



## **Schenectady County Capital Resource Corporation Property Disposition Policy**

### **1. Purpose**

The Schenectady County Capital Resource Corporation (“Corporation”) has adopted this Property Disposition Policy (the “Policy”) in accordance with Title 5-A of the New York State Public Authorities Law (“PAL”). This Policy details the Corporation’s instructions regarding the use, awarding, monitoring and reporting of contracts for the Disposal of Property.

### **2. Definitions**

Corporation: the Schenectady County Capital Resource Corporation.

Commissioner of General Services: the Commissioner of the New York State Office of General Services.

Contracting Officer: the officer or employee of the Corporation who shall be appointed by Corporation resolution to be responsible for the Disposal of Property.

Dispose, Disposal or Disposition: transfer of title or any other beneficial interest in Property in accordance with these Guidelines and Section 2897 of the Public Authorities Law, as amended from time to time.

FMV: fair market value.

PAL: Title 5-A of the New York Public Authorities Law, as amended from time to time.

Policy: this policy, as amended from time to time by Corporation resolution.

Property: personal property in excess of five thousand dollars (\$5,000) in value, and real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party. For purposes of this Policy, Property shall not include the interest granted to the Corporation in any “project” (as defined in Section 854(4) of the General Municipal Law) in connection with the provision of “financial assistance” (as defined in Section 854(14) of the General Municipal Law) to the extent that such project and the interest granted to the Corporation secure the project occupant’s obligations to the Corporation or any indebtedness obtained by or on behalf of the project occupant.

### **3. Designation and Duties of a Contracting Officer**

The Contracting Officer is appointed by resolution of the members of the Corporation. The Contracting Officer for purposes of this Policy is designated as the Executive Director. The Contracting Officer is responsible for monitoring and enforcing compliance with the Policy. The Corporation maintains the right to Dispose of its Property for any valid corporate purpose.

#### **4. Tracking and Inventory**

It shall be the policy of Corporation to maintain the following inventory control procedures:

- a) The Contracting Officer is responsible for creating an inventory of all Corporation Property, including a description of the Property, location of the Property and estimated fair market value of the Property.
- b) Annually, the Contracting Office will review the inventory with a written report to present to the members of the Corporation.

#### **5. Disposal Procedures**

Disposal for Fair Market Value: Any Property may be disposed of by the Corporation for fair market value. Methods for fair market value disposition include sale, transfer or exchange for cash, credit or other property.

- a) In accordance with New York State Law, no disposition of Property for other than fair market value shall be made unless an appraisal of the value of the Property is made by an independent appraiser and included in the record of the transaction.
- b) Public bidding: Property should be disposed of after publicly advertising for bids except in the following circumstances:
  - (1) Disposal involves personal property of a nature and quantity which, if publicly bid, would adversely affect state/local market for such property and fair market value and other terms can be obtained by negotiation;
  - (2) The fair market value of the property does not exceed \$15,000;
  - (3) Bid prices after advertising are not reasonable or have not been independently arrived at in open competition;
  - (4) Disposal is to the State or a political subdivision and the fair market value and other terms are obtained by negotiation;
  - (5) Otherwise as authorized by law.

Where the Corporation deems a particular transaction to fall within one of the above referenced exceptions to public bidding and disposes of property by negotiation, a statement of the disposition is required and must be transmitted to the Comptroller, Director of the Budget, Commissioner of General Services and the Legislature at least ninety (90) days in advance of disposal of the Property, with a copy of such statement to be retained in the Corporation's records.

Disposal for Less than Fair Market Value: Transferring property for less than fair market value to a non-government entity that is not consistent with the Authority's purpose must provide written notification to the Governor, Speaker of the Assembly, and Temporary President of the Senate. The transfer is deemed approved if there is no certification or resolution by the Governor, Senate, or Assembly within the applicable time period contained in the PAL.

However, the Governor, by signed certification, or Senate or Assembly, by resolution, may deny the proposed transaction.

When proposing a below fair market transfer, the following information must be provided to the Corporation board:

- A full description of the asset;
- An appraisal of the fair market value of the asset and any other information establishing the fair market value sought by the board;
- A description of the purpose of the transfer, and a reasonable statement of the kind and amount of the benefit to the public resulting from the transfer (the kind, number, location, wages or salaries of jobs created or preserved, the benefits to the communities in which the asset is situated, etc.);
- A statement of the value to be received compared the fair market value;
- Names of any private parties participating in the transfer, including a statement of the value to the private party; and
- The names of other private parties who have made an offer for such asset, the value offered, and the purpose for which the asset was sought to be used.

Additionally, the board must use this information and make a written determination that there is no alternative to the proposed below fair market transfer that would achieve the same purpose of such transfer. The Corporation board must provide this information before it approves a below fair market transfer.

## **6. Disposal Procedures**

The Corporation will publish, not less frequently than annually, a report listing all Property of the Corporation. Such report consists of a list and full description of all real and personal Property Disposed of during such period. The report contains the price received by the Corporation and the name of the purchaser for all such Property Disposed of by the Corporation during such period.

The Corporation will deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the New York State Office of General Services, and the New York State Legislature.

## **7. Disposal Procedures**

This Policy is subject to modification and amendment at the discretion of the Corporation in accordance with the PAL and the Act. On or before March 31 of each year, the Corporation will review and approve the Policy including the name of the Contracting Officer. On or before March 31 of each year, the Policy most recently reviewed and approved must be filed with the Comptroller of the State, posted on the Corporation's website and maintained on the Corporation's website until a policy for the following year or an amended policy is posted.