

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 12, 2014

SUBJECT: Resolution Declaring Personal Property as Surplus and Authorizing the Disposition of Personal Property to a Governmental Unit

PRESENTER: Major Frank Stout, Sheriff's Department

ATTACHMENTS: Resolution
N.C.G.S. 160A-274
Request from NC Department of Transportation
List of Proposed Surplus Property

SUMMARY OF REQUEST:

Henderson County has received a request from the North Carolina Department of Transportation to purchase two (2) BMW R1200 motorcycles that are no longer in use by the Henderson County Sheriff's Department. The motorcycles were part of the Governor's Highway Safety Program (GHSP), which reimbursed Henderson County 75% of the original retail price in 2009. The Department of Transportation has offered to purchase the two (2) motorcycles at a price of \$3,048.75 per motorcycle for a total price of \$6,097.50.

Attached for the Board's consideration and approval is a resolution declaring the motorcycles as surplus and authorizes the sale to another governmental unit as allowed under N.C.G.S. 160A-274 (attached).

BOARD ACTION REQUESTED:

Staff requests that the Board consider approving the attached resolution declaring the attached list of motorcycles as surplus and authorizes the sale to another governmental unit as allowed under N.C.G.S. 160A-274.

Suggested Motion:

I move that the Board approve the attached resolution declaring the list of motorcycles presented as surplus and authorizes the sale to another governmental unit as allowed under N.C.G.S. 160A-274.

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS
AND AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY
BY PRIVATE SALE**

WHEREAS, Henderson County owns the Motorcycles itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the Motorcycles as surplus and selling via private sale to the NC Department of Transportation as authorized by NCGS 160A-274; and

WHEREAS, it is the intent of the County to sell said surplus Motorcycles

NOW THEREFORE BE IT RESOLVED, by the Henderson County Board of Commissioners as follows:

1. The Motorcycles itemized on the attached Exhibit B are hereby declared to be surplus property.
2. The Purchasing Agent is hereby authorized to dispose by private sale, the surplus property described above in the amount of \$6,097.50.
3. All surplus property will be sold "as is", all sales final. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.

THIS the 12th day of May, 2014.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Charles Messer, Chairman

ATTEST:

Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]

§ 160A-274. Sale, lease, exchange and joint use of governmental property.

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar (\$1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes. (1969, c. 806; 1971, c. 698, s. 1; 1973, c. 507, s. 5; 1975, c. 455; c. 664, s. 9; c. 879, s. 46; 1977, c. 464, s. 34; 2001-328, s. 6.)

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

February 25, 2014

The Honorable Charles S. McDonald
Sheriff of Henderson County
Henderson County Sheriff's Office
100 North Grove Street
Hendersonville, NC 28792

Dear Sheriff McDonald:

On October 1, 2008, the Governor's Highway Safety Program (GHSP) approved a grant to the Henderson County Sheriff's Office for the purchase of two motorcycles for the sole purpose of traffic safety enforcement. GHSP understands there are many reasons why decisions are made by agencies to withdraw from traffic enforcement and we respect the decision by agencies to do so. However, according to the federal guidelines that GHSP must adhere to, the equipment purchased for traffic enforcement must continue to be used for the purpose for which it was purchased with federal funds for the useful life of the equipment.

A performance management review was performed on December 3, 2013. It was determined at that time the Henderson County Sheriff's Office is no longer performing traffic safety enforcement with the two motorcycles purchased with GHSP funds. On Feb. 18, 2014 Craig Moss, Highway Safety Specialist for GHSP followed-up with Chief Deputy Frank Stout concerning the use of the motorcycles and the intended disposition of the motorcycles by your office. Mr. Moss discussed the return to GHSP of the two motorcycles purchased under grant K4-09-04-05 and discussed GHSP buying out the Henderson County Sheriff's Office portion of the motorcycles so the equipment can continue to be used by GHSP for motorcycle safety and traffic safety purposes.

The two motorcycles were purchased on May 19, 2009. GHSP's market analysis (based on NADA values) has determined the average retail for each motorcycle is \$12,195 (see enclosed documentation). GHSP originally reimbursed the Henderson County Sheriff's Office 75% of the retail price in 2009; therefore GHSP will reimburse 25% of average retail price, which is Henderson County's original percentage of the purchase price. A reimbursement check for \$6,097.50 will be sent to you after a formal acceptance of this request is received.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
GOVERNOR'S HIGHWAY SAFETY PROGRAM
1508 MAIL SERVICE CENTER
RALEIGH NC 27699-1508

TELEPHONE: 919-733-3083
FAX: 919-733-0604

WWW.NCDOT.ORG/PROGRAMS/GHSP/

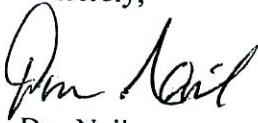
LOCATION:
215 EAST LANE STREET
RALEIGH NC

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Equipment	Fair Market Value	25% of Fair Market Value
2009 BMW R1200 RTP Motorcycle with Radios, Radar and Helmet with Communication Adapters Serial # WB10388029ZT14800	\$12,195	\$3,048.75
2009 BMW R1200 RTP Motorcycle with Radios, Radar and Helmet with Communication Adapters Serial # WB10388029ZT14801	\$12,195	\$3,048.75
Total Check to Henderson County Sheriff's Office		\$6,097.50
Total		

Please let me know by March 31st concerning your acceptance of this arrangement. I appreciate all that the Henderson County Sheriff's Office has done over the years and look forward to a continued partnership in making the roads of Henderson County as safe as possible. If you have any questions or concerns regarding this matter please contact me at 919-733-3083.

Sincerely,



Don Nail
Director

Enclosure

cc: LaNica Allison, Secretary's Office, NCDOT
Wayne Rogers, External Audit, NCDOT
Dr. Elizabeth Baker, Regional Administrator, NHTSA

DKN/shb

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The Power of Vehicle Information
NADAguides.com

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2/25/2014

2009 BMW R1200RT Standard

NADAguides.com Price Report

	Suggested List Price	Low Retail	Average Retail
Base Price	\$17,755	\$9,270	\$12,195
TOTAL PRICE		\$9,270	\$12,195

Value Explanations

Prices shown are retail consumer values and are to be considered as selling prices. Trade-in values are to be determined by local dealers and are generally lower than values shown.

Suggested List — The manufacturer's (distributors) highest suggested list price in the U.S.A. when the unit was new. Unless indicated, the suggested list price does not include destination charges, dealer set-up, state or local taxes, license tags or insurance.

Low Retail Value — A low retail unit may have extensive wear and tear. Body parts may have dents and blemishes. The buyer can expect to invest in cosmetic and/or mechanical work. This vehicle should be in safe running order. Low retail vehicles usually are not found on dealer lots. **Low Retail is not trade-in value.**

Average Retail Value — An average retail unit should be clean without obvious defects. All rubber and cables should be in good condition. The paint should match and have a good finish. All lights and switches should work properly. The mileage should be within or slightly higher than the average range. This unit should also pass any emission inspection.



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Exhibit B

List of surplus motorcycles:

<u>DEPARTMENT</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>HC#</u>	<u>VIN#</u>	<u>Asset#</u>	<u>Mileage</u>	<u>Surplus Info</u>
Sheriff	2009	BMW	R1200 RTP	SH- 414M	WB10388029ZT14801	14153	5,894	Fair
Sheriff	2009	BMW	R1200 RTP	SH- 415M	WB10388029ZT14801	14152	11,771	Fair