



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Authorizing the Lodi Police Department to Accept a 1994 Ford Econoline E350 Diesel Van

MEETING DATE: December 18, 2013

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution authorizing the Lodi Police Department to accept a 1994 Ford Econoline, E350 Diesel, Van.

BACKGROUND INFORMATION: The Lodi Police Department Explosive Ordinance Disposal Team acquired a surplus 1984 Chevrolet pick-up frame with a Dodge pick-up utility box on the back from the U.S. Air Force in 1994. The Chevrolet has many deficiencies and is irreparable.

The Lodi Police Department and the Manteca Police Department are part of the Metropolitan SWAT team. The City of Manteca Police Department recently purchased a newer vehicle for SWAT and is willing to re-allocate their surplus vehicle to the City of Lodi Police Department. Manteca Police Department's surplus vehicle is newer and meets the needs of the Explosive Ordinance Team. Several Lodi Police Department personnel were able to inspect the vehicle and found it to be in working order; needing only minor retrofitting (Police logos, radio, siren, and lights).

The re-allocation of this vehicle will provide the Explosive Ordinance Disposal team a more readily relied upon vehicle when needed.

FISCAL IMPACT: This will not incur any General Fund cost.

FUNDING AVAILABLE: N/A

Mark Helms
Chief of Police

MH/CJ/po
Prepared by: Sgt. Shad Canestrino
cc: City Attorney

APPROVED:

Konradt Bartlam, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt Resolution Authorizing the Lodi Police Department to Accept a 1994 Ford Econoline E350 Diesel Van and Authorize the City Manager to Execute a Transfer of Surplus Property and Hold Harmless Agreement

MEETING DATE: December 18, 2013

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution authorizing the Lodi Police Department to accept a 1994 Ford Econoline, E350 Diesel, Van and authorize the City Manager to execute a transfer of surplus property and hold harmless agreement.

BACKGROUND INFORMATION: The Lodi Police Department Explosive Ordinance Disposal Team acquired a surplus 1984 Chevrolet pick-up frame with a Dodge pick-up utility box on the back from the U.S. Air Force in 1994. The Chevrolet has many deficiencies and is irreparable.

The Lodi Police Department and the Manteca Police Department are part of the Metropolitan SWAT team. The City of Manteca Police Department recently purchased a newer vehicle for SWAT and is willing to re-allocate their surplus vehicle to the City of Lodi Police Department. Manteca Police Department's surplus vehicle is newer and meets the needs of the Explosive Ordinance Team. Several Lodi Police Department personnel were able to inspect the vehicle and found it to be in working order; needing only minor retrofitting (Police logos, radio, siren, and lights). The re-allocation of this vehicle will provide the Explosive Ordinance Disposal team a more readily relied upon vehicle when needed.

The City of Lodi wishes to acquire the vehicle is "as is" condition and will assume all risks associated with the acquisition.

FISCAL IMPACT: This will not incur any General Fund cost.

FUNDING AVAILABLE: N/A

Handwritten signature of Mark Helms in black ink.

Mark Helms
Chief of Police

MH/CJ/po
cc: City Attorney

APPROVED: Handwritten signature of Konradt Bartlam in black ink.
Konradt Bartlam, City Manager



CITY OF LODI

**TRANSFER OF SURPLUS PROPERTY BY THE CITY OF MANTECA
AND HOLD HARMLESS AGREEMENT**

This Agreement, is made and entered into this ____ day of December, 2013, by and between the City of Lodi, a municipal corporation ("LODI") and the City of Manteca, a municipal corporation ("MANTECA") (CITY and MANTECA are collectively referred to as the "PARTIES").

RECITALS

This Agreement is made with regard to the following recitals:

- A. MANTECA desires to divest itself of both ownership and vicarious or direct liability associated with the possession and use of a certain vehicle currently owned by MANTECA and used by its Police Department as a bomb truck; the truck is specifically described as a 1994 Ford Econoline, E350 Diesel, License No. 1259800, Vehicle Identification No. 1FDKE30M3RHB63993 ("BOMB TRUCK").
- B. The BOMB TRUCK has been designated by MANTECA as a surplus vehicle for purposes of disposition.
- C. PARTIES acknowledge that LODI has had an opportunity to inspect the BOMB TRUCK.
- D. LODI wishes to assume ownership and take possession of the BOMB TRUCK in its current "as is" condition, without any warranties or representations by MANTECA as to its mechanical functionality.
- E. In consideration for the transfer of title to the BOMB TRUCK by MANTECA to LODI, LODI makes assurances as set forth below.

///

///

NOW, THEREFORE, in consideration of this Agreement, the PARTIES hereto agree as follows:

1. MANTECA agrees to relinquish all of its right, title and ownership interest in the BOMB TRUCK to LODI and to cooperate in the execution of any and all documents necessary to effectuate the transfer of title.

2. LODI agrees to assume ownership of the BOMB TRUCK, and to assume any and all risks, including, but not limited to, risk of injury or death to third persons, and to hold MANTECA, its elected and appointed officials, its police department, and its employees and/or agents or volunteers harmless from any and all liability, claims, administrative proceedings or other responsibility whatsoever arising from any injuries or damages that may occur on or after the date ownership of the BOMB TRUCK is transferred to LODI pursuant to this Agreement. That date is hereby fixed by agreement by and among the PARTIES hereto as being December 19, 2013, hereinafter the "DATE OF TRANSFER OF OWNERSHIP".

3. LODI further agrees to assume all liability for risks and dangers relating to its ownership and use of the BOMB TRUCK on and after the DATE OF TRANSFER OF OWNERSHIP, and to indemnify and hold MANTECA, its elected and appointed officials, its police department, and its employees and/or agents or volunteers harmless in the event that any legal or administrative action, whether by claim, demand or otherwise, is made by any person or entity as a consequence of or arising out of any event, act or disturbance involving the BOMB TRUCK on or after the DATE OF TRANSFER OF OWNERSHIP. The aforementioned hold harmless provisions shall extend to any direct or vicarious liability arising from any and all losses, liabilities, charges (including reasonable attorney fees and court costs), and any other expenses whatsoever which may arise in any manner after the DATE OF TRANSFER OF OWNERSHIP.

4. This Agreement shall be governed by the laws of the State of California and

venue for any action brought hereunder shall be with the San Joaquin County Superior Court.

5. In the event of any dispute between the PARTIES arises under or regarding this Agreement, the prevailing party in any litigation of the dispute shall be entitled to reasonable attorney's fees from the party who does not prevail as determined by the court having jurisdiction over thereof.

6. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

10. This Agreement represents the entire and integrated agreement between LODI and MANTECA and supersedes all prior negotiations, representations, or agreement, either oral or written.

11. This Agreement may be amended only by written instrument signed by LODI and MANTECA.

10. The undersigned hereby represent and warrant that they are authorized by the parties they purport to represent to execute this Agreement.

IN WITNESS WHEREOF, the PARTIES have caused this Agreement to be executed in San Joaquin County, California.

"LODI"

DATED: _____

CITY OF LODI, a municipal corporation

By _____
KONRADT BARTLAM, City Manager

ATTEST:

RANDI JOHL-OLSON, City Clerk

Signatures continue on the next page

"MANTECA"

DATED: _____

CITY OF MANTECA, a municipal corporation

By _____

Name: _____

Title: _____

ATTEST:

JOANNE TILTON, City Clerk

Approved as to form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By _____
Janice D. Magdich, Deputy City Attorney 

RESOLUTION NO. 2013-214

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE LODI POLICE DEPARTMENT TO ACCEPT A 1994 FORD ECONOLINE E350 DIESEL VAN, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSFER OF SURPLUS PROPERTY AND HOLD HARMLESS AGREEMENT

WHEREAS, the Lodi Police Department Explosive Ordinance Disposal Team acquired a surplus 1984 Chevrolet pick-up frame with a Dodge pick-up utility box on the back from the U.S. Air Force in 1994; and

WHEREAS, the Lodi Police Department and the Manteca Police Department are part of the Metropolitan SWAT team; and

WHEREAS, the City of Manteca Police Department would like to re-allocate its surplus SWAT van to the City of Lodi Police Department; and

WHEREAS, the surplus vehicle from the City of Manteca is newer and meets the needs of the Explosive Ordinance Team; and

WHEREAS, several Lodi Police Department personnel were able to inspect the vehicle and found it to be in working order; needing only minor retrofitting (Police logos, radio, siren, and lights); and

WHEREAS, the City of Lodi wishes to acquire the vehicle in "as is" condition; and

WHEREAS, the acceptance of this vehicle will give the Explosive Ordinance Disposal team a vehicle that can be more readily relied upon when needed.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the Lodi Police Department to accept a surplus 1994 Ford Econoline E350 Diesel Van from the City of Manteca in "as is" condition, to be utilized by the Lodi Police Department Explosive Ordinance Disposal Team; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a Transfer of Surplus Property and Hold Harmless Agreement on behalf of the City.

Date: December 18, 2013

I hereby certify that Resolution No. 2013-214 was passed and adopted by the Lodi City Council in a regular meeting held December 18, 2013, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and Mayor Katzakian
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – Nakanishi
- ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL-OLSON
City Clerk