

WHEREAS, by Public Law 655, 84th Congress (70 Stat. 493, 40 U.S.C. Sec. 484), 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 San Diego desires to establish its eligibility for such property; and

WHEREAS, said City certifies 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 (40 U.S.C. Sec. 471, et seq.), 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; and

WHEREAS, The City of San Diego 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 City 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, Part 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 City 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 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 City shall promptly notify the OCD through the California Disaster Office and shall, as directed by the OCD, either: (1) retransfer 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 City, at the option of the Regional Director of OCD, shall be liable to the United States of America for all damages. Where the property is not returned to the United States Government or where property is improperly used, the City 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

BE IT RESOLVED, by the Council of The City of San Diego,
as follows:


1. That John A. Mattis, Purchasing Agent, and R. E. Hall, Assistant Purchasing Agent, be, and they are hereby authorized as 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.

2. 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.

3. That the City Clerk 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.

4. That Resolution No. 189194, adopted December 29, 1966, be, and it is hereby rescinded.

APPROVED: JOHN W. WITT, City Attorney

By 
Don S. Peterson, Deputy

RECEIVED
CITY CLERK'S OFFICE
1970 JUL 15 PM 12:41
SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on JUL 21 1970,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

By Elfa J. Hamel, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number 200318 Adopted JUL 21 1970