**[Library Name]**
**Disposal and Sale of Surplus Property Policy**
**Adopted: [Date]**

**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 the [Library Name], including technology and equipment, in accordance with New York State Education Law, guidance from the Office of the State Comptroller (OSC), and other applicable regulations.

**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)

**Legal Authority and Oversight**

Under New York State Education Law §260(1) and §226(6), the Board of Trustees holds the authority to “buy, sell, mortgage, let and otherwise use and dispose of [library] property as they shall deem for the best interests of the institution.” The Board must approve any substantial or high-value disposition of library property.

The Board may delegate day-to-day decisions related to disposal of lower-value property to the Library Director, who must maintain appropriate records and ensure procedures are followed.

**General Principles for Disposal**

Surplus property may be disposed of when it is:

* Obsolete or technologically outdated
* Beyond economical repair
* No longer relevant to the library’s 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, and public accountability.

**Technology and Equipment Disposal**

Disposal of technology poses additional considerations:

* **Approval and Documentation:** All disposal or sale of technology must be documented and, where appropriate, approved by the Board. The method of disposal (e.g., auction, public sale, recycling) should aim to achieve the best possible public outcome while minimizing risk.
* **Data Security**: Before any computer, server, or device is donated, recycled, or discarded, all stored data (including patron, personnel, or administrative information) must be securely wiped or physically destroyed. This ensures compliance with CPLR §4509 and standard procedure for data privacy and cybersecurity.
* **Equipment with Zero Market Value**: Outdated technology with no reasonable resale or reuse value should not be sold. Attempting to sell such property can undermine public trust and expose the library to reputational risk. Items may be discarded or donated only when clearly documented as having no fair market value.
* **Restrictions on Trustee and Employee Receipt**: In accordance with Education Law §226(7), trustees and employees shall not receive surplus property (either as gifts or discounted purchases) to avoid any appearance of personal benefit or conflict of interest.
* **Cost-Benefit Analysis**: Where the cost of preparing technology for resale (staff time, secure wiping, advertising, handling) exceeds the expected revenue, recycling or donation may be the more responsible and efficient choice.

**Disposition of Library Materials (Books and Reading Materials)**

Pursuant to Education Law §260:

* Used or obsolete books and materials must first be offered to other not-for-profit organizations or governmental units within the library system’s area.
* If no such entity accepts the materials, they may be sold to the general public at a fair and reasonable price.
* Items that remain unsold after reasonable effort may be discarded or donated.
* Proceeds from book sales must be used solely to support and enhance library services.

**Disposition of Personal Property (Non-Technology)**

Furniture, equipment, and other tangible personal property may be:

* Sold at public auction or through competitive quotes
* Donated to not-for-profit organizations or government agencies
* Recycled or discarded if deemed valueless

Efforts should be made to receive fair market value and to document each disposal action in library records.

**Sale of Real Property**

If the library owns real estate and intends to sell it:

* The Board must engage legal counsel and obtain a professional appraisal.
* Any restrictions, liens, or conditions on the property must be reviewed.
* The Board must act in the public interest to secure fair market value and document the rationale for the sale.
* If the building is municipally owned, the municipality’s own disposal rules may apply.

In cases involving sale of “substantially all” of the library’s assets, including in dissolution, court or Attorney General approval may be required under Not-for-Profit Corporation Law.

**Use of Proceeds and Recordkeeping**

Revenue generated from any disposal of property:

* Shall be retained by the library and used in alignment with the library’s charter, plan of service, and applicable financial policies
* Must be recorded and reported in the Annual Report for Public and Association Libraries
* Will be audited as part of the library’s financial operations

**Ethical and Fiduciary Considerations**

The Board of Trustees and library staff have a fiduciary duty to:

* Act in the best interest of the public and the institution
* Avoid conflicts of interest or appearance of impropriety
* Ensure the disposal process is transparent, documented, and justifiable

Surplus property disposal must never result in personal gain for trustees or staff, and all decisions must be defensible under audit or public scrutiny.

**Review and Revision**

This policy shall be reviewed at least every five years, or sooner if changes in law or operational needs require.