



THE CITY OF HENDERSONVILLE

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POLICY REGARDING THE PURCHASE OF SURPLUS PERSONAL PROPERTY BY CITY EMPLOYEES

I. Purpose

The purpose of this Policy is to avoid conflicts of interest during the surplus property disposal process.

From time to time the City disposes of surplus personal property that is no longer required by the City. The City may use one of several authorized methods to dispose of surplus personal property, including private sale and public auction. The City recognizes that City employees may have access to information regarding surplus property that may not be available to the general public.

II. Applicability and Definitions

1. This Policy is applicable to surplus personal property disposed of by any method.
2. This Policy is not applicable to disposal of real property.
3. For purposes of this Policy, “employee” includes full-time exempt and non-exempt, part-time, temporary, and permanent employees and officials of the City of Hendersonville.
4. For purposes of this Policy, “immediate family member” includes a spouse, parent, step-parent, sibling, step-sibling, grandparent, step-grandparent, child, stepchild, grandchild, step-grandchild, parent-in-law, and sibling-in-law.

III. Certain Employees Prohibited from Purchasing Surplus Personal Property by Public Auction

Employees, and their immediate family members, are prohibited from bidding on or purchasing City of Hendersonville surplus personal property by public auction when ANY of the following apply:

1. The employee has involvement with the day-to-day operation or use of the personal property;
2. The employee supervises another who has involvement with the day-to-day operation of the personal property;
3. The employee is a department head of the department in which the personal property is kept;
4. The employee has specialized knowledge of the personal property and/or its condition (for example, the employee uses the personal property daily, or repairs or maintains the personal property);
5. The employee has involvement with preparing said personal property for sale, including but not limited to: declaring the property surplus, determining the method

- of disposal, inspecting its condition, or determining a listing price, or accepting a sale price;
6. The employee has direct or indirect involvement with a procurement that causes said personal property to be declared surplus. (For example: An employee who is involved with the purchase of Truck #2 that replaces another in service, Truck #1, may not thereafter bid on or purchase Truck #1 at public auction, even if the employee has no involvement with the day to day operation or the disposition of Truck #1); or
 7. The City determines, in its sole discretion, that an actual or apparent conflict of interest exists.

IV. Disposal of Surplus Personal Property by Private Sale

The City reserves the right to prohibit any employee and/or their immediate family members from purchasing surplus personal property by private sale when the City determines, in its sole discretion, that an actual or apparent conflict of interest exists.

V. Executive and Internal Service Departmental Staff

The following are prohibited from purchasing City of Hendersonville surplus personal property: City Council, City Manager, Assistant/Deputy City Managers, Department Directors, Assistant/Deputy Directors and Chiefs, Contract Administrator, Budget Manager, City Attorney, and Assistant City Attorney.

VI. Miscellaneous

1. An employee may not have another person purchase surplus personal property from the City on their behalf for the purpose of avoiding the restrictions of this Policy.
2. Note that in addition to the requirements of this Policy, N.C.G.S. § 14-234 makes it a crime for a public employee who is involved in making or administering a contract on behalf of a public agency to derive a direct benefit from the contract.