



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Scott P. Johnson

SUBJECT: DONATION OF FIVE SURPLUS FIRE BRUSH PATROL VEHICLES
DATE: May 12, 2008

Approved

Christine J. Shippy

Date

5-16-08

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Adoption of a resolution authorizing the Director of Finance to donate five surplus Brush Patrol Vehicles (1988 Ford F350 Cab and Chassis with a Brush Patrol body) with a cumulative estimated value of \$25,000 as follows: one vehicle to the Spring Valley Fire District, a volunteer fire department; two vehicles to San Jose Search and Rescue, a non-profit organization; one vehicle to Central County Occupational Center, an educational organization; and one surplus Brush Patrol to the Uvas Volunteer Fire Department.

OUTCOME

To support organizations that regularly provide volunteer and support services to the citizens of San Jose as well as to the San Jose Fire Department.

BACKGROUND

Per San Jose Municipal Code Section 4.16.250, titled "Donation of property to other agencies or nonprofits," any surplus property valued in excess of \$1,500 may be donated by the City Council to a public or governmental body or agency, volunteer fire department, or a nonprofit corporation. It further states, that "all donations shall be without warranty, express or implied, and the non-profit organization shall agree to defend, indemnify and hold harmless the City, its officers and employees, from any claim, cause of action, loss or liability arising out of the condition of the property or its use by the organization or subsequent transferee."

On June 19, 2001 (Item 3.9), Council adopted a revised donation policy. In accordance with the adopted policy, Fire vehicles and equipment and special law enforcement equipment (excluding firearms or other weapons) are eligible for donation as long as each item proposed to be donated

has a value less than \$10,000. Per this policy, staff announced the items available for donation to the Rules and Open Government Committee as a non-action item on March 12, 2008 to allow interested parties to submit a request for donation of vehicles to the Director of Finance, including information to demonstrate eligibility for receiving donated vehicles or equipment. Interested parties are eligible to receive donations if the party is a Volunteer Fire Department, a governmental agency, or a 501 (c) (3) non-profit organization that has a formal relationship with one or more City departments. According to the adopted policy, an organization has a formal relationship if the organization:

1. provides a service that complements an existing City program;
2. participates in a special project or geographically focused City effort;
3. has a common client base as a City program or service;
4. uses the donated equipment to benefit a particular group such as the elderly, low income families, the homeless population or some similar community to which the City wishes to provide assistance.

ANALYSIS

The Fire Department in conjunction with General Services and Finance recently completed the purchase and activation of six (6) new Brush Patrol vehicles. This purchase brings the fleet of front line Brush Patrols to the Fire Department's operational standard of thirteen vehicles. As per the Council adopted apparatus replacement plan, the Brush Patrols proposed to be donated are now beyond their useful life and are recommended to be disposed in accordance with the City's surplus property disposal process. Each of the five vehicles is a 1988 Ford F350 Cab and Chassis with a Brush Patrol body. The estimated value for each vehicle is \$5,000.

Prior to the announcement of vehicles available for donation and during the 30-day submission period, the City received requests for donation of the vehicles from the agencies listed below. The table also identifies staff's recommendation for donation. The recommendation is based on assumptions that agencies operating and located inside the City's incorporated limits provide the highest benefit to the City and its residents, and agencies at the perimeter of the City provide the next highest benefit to the City and its residents. Therefore, staff recommends donating only one vehicle to the Spring Valley Fire District and not to donate any vehicle to the Lick Observatory.

Name of Organizations Requesting a Donation	Number of Vehicles Requested for Donation	Number of Vehicles Recommended for Donation	City's Vehicle ID Number
Central County Occupational Center	1	1	53229
San Jose Search and Rescue	2	2	53230, 53232
Uvas Volunteer Fire Department	1	1	53233
Spring Valley Fire District	2	1	53234
Lick Observatory	1	0	N/A
TOTAL	7	5	

The organizations recommended to receive a vehicle have complied with appropriate verifications regarding status of a Volunteer Fire Department or a 501 (c) (3) non-profit organization. All organizations have a formal relationship with the City as required by the Council approved donation policy.

All four agencies provide a direct benefit to the City. San Jose Search and Rescue is an integral part of the San Jose Fire Department's response to large scale search and rescue events. Members of San Jose Search and Rescue provide support at large events such as the annual Holiday Parade and are sworn in as Disaster Service Workers by the Office of Emergency Services. The Spring Valley Fire District services an unincorporated area east of San Jose. The organization provides first response to wildland fires and assists San Jose units in handling fires in those areas. The Uvas Volunteer Fire Department services an unincorporated area of South San Jose. The Volunteer Fire Department was established in 2002, after the devastating "Croy" Fire. The organization provides first response to both wildland and structure fires in cooperation with San Jose Fire units. The Central County Occupational Center has started a high school level Fire Science program. This program introduces career opportunities in the Fire Service to high school age students and should, in the long term, improve the quality and quantity of local applicants for positions in the San Jose Fire Department.

The Lick Observatory Fire Department, while providing an important service, is not immediately adjacent to the City and is not being recommended to receive a donated vehicle at this time. The Lick Observatory Fire Department request will remain on file and will receive consideration for possible future donation.

In accordance with Municipal Code Section 4.16.205.A (surplus property), staff recommends donation of five brush patrol vehicles to the organizations identified in this memorandum under the condition these donations shall be "as is" without warranty, express or implied, and the transferee shall agree to defend, indemnify and hold harmless the City, its officers and employees, from any claim, cause of action, damage, loss or liability arising out of the condition of the property or its use by the organization or subsequent transferee.

EVALUATION AND FOLLOW-UP

Staff does not anticipate any further evaluation or follow-up at this time.

POLICY ALTERNATIVES

Alternative #1: Sell the units through a competitive auction process.

Pros: Increase funding for the fleet operation fund in the estimated amount of \$25,000.

Cons: Reduces the ability of the recommended agencies to assist the City with volunteer support services as outlined above.

Reason for not recommending: The value of the volunteer services provided through these agencies to the City and its residents is greater than the potential revenue from the sale of the surplus vehicles.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the criteria above, the Council Memorandum will be posted on the Council Agenda for June 3, 2008. Additionally, per the Council donation policy, the donation of the five vehicles was announced at the March 12 Rules Committee meeting.

COORDINATION

This item has been coordinated with the Fire Department, General Services Department, and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This Council item is consistent with Council approved Budget Strategy memo General Principle #2, "We must focus on protecting our vital core services"

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

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CEQA

Not a project.


SCOTT P. JOHNSON
Director, Finance

For questions, please contact Walter C. Rossmann, Chief Purchasing Officer, at (408) 535-7051.