

# Albany Water Board

## Property Acquisition Policy

### Definitions

1. **"PAAA"** shall mean the Public Authorities Accountability Act of 2005, as amended from time to time, including in 2009.
2. **"AWB"** shall mean the Albany Water Board.
3. **"Contracting Officer"** shall mean the officer or employee of the Albany Water Board ("AWB") who shall be appointed by resolution of the AWB to be responsible for the acquisition of property. The Contracting Officer shall be the Water Department's Commissioner.
4. **"Acquire" or "acquisition"** shall mean acquisition of title or any other beneficial interest in personal or real property.
5. **"Fair Market Value (FMV)"** shall mean the estimated dollar amount that a willing buyer would pay to a willing seller for the Real Property in an arms-length transaction in the appropriate marketplace.
6. **"Property"** shall mean personal property in excess of five thousand dollars (\$5,000.00) 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.

### Responsibilities

- A. The AWB shall maintain adequate inventory controls and accountability systems for all Property owned by the AWB and under its control.
- B. The AWB shall prepare, not less frequently than annually, a report listing all real property owned in fee by the AWB. Such report shall consist of a list and full description of all real property acquired of during such period. The report shall contain the price paid by the AWB and the name of the seller for all such real property acquired by the AWB during such period.

### Acquisition of Property

- A. **Supervision and Direction.** Except as otherwise provided herein, the duly appointed Contracting Officer shall have supervision and direction over the acquisition of Property of the AWB. The AWB shall have the right to acquire its Property for any valid corporate purpose.
- B. **Appraisal Report.** An independent appraiser shall be hired to provide an opinion of fair market value before the AWB shall make an offer with respect to the acquisition of the Property. The appraiser should have a professional affiliation with a national appraisal organization and must not have an interest in the Property (or be retained as an agent to sell the property). The appraisal report shall be in form and substance satisfactory to the AWB and shall be included in the record of the transaction.

Notwithstanding the foregoing, the preparation of an appraisal report shall not be required where the AWB is acquiring the Property pursuant to a donation, its procurement policy, or if

the valuation of the Property is uncomplicated and the fair market value is reasonably determined to be less than \$10,000.

- C. **Method of Acquisition/Voluntary Acquisition.** Unless otherwise permitted by applicable law, the AWB shall acquire Property for not more than its fair market value by sale, exchange, or transfer, for cash, credit, or other Property, with or without warranty, and upon such other terms and conditions as the AWB and/or contracting officer deems proper. The AWB may execute such documents for the acquisition of title or other interest in Property and take such other action as it deems necessary or proper to acquire such Property under the provisions of this section. Provided, however, the AWB may acquire Property for more than its fair market value, as described in an appraisal report reviewed by the AWB or without such appraisal being conducted, upon a finding pursuant to resolution of the AWB that the acquisition of such Property at such price is necessary for the AWB to further its corporate purpose.
  
- D. **Validity of Deed, Bill of Sale, Lease, or Other Instrument.** A deed, bill of sale, lease, or other instrument executed by or on behalf of the seller of the Property and accepted by the AWB, purporting to transfer title or any other interest in Property of the seller to the AWB in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantor or transferor who has received valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to closing.
  
- E. **Insurance.** The AWB must ensure that all insurable real and personal Property under its control is insured against physical loss or damage.

This Policy is subject to modification and amendment at the discretion of the AWB.

**Adopted by the Albany Water Board as of: August 28, 2015**

**Resolution: 15-26**