

RESOLUTION NO. 2022 - 11

A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY AND PROCUREMENT OF PROPERTY

The Board of County Commissioners has determined the need to establish guidelines for disposition of surplus property for Wabaunsee County, and the County is allowed to do so pursuant to K.S.A. 19-211(b). Additionally, the County seeks to establish guidelines concerning the procurement of property.


NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WABAUNSEE COUNTY, KANSAS, that:

1. A policy and procedure for disposition of surplus property and procurement of property for Wabaunsee County is hereby adopted by the Board of County Commissioners and as the "Disposition and Procurement Policy" of Wabaunsee County. The approved document is attached hereto for reference.

2. The policy and procedure adopted hereunder shall become effective upon passage of this resolution.

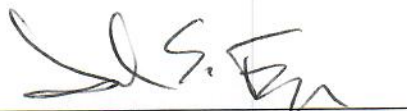
Dated this 14th day of February, 2022.


Attested by:


Abby Amick
County Clerk



BOARD OF COUNTY COMMISSIONERS
OF WABAUNSEE COUNTY, KANSAS


Joel Fager, Chairman


Nancy Hier, Commissioner

absent
Rodney Allen, Commissioner

Disposition and Procurement Policy of Wabaunsee County

Article A: Disposition of Surplus Property

I. Purpose

This policy establishes guidelines for the identification and disposition of surplus property, including personal and real property owned by Wabaunsee County.

II. Policy Statement

Real and personal property of Wabaunsee County represents a considerable investment of public funds. Procedures and safeguards provided herein are designed to encourage efficient utilization of property, establish managerial control and provide for the efficient disposition of property deemed as surplus in accordance with this policy or other applicable restrictions governing the disposition of such property.

III. Definitions

Surplus Property: Real or personal property owned by Wabaunsee County that is no longer needed due to changing service requirements, damage or wear. Surplus property does not include property intended to be traded in for similar property or an upgraded version. Surplus property does not include garbage.

Personal Property: Movable items, including equipment, vehicles, machinery, furniture, fixtures, tools or other movable, physical goods are considered personal property.

Real Property: Real estate, including land, easements, buildings and related permanent, immovable assets affixed to land are considered real property.

IV. Procedures

A. Personal Property

1. Each Department Head will determine whether property assigned to their department is no longer of use; when this is determined, the County Clerk shall be notified. The County Clerk and Department Head shall make a determination as to how the county property was acquired and whether a transfer or disposition is subject to any restrictions due to the original source of funding. Examples include, but are not limited to, federal or state grant requirements or other statutory constraints.

2. The Department Head will ensure that property declared surplus by departments is made available to other County departments before sale or disposal, in order to obtain the maximum economic utility from such property.

This requirement will not apply if the Department intends to use the property as a trade-in at the time it is surplus. Receiving department shall take on responsibilities such as insurance and maintenance. However, in the event of a sale, proceeds shall return to the originating department budget as appropriate.

3. If surplus property is not desirable to other County departments, the Department Head will determine the value of surplus property in order to establish its status relative to this policy.

4. Once the value is established, personal property may be disposed of through the most efficient and economical method to maximize returns, including, but not limited to, auction, trade-in, negotiated sale, sealed bid, fixed price, negotiated bid or any other method of sale deemed most beneficial to the County, including sealed bid sales limited to government entities such as cities, townships, improvement districts, or fire districts.

5. Disposition of personal property valued at \$1000 or more shall be determined by the Board of County Commissioners. For all methods of disposition, notification or public pronouncement shall be done by the Department Head.

6. Disposition of personal property valued at less than \$1000 shall be determined by the Department Head subject to concurrence by the County Clerk in a manner deemed most beneficial to the County. Disposition shall be documented and at a minimum reflected in the yearly inventory and shall include the method of disposition, description of property, time, date, recipient of property and value. Negotiated sales shall be approved by the Board of County Commissioners, although repeated sales of the same kind may be given continual approval.

7. When possible, public auction sites are the encouraged method of distribution when property is not otherwise transferred within County departments.

B. Real Property

1. Disposition of real property shall be coordinated by the Board of County Commissioners. The designee of the Board of County Commissioners shall be responsible for obtaining the current appraised value of the real property and shall gather and retain information regarding the location and size of the property, zoning and any restrictions, covenants, encumbrances, etc. that remain attached to the parcel.

2. All contracts, deeds, and related documents must be reviewed and approved by the County Attorney's Office prior to disposition of real property.

3. Real property may be disposed of through negotiated sale, sealed bid, fixed price, or any other method of disposition deemed in the best interest of the County.

4. Disposition of real property shall be approved by the Board of County Commissioners through the established agenda process and shall authorize the Chairman or designee to sign all related documents.

C. Public Notice

Public notice of the disposition of real and personal property shall be made in a manner dependent upon the method of sale, including, but not limited to: posting on the County's website, publication in the official newspaper of the County, or any other mechanism deemed appropriate to allow public participation or notification. Such notice shall include the date, time, description of the property and any other terms and conditions regarding disposition.

D. Donations

Donations of County-owned property of any amount shall require approval by the Board of County Commissioners through the established agenda process. The agenda items shall include a description of the property, recipient, date of transfer and estimated fair value.

E. Conflicts of Interest

County employees shall be permitted to participate as buyers in competitive sales of surplus property as any other member of the public. Consistent with ethical conduct, County employees shall not take advantage to gain personal benefit from such transactions.

F. Exceptions

Exceptions not defined within this policy shall be evaluated by the Board of County Commissioners on an individual basis.

Article B: Procurement

I. General Provisions

A. PURPOSE

This policy is designed to outline the purchasing policies of Wabaunsee County. It is intended to ensure fair and equitable treatment of all vendors and citizens of Wabaunsee County and to provide efficient and economical use of Wabaunsee County funds.

B. APPLICATION AND WAIVERS

This policy shall apply to all expenditures. The Board of County Commissioners, by majority vote, may waive the use of this policy when the Board deems it to be in the best interest of the County to do so, as long as the waiver does not conflict with any Kansas statute.

C. RESPONSIBILITIES

It shall be the responsibility of the County Clerk to oversee the application of this policy. Additionally, the County Clerk shall be responsible for maintaining inventory records of all fixed assets of Wabaunsee County.

Department Heads (including Elected Officials) shall ensure that all acquisitions made by their staff conform to the guidelines established by this policy and State law. Staff shall provide assistance in the purchasing process where appropriate, including, but not limited to, specification development and negotiations. All final contracts and purchasing documentation must be forwarded to the County Clerk for record keeping.

II. PURCHASING PROCEDURES

A. COUNTY CREDIT CARDS

1. General Rule. Credit cards may be requested or issued to departments after completing and submitting a Credit Card Authorization Form to the County Clerk's Office. All original detailed receipts must be submitted to the County Clerk's Office for reconciliation and payment with each monthly statement.

2. Restrictions. Credit cards cannot be used to obtain cash advances, bank checks, traveler's checks, or electronic cash transfers for expenses or for personal expenses. Credit cards cannot be used to purchase alcohol, meals, or tips/gratuuity for meals. However, credit cards can be used to purchase meals when the County is hosting an event that includes non-employees. Misuse of the card will result in cancellation of the card and loss of credit card privileges.

The Credit Card may only be used for official authorized purchases. It is NOT intended to void or bypass appropriate procurement or payment procedures, but to complement existing procedures. Use of the Credit Card does not exempt the County or any cardholder from complying with statutory requirements and Wabaunsee County purchasing and accounting guidelines.

If in doubt that a purchase is authorized under this agreement through the use of the Credit Card, cardholder understands that he/she should seek prior approval from their Department Head or County Commissioners. Such approval assumes proper use of the Credit Card.

Remember that you are committing Wabaunsee County funds each time you use the credit card. This is a responsibility that cannot be taken lightly.

3. Receipts. Itemized receipts are required for all purchases and shall be turned into the County Clerk's Office. This transaction receipt needs to include a description of the purchase, "Misc" is not an adequate description. If the purchase is not made in person, you need to request the vendor to send a detailed transaction receipt. The transaction receipt and shipping documents will be used in the reconciliation process.

There are rare instances when a transaction receipt is not available. If this happens, document your attempt to obtain a receipt and attach to your monthly statement.

Wabaunsee County, as an agency of the State of Kansas, is exempt from paying Kansas sales or use tax per KSA 79-3606(b). At the time you make purchases, you must inform the vendor that we are a tax-exempt organization. Wabaunsee County's tax exemption number is KS1MEX960K. A Tax Exemption Form is available through the Clerk's

Office. Always check your transaction receipt right away to ensure taxes weren't charged.

If a detailed receipt is not submitted to the County Clerk's Office for reconciliation with the monthly statement, the employee responsible for the expense will be charged for the expense through a payroll deduction.

4. Discipline. Misuse of the card or continued/repeated non-conformance to this policy will result in cancellation of the card and discipline, including liability for payment of inappropriate purchases.

5. Lost/Stolen Cards or Fraudulent Charges. When a credit card is lost or stolen, immediately contact the County Clerk's Office. If you suspect fraudulent charges, immediately contact the County Clerk's Office.

If you disagree with a transaction on your monthly statement, you should attempt to resolve the difference with the vendor. If you are unable to resolve the difference, notify the County Clerk's office. It is very rare that a dispute will need to be filed. Upon resolving discrepancies, verify corrections on the following monthly statement.

COUNTY CLERK'S OFFICE RESPONSIBILITIES

The Clerk's Office has online access to all cardholder accounts. They can make changes in card limits, department information, name changes, ordering new cards and cancelling cards. The Clerk's Office is also responsible for auditing all transactions and maintaining appropriate records.

The Clerk's Office reserves the right to conduct random audits of cardholder transactions throughout the program to ensure compliance with purchasing rules and regulations. If abuse is found during these audits, cards may be revoked.

The County Clerk's Office must audit all transactions for all cardholders and input the payment vouchers into the accounts payable computer system for payment. The monthly statements, receipts and claim voucher will be submitted to the Commissioners for final approval to pay. It is the policy of this County to pay the credit card bill in full as it becomes due and not accrue interest or late fees. Departments will use diligence to ensure this can be done.

Payments will be reflected on the monthly accounting reports.

The County Clerk's Office will retain all applicable transaction documentation for five (5) years.

B. PURCHASES OF COMMODITIES, SERVICES, and ALL OTHER PURCHASES

Department heads shall have the authority to approve the purchases of commodities, fuel, and road materials as long as the purchases do not subject the department to running over budget or cause the department to project to run over budget with estimated future expenses.

Department heads shall have authority to purchase services below \$5,000. Services at or exceeding \$5,000 shall require approval of the board of commissioners. Bids should be gathered for procurement of services over \$5,000 to obtain the lowest price and provide fairness to vendors, unless a substantial and compelling reason exists not to submit for bidding. When required by law, public bid letting on services must occur. (Ex: K.S.A. 68-521 concerning roads, K.S.A. 19-214 concerning county projects). Annual renewals for services will not require reapproval.

For all other purchases, when the purchase price is less than or equal to 1% of the department budget up to \$5,000, the department head shall have the authority to make the acquisition without prior board of commissioner approval. Questions or concerns should be directed to the Counselor's office prior to making purchase. When required by law, public bid letting must occur. (Ex: K.S.A. 68-521 concerning roads, K.S.A. 19-214 concerning county projects). Otherwise, the gathering of competitive bids should be used on purchases over \$5,000 to obtain the lowest price and provide fairness to vendors, unless a substantial and compelling reason exists not to submit for bidding.

C. ETHICS IN COUNTY CONTRACTING AND PURCHASING

1. GENERAL STANDARDS OF ETHICAL CONDUCT

General Statement

Any attempt to realize personal gain through County employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of public trust. Wabaunsee County shall impose disciplinary measures for such a breach in accordance with the Human Resources Policy Manual, up to and including dismissal.

Employee's Responsibilities

It shall be the responsibility of County employees involved in any decision to purchase goods and/or services on behalf of the County to avoid the appearance of impropriety in such decision making.

Employee use of County Credit Cards

Wabaunsee County credit cards may not be used to purchase personal items for any reason. Wabaunsee County shall impose disciplinary measures for such actions in accordance with the Human Resources Policy Manual, up to and including dismissal.

2. EMPLOYEE CONFLICT OF INTEREST

i. Definitions

Contract: The term “contract” as used herein shall mean any agreement between County and one or more other persons or businesses by which the other persons or businesses agree to provide, in exchange for consideration, any type of property, whether tangible or intangible, services, or any other benefits to or for the County.

Employee: The term “employee” as used in this section shall apply to any person, whether appointed or elected, who receives a paycheck from the County.

Substantial Interest: A substantial interest includes any legal or equitable interest of an employee or employee’s spouse in a business exceeding \$5,000 or 5% of any business of an employee or the employee’s spouse, whichever is less.

ii. Kansas Statutes

Pursuant to K.S.A. 75-4304, it shall be a breach of ethical standards for any County employee, in his/her capacity as such employee, to make or participate in the making of a contract with any person or business by which he/she (or his/her spouse) is employed or in whose business he/she has substantial interest. A County employee shall not be considered to have made or participated in the making of a contract if he/she has abstained from any action with regard to the contract.

iii. Exceptions

Section 3.2.ii does not apply when either of the following circumstances is in place: 1) Contracts awarded after competitive purchasing practices have been followed using the procedures outlined in previous sections of this policy; 2) Contracts for property or services for which the price or rate is fixed by law.

D. GIFTS, GRATUITIES, KICKBACKS AND CONTINGENT FEES

1. Gifts and Gratuities: Wabaunsee County personnel shall not accept an economic opportunity, gifts not to exceed a nominal value, loan, gratuity, special discount, favor,

hospitality, or service from any person or company known to have a special interest, under circumstances where he/she knows or should have known that a major purpose of the donor is to influence him/her in the performance of his/her official duties. Hospitality in the form of food or beverages is presumed not to be given to influence a Wabaunsee County employee in the performance of his/her official duties.

2. Kickbacks: It shall be a breach of ethical standards for any payment, gratuity or offer of employment be made by or on behalf of a subcontractor under a contract or order to prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

3. Contingent Fees: It shall be a breach of ethical standards for a person to be retained or to retain a person, to solicit or secure a County contract upon an agreement or understanding for a commission, percentage, or bona fide established commercial selling agencies for the purpose of securing business.

E. RESTRICTIONS ON EMPLOYMENT OF PRESENT EMPLOYEES

Except as may be expressly permitted by the Board of County Commissioners or their designee, it shall be a breach of ethical standards for any County employee who is participating directly or indirectly in the purchasing process to become or be, while being a County employee, the employee of any person contracting with the County.

F. USE OF CONFIDENTIAL INFORMATION

Wabaunsee County personnel shall not use, directly or indirectly, inside information to further a private gain for themselves or others if that information is not generally available to the public and was obtained by reason of their Wabaunsee County position.

E. ENFORCEMENT

Violations of these standards may be considered in implementing any discipline as outlined in the Personnel Policy up to and including termination.