedures the Board considers to be necessary to implement the donation program and shall indicate whether the District will conduct the donation program or the Board will contract with a representative to conduct it. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

The resolution shall include within its procedures a requirement that any nonprofit organization desiring to obtain donated property shall submit a written notice to the Board or its representative. The written notice shall include evidence that the organization is a nonprofit organization that is located in Ohio and is exempt from federal income taxation pursuant to 26 U.S.C. §501(a) and (c)(3); a description of the organization's primary purpose; a description of the type or types of property the organization needs; and the name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent.

After adoption of the resolution, the Board shall publish, in a newspaper of general circulation in the District, or through abbreviated publication as provided in O.R.C. §7.16, notice of its intent to donate unneeded, obsolete, or unfit-for-use District property to eligible nonprofit organizations. The notice shall include a summary of the information provided in the resolution and shall be published twice. The second notice shall be published not less than ten (10) nor more than twenty (20) days after the previous notice. A similar notice also shall be posted continually in the Board's office and on its website.

The Board or its representative shall maintain a list of all nonprofit organizations that notify the Board or its representative of their desire to obtain donated property and that the Board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The Board or its representative also shall maintain a list of all District property the Board finds to be unneeded, obsolete, or unfit for use and to be available for donation. The list shall be posted continually in a conspicuous location in the Board's office and on its website. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the

Board or its representative its desire to obtain the item, unless the Board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific District purposes of programs provided or administered by the Board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the Board shall consult with the Ohio ethics commission, and comply with Chapters 102 and 2921 of the Ohio Revised Code, with respect to any donation to a nonprofit organization of which a Board member, any member of a Board member's family, or any business associate of a Board member is a trustee, officer, board member, or employee.

LEGAL REFS.: O.R.C. §3313.41

Adopted: December 16, 2019