



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Scott P. Johnson

**SUBJECT: DONATION OF TWO SURPLUS  
FIRE VEHICLES**

**DATE:** February 25, 2010

Approved

Date

2/26/10

## RECOMMENDATION

Pursuant to Council Policy 1-20, initiate the notification and outreach process in order to receive requests for donations of two surplus Fire vehicles (1981 American LaFrance Fire Truck and a 1990 Mac Fire Engine) with a cumulative estimated value of \$5,250.

## OUTCOME

To identify eligible organizations for donation of two surplus fire vehicles.

## 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 non-profit corporation. It further provides that all donations shall be made without warranty and requires the transferee to indemnify the City from claims arising out of the condition of the property or its use.

On November 18, 2008 Council adopted Policy 1-20, Donation of Surplus Personal Property. In accordance with this Policy, two Fire vehicles have been identified as eligible for donation. To announce the items available for donation, a list of eligible items need to be submitted to the Rules and Open Government Committee. This will initiate the 30 day outreach period for interested parties to submit a request for donation to the Director of Finance, including information to demonstrate their eligibility for receiving the donated vehicles.

On November 16, 2009, the City received a request from the San Jose Fire Museum requesting the two surplus fire vehicles be donated to them (Attachment A).



## ANALYSIS

Both the Fire and General Services Departments agree that the specified Fire vehicles are obsolete due to age, mileage and overall mechanical condition. In addition, Finance has independently estimated the value of the two surplus Fire trucks and determined they are eligible for donation based on the estimated value of each vehicle. A description of the two vehicles, the estimated value and details regarding maintenance records is shown below:

- 1. 1981 American LaFrance Water Chief (EQ# 53046). Estimated value: \$3,750:**
  - The ladder controls are not sensitive creating difficulty controlling ladder movement.
  - Right rear outrigger which supports the aerial when deployed will not retain position and bleeds down.
  - Water governor for the fire pump inoperable.
  - Rear leaf spring weak creating a leaning condition on chassis.
  - On September 17, 2009 the annual fire pump certification test had to be aborted in the middle of the test due to engine overheating.
  
- 2. 1990 Mack Pumper (EQ# 53056). Estimated value: \$1,500:**
  - Fire pump shaft packing needs to be replaced.
  - The steering box is leaking oil and needs to be resealed.
  - No safety concerns noted in repair order history.

To request consideration for the donation of any vehicles as described above, eligible organizations must submit a completed Donation Request Form which includes verification of the organization's 501 (c) (3) non-profit status, if applicable, identification of the items requested to receive as a donation, a description of the organization, and a description of the intended use of the donated equipment and any benefits to the organization and City residents to be derived from the donated equipment.

The City's outreach will include posting on Craigslist, and direct notification to Volunteer Fire Departments and local colleges that provide Fire Technology Training Programs (Attachment B)

Once the thirty day notification period is completed, Staff will review all requests and make a final recommendation to Council in accordance with the selection criteria set forth in the aforementioned Council Policy 1-20.

## EVALUATION AND FOLLOW-UP

After receipt and evaluation of donation requests, the Director of Finance will recommend the donation of the vehicles to eligible organization via Memorandum to the City Council.



### 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 \$5,250.

**Cons:** Due to the obsolescence of the vehicles it is unlikely to attract bids from bidders whose intent is to use surplus vehicles for fire fighting purposes.

**Reason for not recommending:** The historical value in a museum setting would benefit the City residents and is considered to be 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 Rules Committee Agenda for March 3, 2010.

### COORDINATION

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

### FISCAL/POLICY ALIGNMENT

This action is consistent with the following General Budget Principles "We must focus on protecting our vital core services".

### COST SUMMARY/IMPLICATIONS

Not applicable.



RULES AND OPEN GOVERNMENT COMMITTEE

February 25, 2010

Subject: Donation of Fire Vehicles

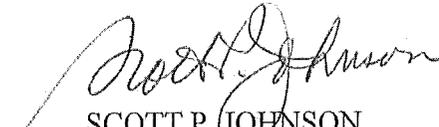
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**BUDGET REFERENCE**

Not applicable.

**CEQA**

Not a project.

  
SCOTT P. JOHNSON  
Director of Finance

For questions please contact Mark Giovannetti, Purchasing Division Manager, at (408)535-7052.



Attachment A

# San Jose Fire Museum



November 16, 2009

Scott P. Johnson  
Director of Finance  
City of San Jose  
200 B. Santa Clara Street  
San Jose, CA 95112

Dear Scott:

The San Jose Fire Museum (SJFM) is sending this letter to officially request the transfer of Equipment # 53056 & Equipment #53046 to the SJFM to become a permanent part of the history of the San Jose Fire Department. Equipment #53056 is a 1990 Westates Mack 1500 GPM Pumper that originally served as Fire Engine No. One @ Old Fire Station One on Market Street. This engine has a very exciting and interesting place in our Departments history. Equipment #53046 is a 1981 American LaFrance 75' Water Chief Truck. This apparatus served as an aerial ladder truck. It is unique to our history because it was the first aerial ladder truck that contained a fire pump and was capable of fire engine pump operations along with truck operations. We want to tell this story about both apparatus and share it with our community and visitors to our fine City.

Both apparatus have been surveyed and placed on the Department of General Services list of equipment to become surplus property. Per City of San Jose Donation of Surplus Property, we are submitting this to your Department for consideration and processing.

The SJFM has a Business Plan that includes a master plan of how the history of San Jose Fire Department is organized and presented to the public. Part of this plan includes collecting & displaying apparatus that served at Fire Station One or were unique. Our Board of Directors has set a goal of collecting a Fire Engine every 10 years and aerial truck every 20 years that were in service at Fire Station One. There were four Fire Station Ones in our City's history over the past 155 years and you can imagine how many Engine and Aerial Truck Ones there were in service during this time.

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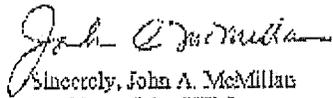
1687 SANITARI ROAD, BLDG. D1, SAN JOSE, CA 95112-2572  
PHONE: (408) 298-6184 • FAX: (408) 297-9401 • URL: [WWW.SANTOJSEFIREMUSEUM.COM](http://WWW.SANTOJSEFIREMUSEUM.COM)

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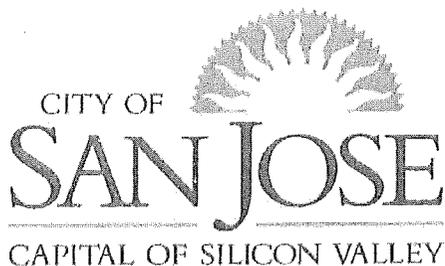
## Attachment A

We are proud to say that we have quite a collection of antique apparatus "San Jose Specific" and adding these apparatus to the collection will be a significant addition. Thank you for your time and if you or your staff has any questions, I can be reached @ 831-359-2194 or my E-Mail is [jmacmillan@yahoo.com](mailto:jmacmillan@yahoo.com).

  
Sincerely, John A. McMillan  
President of the SJFM

cc: Fire Chief Darryl Von Raesfeld, San Jose Fire Department  
Fire Captain Robert Cuthbertson, Apparatus Officer, San Jose Fire Department  
Peter Jenson, Director of General Services  
Dan Beams, Division Manager, General Services Department  
Dan Sauer, Equipment Maintenance Supervisor, General Services Department





Date \_\_\_\_\_, 2010

**NOTICE OF INTENDED DONATION OF  
SURPLUS FIRE VEHICLES**

**1. DESCRIPTION OF SURPLUS ITEMS**

The City has retired the following fire vehicles from the active San Jose Fire Department fleet because of age, mileage and mechanical obsolescence.

- One 1981 American LaFrance Water Chief EQ# 53046 (see details next page)
- One 1990 Mack Pumper EQ# 53056 (see details next page)

Pursuant to Council Policy 1-20, the City is required to determine interest from organizations that would like to be considered as donees for this property. The entire policy may be reviewed at following link

[http://www.sanjoseca.gov/clerk/cp\\_manual/CPM.asp#finance](http://www.sanjoseca.gov/clerk/cp_manual/CPM.asp#finance)

**2. CONTACT**

For additional information or to make arrangements to inspect the vehicles, please contact

Leonard Perez  
1661 Senter Road, Bldg. D1  
San Jose, CA 95112

Office (408) 975-7143  
Cell (408) 410-1072  
[leonard.perez@sanjoseca.gov](mailto:leonard.perez@sanjoseca.gov)

The City will have the specified vehicles available for inspection by interested donees; inspection is required for all organizations submitting a Donation Request Form. To schedule your inspection, please email the contact provided above prior to one of the following showing dates and time periods:

Tuesday, February/March \_\_, 2010, between 9:00am – 11:00am  
Thursday, February/March \_\_, 2010, between 1:00pm – 3:00pm



## Attachment B

### **3. ELIGIBLE ORGANIZATIONS**

Priority shall be given to organizations on the basis of how likely the donation of surplus property will benefit City residents with preference given to governmental agencies and volunteer fire departments over non-profit organizations. Organizations that are eligible donees are listed below:

- Government Agencies
- Volunteer Fire Departments
- Non-Profit Organizations that are so classified per Internal Revenue Code Section 501 (c) (3), and who also meet one of the following:
  1. Must currently provide a service that compliments or serves a common client base of an existing City program.
  2. Must be able to utilize the donation to further a special project or geographically focused City effort or benefits a particular group such as the elderly, low income families, the homeless population, or any group or community the City wishes to provide assistance to.

### **4. HOW TO SUBMIT REQUEST FOR DONATION**

Eligible organizations may request consideration for donation items by submitting the Donation Request Form attached. As a condition to final selection (which final selection may require approval of City Council), organizations recommended for selection as donees will be required to sign the attached Disclaimer Form. Submission of the attached Disclaimer Form does not guarantee final selection; organizations which are finally selected as donees shall be notified in writing by the Director of Finance.

### **5. DEADLINE TO SUBMIT REQUESTS FOR DONATION**

Interested parties must submit the Request for Donation Form to the contact listed in Section 2 above within 30-days from the date of this notice.



Attachment B

Details of Items to be Donated

1. One 1981 American LaFrance Water Chief (EQ# 53046)

**General Description of Vehicle:** 75 foot ladder truck w/pump

- The ladder controls are not sensitive creating difficulty controlling ladder movement.
- Right rear outrigger which supports the aerial when deployed will not retain position and bleeds down.
- Water governor for the fire pump inoperable.
- Rear leaf spring weak creating a leaning condition on chassis.
- In 2009 the annual fire pump certification test had to be aborted in the middle of the test due to engine overheating.



Mileage:	85,007 miles
Chassis:	Lafrance
Body:	Lafrance
Engine:	Detroit 6V71
Transmission:	HT 740 D Allison
Pump Make/Model/Capacity:	Lafrance /1500GPM
Water tank capacity:	300 gallons



## Attachment B

### 2. One 1990 Mack Pumper (EQ# 53056)

**General Description of Vehicle:** Fire engine pumper unit.

- Fire pump shaft packing needs to be replaced.
- The steering box is leaking oil and needs to be resealed.
- No safety concerns noted in repair order history.



Mileage:	135,004 miles
Chassis:	Mac
Body:	Weststates
Engine:	Mac 230
Transmission:	HTB 741
Pump Make/Model/Capacity:	Allison MT/ model CMU/ 1500GPM
Water tank capacity:	500 gallons



Attachment B

**DONATION REQUEST FORM**

**Type of Organization:**

- Government Agency
- Volunteer Fire Department
- Non-Profit Organization

Name of Group/Organization:		
If Non-Profit, you must be a recognized Internal Revenue Code Section 501 (c) (3) Organization.	<input type="checkbox"/> Yes Attach documentation	<input type="checkbox"/> No Tax ID: __-____
Contact Name:		Title:
Telephone #:		Email:

Select which item you are requesting:

**Select    Vehicle Description**

- 1981 American LaFrance Fire Chief
- 1990 Mack Pumper

**1. Provide information about your Organization (attach separate page if necessary):**

**2. Describe intended use of donation and the benefit to your Organization and City residents to be derived from donated item being requested (attach separate page if necessary):**



## Attachment B

In addition, please be aware of the following.

1. When requested to do so, prospective donees will be required to sign the attached Disclaimer Form, which contains conditions applicable to the donation, including an acknowledgement that the donation will be made on an "as is" basis without warranties of any kind and an indemnity in favor of the City.
2. Prior to final selection, prospective donees will be required to inspect the items requested to be donated.
3. Selected donees will be required to pick up the donated property at a designated City facility.

Organization Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



Attachment B  
**DISCLAIMER AND OTHER CONDITIONS OF DONATION**

As an authorized representative of \_\_\_\_\_ ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of {insert surplus item description and identification data} ("Donated Equipment")

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San Jose, California to Donee.

**1. DISCLAIMER**

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, AND NO AFFIRMATION OF THE CITY, BY WORDS OR ACTION, WILL CONSTITUTE A WARRANTY AS TO THE DONATED EQUIPMENT. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

**2. INDEMNIFICATION**

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

**3. USE OF DONATED EQUIPMENT**

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

**4. INSPECTION; NO PROFIT OR FEE**

Donee certifies that: i) the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

**5. PICKUP OF DONATED EQUIPMENT**

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

