

Subject: PERSONAL PROPERTY DONATION

Date: January 10, 2007

Pages: 1 of 2

Replaces Policy Dated: None

PURPOSE: To set forth guidelines to ensure that the County is aware of the risks and/or expenses associated with gifts of personal property prior to the acceptance of such gift and to ensure the acceptance of such gift is in compliance with Arizona law and Pinal County guidelines.

STATEMENT OF POLICY: The Board of Supervisors will accept donations of personal property to Pinal County pursuant to A.R.S. Section 11-251, et. seq., provided such gifts are of benefit to the County.

GENERAL: Donations of personal property may have significant legal and tax consequences for donors of such property. Each prospective donor is required to acknowledge on the Personal Property Data Acquisition Sheet that he/she has not relied on any information (written or verbal) provided by Pinal County, its officers, employees or agents with respect to any taxation or other legal issue related to such donation and that he/she understands and acknowledges that he/she has been provided notice of his/her right to consult competent privately retained tax and/or legal counsel prior to completing the donation to Pinal County. **IT IS ESSENTIAL THAT NO COUNTY REPRESENTATIVE MAKE ANY REPRESENTATIONS TO DONORS WITH RESPECT TO TAX OR OTHER LEGAL ISSUES AND THAT DONORS BE CONSISTENTLY ADVISED AND URGED TO REVIEW ALL ASPECTS OF A DONATION TRANSACTION WITH COMPETENT TAX/LEGAL ADVISORS.**

The guidelines contained herein set forth a generally-recommended procedure for the evaluation and completion of donations of personal property. It may be necessary to deviate from these procedures in specific instances where such deviation is in the best interest of the County. In such instances, the circumstances which compel the County to deviate from the procedures set forth herein shall be documented in writing and maintained by the County as an historical account of the transaction. If questions arise with regard to the interpretation of these guidelines or the possible modification of the procedures as described, County staff shall consult with the County Attorney or his designee to obtain approval as to the legal form of the transaction. As a general rule it will be the responsibility of the department which is the intended recipient of the donated item to ensure compliance with the procedures outlined below.

PROCEDURE: The donated property

1. Shall be free and clear of any encumbrances (including loans, leases or other ownership claims), third-party restrictions and/or liens, including prior year personal property or motor vehicle taxes and/or any outstanding penalties or fees.
2. Shall not be subject to any stipulations, conditions, and commitments for sale or use which would bind Pinal County if it is accepted.
3. Shall be physically inspected by County representative(s) to ensure that such gift shall serve a governmental purpose and be of benefit to Pinal County.
4. Shall be accompanied by:
 - a. A completed and signed Personal Property Acquisition Data Sheet (See Attachment 1) which will provide an overview of the gifted item and include the donor's verification that no encumbrances or claims exist (pursuant to paragraph #1 above) as to the ownership of the item to be donated.

PERSONAL PROPERTY DONATION

Page 2 of 2

- b. An appraisal as to the value of the item to be donated if such appraisal is deemed necessary by the County. This does not constitute an agreement by the County as to the claimed fair market value.
 - c. A copy of the title or other documentation of his/her authority to transfer ownership of the item.
5. Shall be reviewed by appropriate County staff to determine if acceptance is in the County's interest upon receipt of the signed Personal Property Acquisition Data Sheet, the title and/or other documents necessary to establish the donor's right to transfer the item.

If it is determined that acceptance of the gift is in the County's interest, the donor shall be notified in writing that the County intends to accept the donation and the date such matter shall be submitted to the Board of Supervisors for consideration and/or acceptance pursuant to A.R.S. Section 11-251, et. seq.

The transfer of the donated item shall be completed by delivery of the gifted item to Pinal County along with the signed and notarized title or other ownership documentation transferring ownership to Pinal County. County shall immediately transfer the title, record ownership documentation, or take any other steps necessary to complete the transfer pursuant to State law.

**PINAL COUNTY
PERSONAL PROPERTY ACQUISITION DATA SHEET**

To assist Pinal County in determining the potential benefit of proposed donations of personal property, prospective donors shall provide the information requested below and sign in the space provided. Please use additional sheet(s) if additional space is required for any response(s).

A. GENERAL PROPERTY INFORMATION

Name of Donor(s): _____

1. Location of property (item):

2. Type of Personal Property: (IE: ____ auto; ____ mobile home; ____ currency; ____ other, describe)

4. How long have you owned this item?

5. Describe the manner in which the item was used and its current condition:

6. Date of last appraisal (attach copy if available):

7. Current Value: Date _____ Value \$ _____
FMV (if different from above value) \$ _____

8. Are there any unpaid personal property taxes, Motor Vehicle fees or assessments on the property? (If yes, please list including amounts due):

9. Is the item of property subject to a lien or loan? (If yes, please list the balance owed) \$ _____

10. Is there a potential for, or pending, legal action(s) or claim(s) concerning the item or ownership thereof:

11. Are you aware of any hazardous conditions, defects, of problems with this item? (If so, please identify such conditions):

DONOR CERTIFICATION

I/We hereby certify that the information provided in this Personal Property Data Acquisition Sheet is true and correct to the best of my(our) knowledge. I/We further acknowledge that I/we have not relied on any information (written or verbal) provided by Pinal County, its officers, employees or agents with respect to any taxation or other legal issues with respect to this donation and that I/we understand and acknowledge that I/we have been given notice of our right to consult competent tax and/or legal counsel and encouraged to seek such advise or consultation prior to execution of any documents or any actions with respect to the donation of the item of personal property to Pinal County.

Donor

Date

Donor

Date

Please return the completed form along with a copy of the Title and/or other information which verifies your ownership or right to transfer ownership to Pinal County. Please include a copy of the most recent independent qualified appraisal (if available). Thank you for your assistance in helping us assess your generous gift offer.