



400-18 Disposal and Sale of Surplus Property Policy

PURPOSE

The purpose of this policy is to establish a transparent and legally compliant process for the responsible disposal, donation, or sale of surplus property owned by Red Jacket Community Library, including technology and equipment. This policy is guided by New York State Education Law, the Office of the State Comptroller (OSC), Not-for-Profit Corporation Law (N-PCL), and other applicable regulations.

POLICY

SCOPE

This policy applies to all tangible property owned by the library that is no longer needed for operations, including but not limited to:

- Books and other circulating or non-circulating materials
- Furniture and fixtures
- Technology (computers, AV equipment, etc.)
- Vehicles
- Real estate (buildings or land)

LEGALITY AUTHORITY AND OVERSIGHT

Under New York State Education Law §§226 and 260, the Board of Trustees holds authority to buy, sell, let, and otherwise dispose of library property in the best interests of the institution.

- The Library Director may dispose of surplus items in any legal manner.
- Sale of all items should be reported to the Board of Trustees at their next regular meeting as a part of the monthly financial report.
- Disposal of items with an estimated value of more than \$500 should be pre-approved by the Board of Trustees. The proceeds from any sales should be deposited into the Library's Operating Fund.
- Day-to-day disposal decisions for lower-value property is delegated to the Library Director, provided that proper records are maintained.
- Exceptions may be made of emergency disposal of items considered to have a potentially hazardous nature with no chance of recovery.

GENERAL PRINCIPLES FOR DISPOSAL

Surplus property may be disposed of when it is:

- Obsolete or technologically outdated
- Beyond economical repair
- No longer relevant to library operations or strategic needs
- Replaced by more efficient or updated models

Disposition methods may include:

- Donation to other public or not-for-profit entities
- Sale to the general public

- Recycling or responsible disposal

All methods must prioritize transparency, value recovery, environmental responsibility, and public accountability.

TECHNOLOGY AND EQUIPMENT DISPOSAL

Because technology presents additional risks, the following rules apply:

1. **Approval and Documentation**

- Disposal or sale of technology must be documented.
- Disposals above the \$500 threshold must receive Board approval.

2. **Data Security**

- Before any device is sold, donated, or discarded, all stored data must be securely sanitized or destroyed.
- Sanitization must follow recognized standards such as those from the National Institute of Standards and Technology (NIST) and the New York State Office of Information Technology Services (OITS).
- The library must maintain certificates of destruction/erasure for audit records.
- This requirement supports compliance with CPLR §4509 (confidentiality of library records) and the SHIELD Act (data security safeguards).
- All questions regarding equipment data security may be directed to the OWWL Library System Computer and Network Services Department, which provides guidance and assistance to member libraries.

3. **Equipment with No Market Value**

- Outdated technology with no resale or reuse value may be recycled or discarded, provided this is documented.
- Member libraries may utilize the OWWL Library System's e-waste recycling program, which ensures that all equipment is handled correctly and that data is purged according to security standards.

4. **Restrictions on Trustee and Employee Receipt**

- Trustees and employees must not personally benefit from the disposal of library property in a manner that creates a conflict of interest or appearance of impropriety.
- Any transfer to a trustee or employee is presumptively prohibited and may only occur if:
 - The conflict is disclosed and documented,
 - The Board authorizes it in a public meeting, and
 - The property is offered by a competitive, transparent process open to the public.
- All equipment disposed of in this manner must comply with all data security provisions in this policy.

5. **Cost-Benefit Consideration**

- If the cost of preparing technology for resale exceeds the expected return, donation or recycling is permitted as a more responsible option.

DISPOSITION OF LIBRARY MATERIALS (BOOKS AND OTHER MATERIALS)

Pursuant to Education Law §260:

- Surplus or withdrawn books must first be offered to other libraries, not-for-profits (including Friends of the Library groups), or government entities.
- If no such organization accepts the materials within 30 days, they may be sold to the public (e.g., book sale, online listing).
- Items remaining unsold after reasonable effort may be discarded or donated.
- All proceeds must be used exclusively to support library services and reported in the Annual Report.

DISPOSITION OF NON-TECHNOLOGY PERSONAL PROPERTY

Furniture, equipment, and other tangible items may be:

- Sold at public auction, competitive bid, or approved online platform
- Donated to not-for-profit organizations or government entities
- Recycled or discarded if valueless

SALE OF REAL PROPERTY

If the library intends to sell real estate:

- The Board must obtain legal counsel and a professional appraisal.
- Any restrictions, liens, or deed conditions must be reviewed.
- The Board must act in the public interest to secure fair market value and document the rationale.
- If the property is municipally owned, municipal disposal rules apply.
- If the sale involves “all or substantially all” library assets, approval from the NYS Attorney General or court is required under N-PCL §§510–511.

USE OF PROCEEDS AND RECORDKEEPING

All revenue from the disposal of library property remains library property and must be used in accordance with the charter, plan of service, and financial policies.

- Proceeds must be reported in the Annual Report for Public and Association Libraries.
- All disposals must be documented, including:
 - Item description and inventory/serial number
 - Estimated fair market value
 - Method of disposal
 - Recipient or purchaser name
 - Board resolution or director authorization
 - Sale receipts or deposit records
 - Certificates of destruction (for technology)

ETHICAL AND FIDUCIARY CONSIDERATIONS

The Board of Trustees and staff must:

- Act in the best interests of the library and the public
- Avoid conflicts of interest or personal benefit
- Ensure all disposal decisions are transparent, documented, and defensible under audit or public scrutiny

REVIEW AND REVISION

This policy shall be reviewed at least once every five years, or more frequently if changes in law, regulations, or library operations necessitate.

	Revision History