

Section 30: Policy for donation of surplus Equipment to a non-profit organization

- 30.1. Purpose. The purpose of this policy is to establish procedures for the donation of surplus equipment by the County to a non-profit organization as permitted by Minnesota Statutes section 4729.13459.
- 30.2. Scope. This policy applies to all County departments that generate surplus equipment and governs the actions of all County employees and officials.
- 30.3. Definitions.
- 30.3.1. "County" means Pine County, a political subdivision of Minnesota.
 - 30.3.2. "County Board" means the Pine County Board of Commissioners.
 - 30.3.3. "Donation" means to contribute, donate or give surplus equipment at no cost to a non-profit organization that serves a public purpose and benefits its community as a whole.
 - 30.3.4. "Eligible organization" means a non-profit organization serving one or more of the following functions: cultural, historical, educational, safety, social services, environmental or economic.
 - 30.3.5. "Fair market value" means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of all relevant facts.
 - 30.3.6. "Non-profit organization" means an organization formed under Section 501(c)(3) of the Internal Revenue Code.
 - 30.3.7. "Policy" means this policy as adopted by the County Board.
 - 30.3.8. "Surplus equipment" means equipment used by the County public works department, and cellular phones and emergency medical and firefighting equipment that is no longer needed by the County because it does not meet industry standards for the intended use or has minimal or no resale value.
 - 30.3.9. "Surplus Equipment Form" means the form attached as Exhibit A to this policy that must be filled out by a non-profit organization requesting a donation of surplus equipment.

- 30.4. **Procedure.** The County may offer surplus equipment for donation in conformance with the following guidelines:
- 30.4.1. **Identify surplus equipment.** Department heads are responsible for monitoring their equipment and shall identify and report surplus equipment on a periodic basis or as otherwise requested.
 - 30.4.2. **Determine the fair market value of surplus equipment.** The department head shall recommend the fair market value of the surplus equipment.
 - 30.4.3. **County Board declaration.** The list of the surplus equipment with each item's fair market value shall be presented to the County Board. The County Board shall approve or deny the surplus equipment as eligible for donation. The County has no obligation to make a donation of surplus equipment. Surplus equipment that is not donated may be sold, recycled or discarded as allowed by law.
 - 30.4.4. **Donation.** After the County Board has determined the surplus equipment eligible for donation, the department head shall be responsible for coordinating the donation of the surplus equipment in accordance with the terms of this policy.
 - 30.4.5. **Transfer between departments.** All surplus equipment must first be considered for transfer between departments for the benefit of the County.
 - 30.4.6. **Advertisement.** Surplus equipment shall be posted as eligible for donation on the County's website. The County may also use other reasonable means to notify eligible organizations about the availability of surplus equipment. The County shall wait at least 30 days after advertising surplus equipment before approving any donation. An eligible organization may make an appointment with the department head responsible for the surplus equipment for inspection before the donation.
 - 30.4.7. **Approval of donation.** Donation must be approved by the County Board.
 - 30.4.8. **Prioritization of Donations.** If more than one eligible organization requests a donation for the same surplus equipment, the County shall consider factors it deems relevant including how the surplus equipment will be used, the benefit to the eligible organization, the impact on the County, how the donation will accomplish goals of the County Board, and any previous donation to the eligible organization.
 - 30.4.9. **Conflict of Interest.** All County employees and officials are prohibited from taking possession of any surplus equipment on behalf of an eligible organization.

- 30.4.10. **As Is.** A donation of surplus equipment is made “as is” with no warranty, guarantee or representation of any kind, express or implied, as to the condition, utility, or usability of the surplus equipment offered. The surplus equipment may be defective and cannot be relied up for safety purposes.
- 30.4.11. **Title/Transfer Fees.** Any fees required to transfer the surplus equipment are the responsibility of the eligible organization.
- 30.4.12. **Transportation.** In the Surplus Equipment Form, the eligible organization must provide a plan for transporting the surplus equipment from the County to the eligible organization. The eligible organization must pay all expenses associated with the transportation of the surplus equipment.
- 30.4.13. **Title.** When surplus equipment is donated to an eligible organization, title and interest in the donated item vests with the eligible organization. The County has no title, property, possessory or any other interest in surplus equipment once a donation occurs.
- 30.4.14. **Disclaimer of Warranties.** The County makes no agreement, warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for any particular purpose or use of the Surplus Equipment by the recipient or any other user. The recipient acknowledges the surplus equipment may be defective and that it cannot be relied upon for safety purposes. The recipient has a duty to inspect the surplus equipment before it is used for any purpose. The recipient acknowledges that the County is not a manufacturer of the surplus equipment or a dealer therein; that the surplus equipment is being provided “as is” and “with all faults,” it being agreed and understood that all of the aforementioned risks are to be borne by the recipient or user of the surplus equipment.

In no event shall the County be liable for any damages in connection with or arising out of the recipient’s or any other person’s or entity’s use of the surplus equipment.