

RESOLUTION NO. 77-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, ALLOWING SAID CITY TO ACQUIRE A COMBINATION OF SURPLUS GOVERNMENT PROPERTY OVER AND UNDER \$2500

WHEREAS, by Public Law 655, 84th Congress (70th Stat. 493), the Federal Government has authorized the donation of surplus Federal property for civil defense purposes; and

WHEREAS, certain conditions are imposed by the Office of Civil Defense, Region 7, the Department of Health Education and Welfare, the California Disaster Office, and the State Educational Agency for Surplus Property, in connection with the acquisition of such property; and

WHEREAS, the City of Ridgecrest desires to establish its eligibility for such property;

IT IS, THEREFORE, certified that:

I. It is a civil defense organization designated pursuant to State law, within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Department of Health, Education and Welfare.

II. Property requested by this document is usable and necessary in the State for civil defense purposes, including research for any such purpose; is required for its own use to fill an existing need; and is not being acquired for any other use or purpose, for use outside the State, or for sale.

III. Funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading and transporting such property.

THE DONEE HEREBY AGREES TO THE FOLLOWING TERMS AND CONDITIONS:

- I. TERMS AND CONDITIONS APPLICABLE TO ALL PROPERTY, REGARDLESS OF ACQUISITION COST, DONATED FOR CIVIL DEFENSE PURPOSES:
 - A. Property acquired by the donee shall be on an "as is", "where is" basis, without warranty of any kind.
 - B. There will also be applicable such other terms and conditions as are contained in the regulations of the Office of Civil Defense, Office of the Secretary of the Army, Post 1802 of Chapter XVIII of Title 32 of the Code of Federal Regulations.
- II. ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO PROPERTY HAVING A SINGLE ITEM ACQUISITION COST OF \$2,500 OR MORE DONATED FOR CIVIL DEFENSE PURPOSES:
 - A. All such property shall be distributed and, during the period of restriction, be properly maintained in good

operational condition and stored, or installed or utilized only as necessary to achieve a state of operational readiness as required by the civil defense mission assigned to the donee in accordance with the civil defense operational plans of the State and, where applicable, local government (which are in consonance with national civil defense objectives, as now or hereafter amended).

- B. Except as otherwise expressly provided hereinbelow and unless and until expressly waived in writing by the Regional Director of the Office of Civil Defense (OCD), on a case basis, the period of restriction for all items of property donated having a single item acquisition cost to the Federal Government of \$2,500 or more shall be four years from date of donation. The specific exceptions are as follows:
1. Motor Vehicles, Federal Supply Classification (FSC) Group 23 -- for which a two-year period of restriction shall apply.
 2. Items of property donated having a unit fair value of \$25.00 or more but less than \$2,500, for which a one year period of State restriction shall apply.
 3. Aircraft (FSC Group 15), for which the special terms and conditions provided in the DHEW Conditional Transfer Document (Aircraft) covering the transfer shall apply.
- C. During the period of restriction, the property shall not be sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of without the specific, prior, written approval of the Regional Director of OCD or the California Disaster Office.
- D. If, during the period of restriction, property is no longer suitable, usable, or further needed for the purpose for which acquired, the donee shall promptly notify the OCD through the California Disaster Office and shall, as directed by the OCD, either: (1) re-transfer the property to such department or agency of the United States of America or such other donee as may be designated, or (2) sell the property at a public sale.
- E. In the event any of the terms and conditions set forth in this section are breached, all right, title and interest in the property involved, at the option of the Regional Director of OCD, shall revert to the United States of America. In addition, where there has been an unauthorized disposal or improper use of any kind, the donee, at the option of the Regional Director of OCD, shall be liable to the United States for all damages. Where the property is not returned to the United States Government or where property is improperly used, the donee shall be liable to the United States for any proceeds from the disposal or

improper use or for the fair market value or rental value of the property at the time of such disposal, or improper use, at the option of and as determined by the Regional Director of OCD.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST RESOLVES that Joseph L. Cloonan, City Administrator,

Joseph L. Cloonan
(signature)

shall be and is hereby authorized as the representative of said City to sign for and accept surplus Federal property, regardless of acquisition cost, in accordance with the conditions imposed by the above agencies; and

IT IS FURTHER RESOLVED that this resolution of authorization shall remain in full force and effect until superseded or rescinded by resolution of this Council transmitted in duplicate to the California Disaster Office; and

IT IS FURTHER RESOLVED that the Clerk of this Council is hereby authorized and directed to send two (2) certified copies of this resolution to the California Disaster Office, for filing with said Disaster Office and with the State Department of Education.

APPROVED AND ADOPTED this 16th day of November, 1977, by the City Council of the City of Ridgecrest, State of California, by the following vote:

AYES: Mayor Edwards, Councilmembers Green, Karlberg and Smith.

NOES: None.

ABSENT: Councilmember Chieze.

Ted B. Edwards
TED B. EDWARDS, MAYOR

ATTEST:

Jacqueline C. Reed
JACQUELINE C. REED, CITY CLERK

I, Jacqueline C. Reed, City Clerk of the City of Ridgecrest, California, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the said Council at a regular meeting thereof held at its regular place of meeting at the time and by the vote above stated, which resolution is on file in the office of the said Council.

Jacqueline C. Reed
JACQUELINE C. REED, CITY CLERK