

CHAPTER 51

DISPOSITION OF SURPLUS PROPERTY

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**51-0005 Scope**

This chapter applies to disposition of personal property only. For disposition of real property, see ORS Chapters 271 or 457, as applicable.

**51-0010 Definitions**

As used in this chapter, the following capitalized terms have the meanings set forth below:

Personal Property

All chattels and movables, including vehicles, tools, goods, furniture, equipment, construction materials, animals, livestock and fixtures, but excludes real property such as land and permanent buildings.

Public Purpose

For the benefit of the community; includes, but is not limited to, programs intended to promote community-wide conservation, economic development, education, parks and recreation, public health, public safety, programs of assistance to the homeless or impoverished, and programs for older individuals.

Real Property

City-owned land and buildings, including fixtures.

Surplus Personal Property

Personal Property that is in excess of the present and foreseeable needs of the City, including obsolete or worn-out materials and equipment and unneeded spare parts.

**51-0015 Surplus Personal Property**

The Surplus Personal Property of the City may be disposed of as follows:

A. Reuse by Other City Departments

Each City department is encouraged to let other City departments know of any City-owned Personal Property the department considers surplus to its needs. Such items may be exchanged between departments on a first come, first served basis, except if directed otherwise by the mayor or a department head on a particular occasion. Notice of available City-owned Surplus Personal Property can be provided by a department to other departments by means of the City's Intranet or e-mail system or by delivering the Surplus Personal Property to a central location where it is available to other City employees for official, City-related use.

B. Transfer to Preferred Social Services Recipients

If no City employee expresses an interest in using an item of departmental Surplus Personal Property after the item has been identified as departmental Surplus Personal Property, the City may circulate a list of such property among any or all of the non-profit organizations that receive funding from the City's social services funding program or the state shared revenue program. Such an organization may acquire departmental Surplus Property for a Public Purpose, provided:

1. The organization places the Surplus Property in use within one year of receipt and continues to so use of the property for a Public Purpose for at least one year from the date it is placed in use.
2. In the event the Surplus Property is either (i) not placed into use for a Public Purpose within or (ii) is not continued in use for a Public Purpose for the requisite time described at subsection (2)(a) of this section, the non-profit organization shall immediately notify the City and title and right to the possession of the Surplus Property shall, at the sole discretion of the City, revert to the City, remain with the non-profit organization, or transfer to such other Person (including other non-profit organization that receive funding from the City's social services funding program or the state's shared revenue program) as the City may designate. Upon receipt of Written notice from the City, the non-profit organization shall promptly return the property to the City or transfer it to such other Person as the City may designate, all at the non-profit organization's expense.
3. From the date it receives the Surplus Property to the date one year after the non-profit organization places the Surplus Property in use for a Public Purpose, the non-profit organization shall not sell, trade, lease, lend, bail, cannibalize, encumber or otherwise dispose of such property without the prior consent of the City. The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property occurring within one year of the date

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the non-profit organization places the Surplus Property in use for a Public Purpose shall be remitted promptly to the City. One year after the non-profit organization places the Surplus Property in use for a Public Purpose, the organization shall obtain clear title to the property.

4. Surplus property acquired by a non-profit organization from the City is acquired on an “as is, where is” basis, without warranty of any kind. The organization must make all arrangements necessary for packing, removal, and transportation of property, unless otherwise agreed by City. Any loss, damage, or destruction occurring prior to or in the course of packing or removal is at no risk to the City, its employees or agents. To the fullest extent permitted by law, the organization shall hold the City harmless against any loss related to transfer or use of the property.

5. The organization shall carry insurance against damages to or loss of property due to fire or other hazards. Where loss of or damage to Surplus Property with unexpired terms, conditions, reservations or restrictions occurs, the City will be entitled to reimbursement from the organization out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed Surplus Property items.

6. At the option of the City, a non-profit organization may accelerate the termination of the terms and conditions set forth in this section by paying the City the fair market value of the Surplus Property, as determined by the City.

7. The non-profit organization shall agree to abide by the terms and conditions set forth in this policy as a condition of receiving Surplus Property from the City.

### C. Sale, Transfer or Disposal to Others

If no City employee or non-profit organizations that receive funding from the City’s social services funding program or the state’s shared revenue program expresses an interest in using an item of departmental Surplus Property within 60 Days after the item is identified as departmental Surplus Property, the City shall arrange for the sale, transfer or disposal of the Surplus Personal Property. The methods of disposal may include, but are not limited to: trade-in; return to supplier; selling as scrap; advertising for sale; auction; donation to other governmental agencies; donation to any organization qualified to acquire property through the federal Surplus Property donation program; or disposal through the State of Oregon Department of General Services, Surplus Property Division. If the number, value and nature of the item to be sold as Surplus Personal Property make it probable that the cost of conducting a sale without competitive bidding will result in substantially greater net revenue to the City, the Surplus Property may be sold without competitive bidding.

### D. Low-or No-Value Property

Low- or no-market value property may be disposed of as follows:

#### 1. Low-Value Property.

If the estimated value of an item of Surplus Personal Property is less than \$25, the item of Surplus Personal Property may be disposed of by any means determined to be cost-effective, including by recycling, disposal as waste, or donation to a public charity, such as Goodwill Industries, the American Red Cross, Habitat for Humanity, Salvation Army or United Way.

#### 2. No-Market Value Property.

If the estimated cost of sale is likely to exceed estimated sale proceeds, the item of Surplus Personal Property may be disposed of by any means determined to be cost-effective, including by recycling, disposal as waste, or donation to a public charity, such as Goodwill Industries, the American Red Cross, Habitat for Humanity, Salvation Army or United Way. Found, unclaimed bicycles held by the Police Department for the City are presumed to qualify for disposal under authority of this subsection.

### E. High-Valued Property.

If the estimated value of an item of Surplus Personal Property exceeds \$50,000, the disposal and method of disposal of that item shall be authorized by the Local Contract Review Board. Upon authorization of disposition, the methods of disposal may include, but are not limited to: trade-in; return to supplier; selling as scrap; advertising for sale; auction; donation to other governmental agencies; donation to any organization qualified to acquire property through the federal Surplus Property donation program; or disposal through the State of Oregon Department of General Services, Surplus Property Division.

### F. Disposal of Electronic Waste

Surplus Personal Property that consists of electronic equipment such as circuit boards, computers, monitors, keyboards, printers, scanners, cell phones, batteries, lamps and other electronic goods shall be disposed of in as an environmentally

responsible manner. Disposal of surplus personal property in an environmentally responsible manner means, to the extent practicable, the disposal of property in a manner that reduces the use of natural resources, permits the reuse or the refurbishment of the property or the recovery of the property's component parts, or otherwise minimizes the adverse impact of the disposal of the property on the environment.

Electronic Surplus Personal Property that the City cannot directly sell or otherwise transfer to another for further use may be disposed of through a third party that (1) has an environmental management systems certification (e.g., ISO 14001); (2) has a demonstrated ability to establish systems for verifying downstream vendor compliance with applicable international, federal and state laws for operations; (3) has a network of counterparties potentially capable of re-using the City's surplus property; and (4) has the ability to provide equipment refurbishing, component reuse and raw material recovery services where re-use of surplus property is impracticable.

**51-0020 Gifts of City Property at Separation from Service**

A. Office Memento

In connection with a City employee's separation from service, such as upon retirement, and with the authorization of the mayor or a department head, the City may give the separating employee Personal Property of the City that was assigned to or used by the separating employee, provided the Personal Property has a current value of less than \$75.

B. Police Firearm and Badge

In connection with a City police officer's separation from service, such as upon retirement, and with the authorization of the mayor or police chief, the separating officer may be given the badge and firearm that was assigned to or used by the separating officer.

C. Police K-9

In connection with the retirement of a police canine from active service, and with the authorization of the mayor or police chief, the retiring canine may be given to its handler or to another Person.

**51-0025 City-Owned Weapons and Police Equipment**

Surplus Personal Property consisting of knives, firearms and other weapons or other equipment and materials used primarily by police officers, such as handcuffs, ammunition, batons, stun guns, miniature cameras, recorders and similar devices shall be traded in for new equipment, transferred to another law enforcement agency or destroyed.

**51-0030 Local and State Laws Control**

In the event any provision contained in this chapter conflicts with a provision of state law or City ordinance, the state law or City ordinance, as appropriate, shall control the disposition of the City's surplus Personal Property.

**51-0035 Unclaimed Property in Custody of City Police Department**

For purposes of this section, "Unclaimed Property" is Personal Property that is seized by the Beaverton Police Department as (1) evidence or (2) abandoned property or (3) found property or (4) stolen property, and that remains in the physical possession of the Beaverton Police Department for a period of more than 60 Days following conclusion of either (1) all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or (2) conclusion of the investigation if no criminal action is filed. The City may dispose of Unclaimed Property pursuant to ORS 98.245.

**51-0040 Unsanitary Personal Property in Custody of City**

Unsanitary abandoned or found property in the custody of the City, including used clothing, mattresses, bedding, stuffed toys and upholstered furniture, may be summarily disposed of as waste if, at the time of disposal, the property does not reasonably appear to be part of a criminal investigation or prosecution.

**51-0045 Personal Property of Prisoner in Custody of City**

The Personal Property of a Person taken into custody by the City shall be processed as prisoner property under City ordinance.

**51-0050 Drug Paraphernalia in Custody of City**

“Drug Paraphernalia” means all equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

Drug Paraphernalia seized by the Beaverton Police Department as (1) evidence or (2) abandoned property or (3) found property or (4) stolen property, and that remains in the physical possession of the Beaverton Police Department for a period of more than 60 Days following conclusion of either (1) all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or (2) conclusion of the investigation if no criminal action is filed may be disposed of as waste.