

Trustee Tip – February 2016

Disposal of Surplus Property

From computers that no longer function to story time props that are no longer used, every library has items they want to get rid of, but sometimes have questions about how to do so.

All library property that is no longer needed or functional is considered surplus property according to statute (KRS 45A.365), and may be disposed of by the following means:

- Donation or sale to another government agency (e.g. other public libraries or school districts);
- Sale through public auction (including internet auction or sealed bid, following the bid procedure in KRS 45A.365);
- Donation or sale to a 501(c)(3)-designated non-profit agency lawfully doing business in the Commonwealth and with a mission similar to that of the library (including Friends of the Library organizations or literacy councils) [FAP220-20-00];
- Trade for a discount on the purchase of replacement equipment.

Surplus items that cannot be transferred or sold by any of the above methods may be disposed of in any manner deemed appropriate by the library and consistent with the public interest. Items that have been disposed of should be noted in library inventory records, per the Local Government General Retention Schedule. The record should include a description of the property, the method of disposal and the amount of any compensation, if any. More information can be found on the [KDLA Records Retention web page](#).

Libraries can make the declaration and disposal of surplus property more efficient by adopting a surplus property policy that codifies the requirements of KRS 45A.365. A surplus property policy can establish a minimum cash value for items that will be declared surplus property by vote of the board, and also state that only items with monetary value will be declared surplus, allowing for disposal of items that are no longer operational or useful. Surplus property policies may also state a method of disposal for items below the surplus value, including discarded books, periodicals and other library materials. [Examples of surplus property policies can be found on KDLA's Library Policies page](#).

This Trustee Tip is not legal advice. If you feel you need legal advice, please consult an attorney.