DEPARTMENT: Public Works  By: Marty Allan  Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item: Yes ___ No X )

Resolution to Update and Renew Application for the Federal Surplus Property Program for the Department of General Services, State Agency for Surplus Property.

Federal regulations require the application to be updated periodically.

With continued closure of federal facilities, a substantial amount of used equipment and machinery may become available to the County at attractive prices. Renewing the list will allow Mariposa County the opportunity to examine this equipment when it is available.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 25, 1999, per Resolution No. 99-170, the Board previously updated and renewed the application.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not update and renew list; the County would not be able to acquire surplus equipment from the State Agency for Surplus Property.

COSTS:  (X) Not Applicable
A. Budgeted current FY>  $______________
B. Total anticipated Costs>  $______________
C. Required additional funding>  $______________
D. Internal transfers>  $______________

SOURCE:  ( ) 4/5th Vote Required
A. Unanticipated revenues>  $______________
B. Reserve for contingencies>  $______________
C. Source description: >
Balance in Reserve Contingencies, If Approved:  $______________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Eligibility Renewal Application
2. Assurance of Compliance with GSA Regulations
3. Letter from DGS Procurement Division

CLERK'S USE ONLY
Res. No.: 01-61  Ord. No.: ________
Vote - Ayes: 5  Noes: ________
Absent: ________ Abstained: ________
Approved  □ Denied
□ Minute Order Attached  □ No Action Necessary
The foregoing instrument is a correct copy of the original on file in this office
Date: __________
ATTEST: MARGIE WILLIAMS, Clerk of the Board
By: ____________________
    Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
X  Recommended
----- Not Recommended
----- For Policy Determination
----- Submitted with Comment
----- Returned for Further Action

Comment: ____________________

C.A.O. Initials: [Signature]
ELIGIBILITY RENEWAL APPLICATION
FEDERAL SURPLUS PROPERTY PROGRAM

A. Name of Organization: Mariposa County
   Address: 4639 Ben Hur Road
   City: Mariposa
   County: Mariposa
   Zip: 95338
   Telephone: (209) 966-5356

   Organization is a:
   __A. Conservation
   __B. Economic Development
   __C. Education - ADA
   __D. Parks & Recreation
   __E. Public Health
   __F. Public Safety
   X. G. 2 or more listed
   __H. Other (includes library/museums)
   __I. Homeless Program
   NOTE: Categories J-K-L-M

   Number of sites:
   Enrollment or number of clients served:

RESOLUTION

"BE IT RESOLVED by the Governing Board, OR by the Chief Administrative Office of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) are listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the California State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

NAME-(Print or type)        TITLE            SIGNATURE            E-MAIL ADDRESS
Marty Allan                Fleet/Fiscal Mgr.      Marty Allan            mallan@sierratel.com
Charles Woolsey            Road Superintendent    kwoolley@sierratel.com
Gary Clinkenbeard          Main. Foreman          Gary Clinkenbeard       pwd@sierratel.com
Blaine Shultz              Co. Fire Chief         BEG

PASSED AND ADOPTED this 13th day of March, 2001, by the Governing Board of

Mariposa County

AYES: 5  NOES: 0  ABSENT: 0

Margie Williams, Clerk of the Governing Board of Mariposa County do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a regular meeting thereof held at its regular place of meeting at the date and by the vote above stated, which resolution is on file in the office of the Board.

(Signed) Margie Williams

C. *NOTE: IF YOUR HAVE A GOVERNING BOARD, SECTIONS "A" AND "B" SHOULD BE COMPLETED. IF YOU DO NOT HAVE A GOVERNING BOARD, SECTIONS "A" AND "C" SHOULD BE COMPLETED.

AUTHORIZED this ___ day of ____________, 20___, by:

Name of Chief Administrative Officer
(Signed)

FOR STATE AGENCY USE
Application approved: ____________________________ Application disapproved: ____________________________
Comments or Additional information: ________________________________________________________________
______________________________________________________________________________________________

Date: _______________  Signed: _______________
TERMS AND CONDITIONS

(A) THE DONEE CERTIFIES THAT:

(1) It is a public agency; or a nonprofit 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 the residents of a given public 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 purpose, including research for such purpose, or for programs for older individuals. 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 VII of the Civil Rights Act of 1964, Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended, Section 604 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 $5,000 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 other 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 $5,000 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.
SP Form 203
(3-82)

ASSURANCE OF COMPLIANCE WITH GSA REGULATIONS UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 606
OF TITLE VI 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

MARIPOSA COUNTY, (hereinafter called the "donee"

(Name of donee organization)

HEREBY AGREES THAT the program for or in connection with which any property
is donated to the donee will be conducted in compliance with, and the donee will
comply with and will require any other person (any legal entity) who through contractual
or other arrangements with the donee is authorized to provide services or benefits
under said program to comply with, all requirements imposed by or pursuant to the
regulations of the General Services Administration (41 CRF 101-6.2) issued under the
provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI 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, to the end
that no person in the United States shall on the ground of race, color, national origin,
sex, or age, or that no otherwise qualified handicapped person shall solely by reason of
the handicap, be excluded from participation in, be denied the benefits of, or be
subjected to discrimination under any program or activity for which the donee received
Federal assistance from the General Services Administration; and HEREBY GIVES
ASSURANCE THAT it will immediately take any measures necessary to effectuate this
agreement.

The donee further agrees that this agreement shall be subject in all respects to the
provisions of said regulations; that this agreement shall obligate the donee for the
period during which it retains ownership or possession of any such property; that the
United States shall have the right to seek judicial enforcement of this agreement; and,
this agreement shall be binding upon any successor in interest of the donee and the
word "donee" as used herein includes any such successor in interest.

Date March 13, 2001

Mariposa County

Donee Organization

By 

(Doug Baldwin)

(President/Chairman of the Board
or comparable authorized official)

4639 Ben Hur Road

Mariposa, CA 95338

Donee Mailing Address
January 19, 2001

Kent Woolsey  
Deputy Director, Roads  
Mariposa, County of  
Department of Public Works  
4639 Ben Hur Road  
Mariposa, CA 95338

Dear Mr. Woolsey:

We previously sent an application to your organization requesting you update your eligibility to acquire material in the Federal Surplus Personal Property Program. To date we have not received the renewal application.

Normally we would automatically cancel your eligibility, but we would like to give you another opportunity to retain access to the program.

Enclosed is another application. Please complete and return as soon as possible. Should we not hear from you within 60 days, your eligibility will be terminated without further correspondence.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

Dottie Ibach  
Staff Services Analyst  
(916) 928-4639

DKI:ssb

Enclosure
## BUDGET ACTION FORM

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<tr>
<th>FUND</th>
<th>DEPT/DIV</th>
<th>ACCOUNT</th>
<th>DESCRIPTION</th>
<th>PROJECT</th>
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<td>305-6205</td>
<td>State Other - C.S. Incentives</td>
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<td>414-1090</td>
<td>GENERAL CONTINGENCY</td>
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**TOTAL**

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<tbody>
<tr>
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<td>$14,600</td>
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</table>

### TRANSFER BETWEEN FUNDS

**TOTALS**

|         | $0         | $0        |

**ACTION REQUESTED:** (Check all that apply)

( X ) Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;

(   ) Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget another, or between categories within a budget unit;

**JUSTIFICATION:** During closed session on March 6, 2001, the Board appointed Marita Green to Child Support Services Director, effective immediately. This budget action provides funds for the Board's actions.

**DEPT HEAD SIGNATURE**

**DATE** 3-23-01

**APPROVED BY RES NO.**

**CLERK**

**DATE** 3-6-01

**AUDITOR'S USE ONLY**

**BA #**

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Budget Revision Form Revised 11/95