

MARIPOSA COUNTY RESOLUTION NO. 82- 131

BE IT RESOLVED by the Board of Supervisors, Mariposa County, that the Board's representatives whose names and titles are listed below shall be hereby authorized as the County's "primary" representatives to acquire federal surplus property from the California State Agency for Surplus Property under the terms and conditions listed on attachment "A" of this resolution:

- William H. Moffitt Supervisor
- Eric J. Erickson Supervisor
- Eugene P. Dalton Supervisor
- Gertrude Taber Supervisor
- Beverly Barrick Supervisor
- John Morrow Fire Warden/CDF
- James Wagner Operations Officer-CDF
- Paul E. Paige Sheriff
- Richard Begley Parks & Recreation Director
- William Lincoln Road Commissioner
- Cicero Gann Road Dept. Shop Foreman
- Roger McElligott Special Districts Manager
- Craig McDonald Building and Grounds Superintendent
- Lois Lewis Welfare Dept. Director
- Bruce Clayton Assistant Civil Defense Director

(see signature page attached)

BE IT FURTHER RESOLVED that each and every item purchased shall be entered on the Mariposa County inventory for the department or unit purchasing or otherwise receiving and retaining same under authority of this Resolution and shall become the property of Mariposa County regardless of whether consideration is or is not paid for the item.

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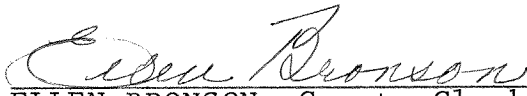
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PASSED AND ADOPTED by the Board of Supervisors,  
Mariposa County, this 23rd day of June, 1982,  
by the following vote:

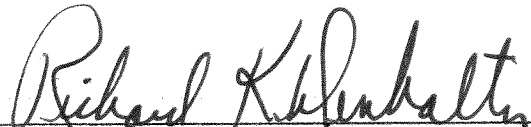
AYES: Barrick, Taber, Erickson, Moffitt  
NOES: None  
ABSTAINED: None  
ABSENT: Dalton

  
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WILLIAM H. MOFFITT, Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
ELLEN BRONSON, County Clerk &  
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
RICHARD DENHALTER  
County Counsel

MARIPOSA COUNTY, BOARD OF SUPERVISORS

RES. ~~81xxx4~~ 82-131

William H. Moffitt	Supervisor	<u>William H. Moffitt</u>
Eric J. Erickson	Supervisor	<u>Eric J. Erickson</u>
Eugene P. Dalton	Supervisor	<u>Eugene P. Dalton</u>
Gertrude Taber	Supervisor	<u>Gertrude Taber</u>
John Morrow	Fire Warden	<u>John M. Morrow</u>
Paul E. Paige	Sheriff	<u>Paul E. Paige</u>
Richard Begley	Parks & Rec. Director	<u>Richard A. Begley</u>
William Lincoln	Road Commissioner	<u>William Lincoln</u>
Cicero W. Gann	Road Dept. Shop Foreman	<u>Cicero W. Gann</u>
Roger McElligott	Special Districts Manager	<u>Roger McElligott</u>
Craig McDonald	Building & Grounds Superintendent	<u>Craig McDonald</u>
Lois Lewis	Welfare Dept. Director	<u>Lois Lewis</u>
Bruce Clayton	Assistant Civil Defense Director	<u>Bruce Clayton</u>
Beverly Barrick	Supervisor	<u>Beverly Barrick</u>
James Wagner	Operations Officer - CDF	<u>James Wagner</u>

**(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, 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.

(Please return this form  
& 1 copy of the Resolution)

State Educational Agency for Surplus Property  
721 Capitol Mall  
Sacramento, California 95814

RESOLUTION TRANSMITTAL

In order that we can correctly interpret your intentions in completing the attached resolution, as well as information you have previously supplied to us, will you please make a check in the applicable space below and return this form to us with your completed resolution.

The attached resolution is intended to:

XX Rescind all previous resolutions

           Delete the following persons previously authorized:

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