

A resolution declaring surplus property must be approved by the Board of Trustees:

Step One:

A school determines that an item is no longer needed at the school and submits a work order to Facility Services to send the item to the Warehouse, specifying whether that item is abandoned, obsolete, undesirable, or unsuitable for school purposes and why.

Step Two:

The item is collected by Facility Services and logged onto a list of all property to be disposed of, including a description of whether that item (or group of similar items) is abandoned, obsolete, undesirable, or unsuitable for school purposes and why. Prior to the preparation any proposed surplus resolution, Facility Services will determine whether any of the items have been requested by any schools and will further provided the list of property to all school principals in the District specifying that they may claim any of the items by a certain date on a first come first serve basis. If items are claimed, they are removed from the list, all non-claimed items continue on with this process.

Step Three:

The list of property to be disposed of is provided to the Clerk well in advance of any possible sale or disposal of property. The same is provided to the Superintendent for submission to the Board Operations Committee for agenda setting.

Step Four:

A Resolution To Sell/Dispose of District Personal Property, including the list of property to be disposed of, is proposed to the Board of Trustees in accordance with the laws and policies regarding all Board agenda items. The list of property to be disposed of shall be provided to the Trustees prior to the Resolution being proposed so that they can review the items and the reasoning for disposal prior to the Resolution being proposed. The list of all property to be disposed of and the Resolution shall be maintained and accessible online and in the Clerk's office.

Step Five:

After the Resolution is adopted by the Board of Trustees, the District must provide notice of the Resolution by:

- (i) publishing a notice in a newspaper of general circulation in the District; and
- (ii) posting notices in three public places in the District (and on the District's webpage).

All these notice requirements are necessary. If an appeal of the Resolution is not filed within 14 days after the required notices are posted, the Resolution becomes effective and the sale and/or other disposal may take place.

STEP SIX (to be completed by Facility Services):

- A. The items to be sold are divided into the Garage Sale or Small Lot Sale areas.
- B. If the item is broken beyond repair, the item is disposed of.
- C. If the item is in the sale area, it sits in that staging area until the sale takes place, usually in June. The item may be in this area for almost a year. If a school needs an item that has been previously placed in the sale area, it is removed and put into service again. Otherwise, the items remain in the sale area until the sale.
- D. 1-2 months before the sale, the items are sorted and put into lots to prepare for advertisement of the sale. The sale is advertised on the website and Facebook, and occasionally the media will do a story on the sale.
- E. The day before the sale the warehouse is open to the public for viewing of all the items in the sale.
- F. Sale. Small items are placed in the Garage Sale with prices on them. Larger items are placed in lots and each lot is sold to the highest bidder.
- G. The Monday after the sale, any remaining items are either recycled or disposed of.

*Note: If you would like to include the following statutory language within the agenda for the Resolution item you may, but it is not specifically required under Montana law.

Mont. Code Ann. 20-6-604. Sale of property when resolution passed after hearing -- appeal procedure. (1) Whenever the trustees of a district determine that a site, building, or any other real or personal property of the district is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district, the trustees may sell or otherwise dispose of the real or personal property in accordance with this section and without conforming to the provisions of 20-6-603. If a decision to sell or dispose of property is made, the trustees shall adopt a resolution to sell or otherwise dispose of the district real or personal property because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district.

(2) The resolution may not become effective for 14 days after the notice required in subsection (3) is made.

(3) The trustees shall provide notice of the resolution in the manner required for school elections in 20-20-204.

(4) A taxpayer may appeal the resolution of the trustees, at any time prior to the effective date of the resolution, to the district court by filing a verified petition with the clerk of the court and serving a copy of the petition upon the district. The petition must set out in detail the objections of the petitioner to the adoption of the resolution or to the disposal of the property. The service and filing of the petition stay the resolution until final determination of the matter by the court. The court shall immediately fix the time for a hearing at the earliest convenient time. At the hearing, the court shall hear the matter de novo and may take testimony as it considers necessary. Its proceedings are summary and informal, and its decision is final.

(5) The trustees of a district that has adopted a resolution to sell or otherwise dispose of district real or personal property and, if appealed, has been upheld by the court shall sell or dispose of the real or personal property in any reasonable manner that they determine to be in the best interests of the district.

(6) The money realized from the sale or disposal of real or personal property of the district must be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion of the trustees.

History: En. 75-8205 by Sec. 477, Ch. 5, L. 1971; amd. Sec. 8, Ch. 91, L. 1973; R.C.M. 1947, 75-8205; amd. Sec. 1, Ch. 150, L. 1987; amd. Sec. 3, Ch. 568, L. 1991; amd. Sec. 1, Ch. 144, L. 1997.

20-20-204. Election notice. (1) (a) When the trustees of a district call a school election, they shall give notice of the election not less than 10 days or more than 40 days before the election by:

- (i) publishing a notice in a newspaper of general circulation if there is one in the district;
- (ii) posting notices in three public places in the district; and
- (iii) posting notice on the district's website, if the district has an active website, for 10 days prior to the election.

(b) Whenever, in the judgment of the trustees, the best interest of the district will be served by the supplemental publication or broadcast of the school election notice by any recognized media organization in the district, the trustees may cause the supplemental notification to be made.

(2) The notice of a school election, unless otherwise required by law, must specify:

- (a) the date and polling places of the election;
- (b) the hours that the polling places will be open;
- (c) each proposition to be considered by the electorate;
- (d) if there are trustees to be elected, the number of positions subject to election and the length of term of each position;
- (e) where and how absentee ballots may be obtained; and
- (f) where and how late registrants may obtain a ballot on election day.

(3) If more than one proposition is to be considered at the same school election, each proposition must be set apart and separately identified in the same notice or published in separate notices.

History: En. 75-6409 by Sec. 145, Ch. 5, L. 1971; R.C.M. 1947, 75-6409; amd. Sec. 360, Ch. 571, L. 1979; amd. Sec. 3, Ch. 372, L. 1987; amd. Sec. 3, Ch. 144, L. 1997; amd. Sec. 227, Ch. 49, L. 2015; amd. Sec. 16, Ch. 242, L. 2017.

Cross References: Policy 7251 Disposal of School District Policy

Procedure History:

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