

RESOLUTION NO. 83-80

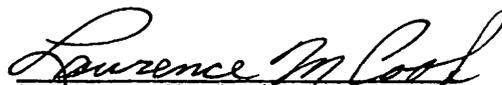
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, AUTHORIZING SAID CITY TO ACQUIRE A COMBINATION OF SURPLUS GOVERNMENT PROPERTY OVER AND UNDER \$3,000, AND RESCINDING RESOLUTION NO. 81-13

WHEREAS, by Public Law No. 94-519 enacted October 17, 1976, which amended the Federal Property and Administrative Service Act of 1949 (P.L. 81-152) and in accordance with the California State Agency for Surplus Property, plan of operation (as amended) filed with and approved by the General Services Administration of the United States of America; and

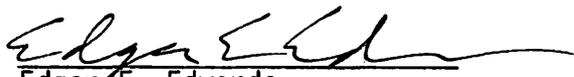
WHEREAS, certain terms and conditions listed on Appendix "A" attached hereto; and

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

NOW, THEREFORE, THE CITY COUNCIL of the City of Ridgecrest hereby resolves that the following City Officials shall be and are hereby authorized as the representatives 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:

  
Lawrence M. Cook  
City Administrator

  
Larry L. Brunson  
Chief of Police

  
Edgar E. Edwards  
Director of Public Works

  
William A. Bersie  
Director of Parks and Recreation

DIRECTOR OF PUBLIC WORKS AND RECREATION  
WILLIAM V. BERRY

DIRECTOR OF PUBLIC WORKS  
EDUARDO E. BARRERA

CHIEF OF OFFICE  
FRANK J. QUINN

CITY ADMINISTRATOR  
GABRIEL M. COOK

which are the conditions imposed by the above agencies:  
subject hereby hereby subject of acquisition cost, in accordance  
with the provisions of said City Code and other  
regulations for the collection of said City of said City of  
and therefor the City Council of the City of San Francisco hereby

City of San Francisco:

WHEREAS the City of San Francisco desires to establish its electric  
service system;

WHEREAS certain terms and conditions issued on November 14,

of 1928;

and by the Public Utilities Administration of the United States  
Department of Commerce (P. U. D. C.) filed with and  
(P. U. D. C.) and in accordance with the California Public Utilities  
Act of 1923 and the Public Utilities Administration Act of 1928  
WHEREAS by Public Law No. 24-215 approved October 14, 1928, which

NO. 81-13  
AND UNDER \$3,000 AND BECOMING RECOGNITION  
FOR THE COMBINATION OF SAID PUBLIC UTILITIES  
AND RECREATION, CALIFORNIA, AUTHORIZING SAID CITY TO  
A REGULATION OF THE CITY COUNCIL OF THE CITY OF

REGULATION NO. 81-28

IT IS FURTHER RESOLVED that this Resolution of authorization shall remain in full force and effect until superceded or rescinded by Resolution of this Council transmitted in triplicate to the California State Agency for Surplus Property; and

IT IS FURTHER RESOLVED that the Clerk of this Council is hereby authorized and directed to send three (3) certified copies of this Resolution to the California State Agency for Surplus Property, for filing with that office.

APPROVED AND ADOPTED this 17th day of October, 1983 by the following vote:

AYES: Mayor Cheshire, Vice-Mayor Webb, Councilmembers Bergens, Padgett, and Rieger

NOES: None

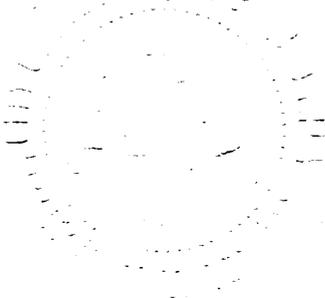
ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
RON CHESHIRE, Mayor

ATTEST:

  
\_\_\_\_\_  
JOYCE M. TAFT, City Clerk



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 writing to the California State Agency for Public Property; and

IT IS FURTHER RESOLVED that the Clerk of this Council is hereby authorized and directed to send three (3) certified copies of this resolution to the California State Agency for Public Property, for filing with that office.

APPROVED AND ADOPTED this 15th day of October, 1983 by the

following vote:

Mayor, Chairman, Vice-Mayor, Webb, Councilmembers Berman, Salas, and Kiger

AYES: None  
ABSENT: None  
ABSTAIN: None

PCW CHESTER, Mayor

OFFICE:

JOYCE E. CLARK, Clerk



**(A) THE DONEE CERTIFIES THAT:**

(1) It is a public agency; or a nonprofit educational or public health institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such purpose. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964; Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972, as amended; and Section 303 of the Age Discrimination Act of 1975.

**(B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:**

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense, return such property to the state agency, or otherwise make the property available for transfer or other disposal by the state agency, provided the property is still usable as determined by the state agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (B)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

**(C) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$3,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:**

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the state agency designates a further period of restriction.

(3) In the event the property is not so used as required by (C)(1) and (2) and federal restrictions (B)(1) and (2) have expired then title and right to the possession of such property shall at the option of the state agency revert to the State of California and the donee shall release such property to such person as the state agency shall direct.

**(D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:**

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the state, without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the state agency, the donee, at the option of GSA or the state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the state agency.

(4) The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.

(5) At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent thereto in (D) by payment of an amount as determined by the state agency.

**(E) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:**

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

**(F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$3,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:**

The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the Conditional Transfer Document executed by the authorized donee representative.