



**FLOYD COUNTY BOARD OF EDUCATION**  
**Stephen A. Trimble, Interim Superintendent**  
**106 North Front Avenue**  
**Prestonsburg, Kentucky 41653**  
**Telephone (606) 886-2354 Fax (606) 886-8862**  
**www.floyd.kyschools.us**

Sherry Robinson- Chair - District 5  
Dr. Chandra Varla, Vice-Chair - District 2  
Linda C. Gearheart, Member - District 1  
William Newsome, Jr., Member - District 3  
Rhonda Meade, Member - District 4

**Consent Agenda Item (Action Item):** Consider/Approve declaring the following properties as surplus, along with the contents: Allen Warehouse/McDowell Elementary/Old Allen Elementary/W.D. Osborne Elementary and advertising for sealed bids, pending KDE approval.

**Applicable Statute or Regulation:** 702 KAR 4:090 Property Disposal/KRS 45A.425  
Surplus or excess property.


**Fiscal/Budgetary Impact:** A cost will be associated with the appraisal (appraisal is complete) and advertisement.

**History/Background:**

With the closing of McDowell Elementary and W.D. Osborne Elementary, it is in the boards best interest to surplus the properties and advertise for sealed bids. The other properties can be surplus also, due to the maintenance warehouse being relocated to Allen Central High School according to the district facilities plan.

**Recommended Action:** To approve declaring properties surplus and advertise for sealed bids.

**Contact Person(s):** Gregory Adams/606-874-9569

  
Director

  
Superintendent

**Date:** July 24, 2017

**702 KAR 4:090. Property disposal.**

**RELATES TO:** KRS 156.031, 156.160

**STATUTORY AUTHORITY:** KRS 156.160

**NECESSITY, FUNCTION, AND CONFORMITY:** KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary and resubmitted to the Legislative Research Commission prior to December 30, 1990; and KRS 156.160 requires the State Board for Elementary and Secondary Education to promulgate administrative regulations dealing with the disposal of real and personal property owned by local boards of education. This administrative regulation is necessary to provide for property disposal, leases and easements in accordance with an approved educational program.

Section 1. School property proposed for disposal shall be surplus to the need for the educational program of the district as determined by the effective facility plan. Request for approval shall be submitted in writing to the chief state school officer. Disposal may be implemented upon approval.

Section 2. Prior to the execution of the proposed lease agreement for, or easement upon, public school property shall be submitted to the local board of education for its consideration and written recommendation forwarded to the chief state school officer for his review, approval and assurance that disposal will not affect the integrity or usefulness of property crucial to the educational needs of the district. (SBE 22.070, 1 Ky.R. 1049; eff. 6-11-75; Am. 8 Ky.R. 329; eff. 12-2-81; 17 Ky.R. 2029; eff. 2-7-91.)

**45A.425 Surplus or excess property.**

- (1) A local public agency may sell or otherwise dispose of any personal property which is not needed or has become unsuitable for public use, or which would be suitable, consistent with the public interest, for some other use.
- (2) A written determination as to need of suitability of any personal property of the local public agency shall be made; and such determination shall fully describe the personal property; its intended use at the time of acquisition; the reasons why it is in the public interest to dispose of the item; and the method of disposition to be used.
- (3) Surplus or excess personal property as described in this section may be transferred, with or without compensation, to another governmental agency; or it may be sold at public auction or by sealed bids in accordance with KRS 45A.365.
- (4) In the event that a local public agency receives no bids for surplus or excess personal property, either at public auction or by sealed bid, such property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the local public agency. In such instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made. Any compensation resulting from the disposal of surplus or excess personal property shall be transferred to the general fund of the local public agency.
- (5) A local board of education may dispose of its surplus technology in accordance with KRS 160.335.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 14, sec. 2, effective July 15, 2008. -- Amended 1984 Ky. Acts ch. 199, sec. 1, effective July 13, 1984. -- Created 1978 Ky. Acts ch. 110, sec. 86, effective January 1, 1980.