

BE IT RESOLVED by the City Council ~~Governing Board~~ of the City of Lodi and hereby ordered that: Fred C. Wilson who is Finance Director shall be and he is hereby authorized as the representative of the City of Lodi to sign the warehouse issue sheet (SEASP Form III) of the California State Educational Agency for Surplus Property which contains the following terms and conditions:

I. THE DONEE HEREBY CERTIFIES THAT:

- (1) It is a tax-supported or nonprofit and tax-exempt (under Section 501(c)(3) of the Internal Revenue Code of 1954 or Section 101(6) of the Internal Revenue Code of 1939) school system, school, college, university, medical institution, hospital, clinic or health center, or a civil defense organization designated pursuant to State law, within the meaning of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Department of Health, Education, and Welfare (hereinafter referred to as "The Department").
- (2) The property requested by this document is usable and necessary in the State for either educational, public health, or 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.
- (3) Funds are available to pay the costs of care and handling incident to donation, including packing, preparation for shipping, loading and transporting such property.
- (4) Property acquired by a donee, regardless of acquisition cost, shall be on an "as is", "where is" basis without warranty of any kind.
- (5) With respect to any property listed on this document or attachments hereto which has a single item acquisition cost of \$2,500.00 or more, the donee agrees to the terms and conditions in Paragraph II and with respect to any such property other than aircraft, to the terms and conditions in one of Paragraphs III or IV, whichever is appropriate by virtue of the designation of purpose indicated on the face of this document.

II. TERMS AND CONDITIONS APPLICABLE TO ANY DONATED PROPERTY HAVING A SINGLE ITEM ACQUISITION COST OF \$2,500.00 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

- (1) Such property shall be used only for the educational, public health, or civil defense purpose for which acquired, including research for any such purpose, and for no other purpose.
- (2) Donees shall make reports to the State Agency on the use, condition, and location of such property and on other pertinent matters as may be required from time to time by the State Agency, the Department, or the Office of Civil and Defense Mobilization, as appropriate.

III. TERMS AND CONDITIONS APPLICABLE TO PROPERTY OTHER THAN AIRCRAFT HAVING A SINGLE ITEM ACQUISITION COST OF \$2,500.00 OR MORE DONATED FOR EDUCATIONAL OR PUBLIC HEALTH PURPOSES:

- (1) Such property shall be placed in use for the purpose for which acquired no later than ~~twelve~~ months after acquisition thereof. In the event such property is not placed in use within ~~twelve~~ months of receipt, the donee, ~~within 30 days~~ after ~~the~~ expiration of the ~~twelve-month~~ period, shall notify the Department in writing through the appropriate State Agency. Title and right to the possession of such property not so placed in use within the above-mentioned period shall at the option of the Department revert to the United States of America, and upon demand the donee shall release such property to such person as the Department or its designee shall direct.
- (2) There shall be a period of restriction which will expire after such property has been used for the purpose for which acquired for a period of four years, except that the period of restriction on motor vehicles donated subsequent to June 3, 1955, will expire after a period of two years of such use.
- (3) During the period of restriction the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property or remove it for use outside the State without prior written approval of the Department. Any sale, trade, lease, loan, bailment, encumbrance or other disposal of property, when such action is authorized by the Department, shall be for the benefit and account of the United States of America and the net proceeds thereof shall be received and held in trust for the United States of America and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such net proceeds.
- (4) In the event such property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval, the donee at the option of the Department, shall be liable to the United States of America for the proceeds of the disposal or for the fair market value of the property at the time of such disposal as determined by the Department.
- (5) If, during the period of restriction, property is no longer suitable, usable or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department through the State Agency, and shall, as directed by the Department or State Agency, either retransfer the property to such department or agency of the United States of America or such other donee as may be designated, or sell the property at public sale. Such public sale shall be for the benefit and account of the United States of America and the net proceeds thereof shall be received and held in trust for the United States of America, and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such net proceeds.

- (c) At the option of the Department, the donee may abrogate the terms and conditions set forth in Paragraphs II and III by payment of an amount as determined by the Department.

IV. TERMS AND CONDITIONS APPLICABLE TO PROPERTY OTHER THAN AIRCRAFT HAVING A SINGLE ITEM ACQUISITION COST OF \$2,500.00 OR MORE DONATED FOR CIVIL DEFENSE PURPOSES:

- (1) With respect to property donated for civil defense training purposes there shall be a period of restriction which will expire after such property has been used for such purpose for a period of four years, except that the period of restriction on motor vehicles will expire after a period of two years of such use.
- (2) With respect to property donated for operational readiness or reserve stock purposes, there shall be a period of restriction which shall continue in full force and effect until released or otherwise terminated in writing by the Director, Office of Civil and Defense Mobilization,
- (3) In the event any donated property is used during the period of restriction for any purpose other than that for which the property was acquired, without prior written authorization by the Director, Office of Civil and Defense Mobilization, all right, title and interest in and to the property, at the option of the Director, Office of Civil and Defense Mobilization, shall revert to the United States of America.
- (4) During the period of restriction the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property or remove it for use outside the State without prior written approval of the Director, Office of Civil and Defense Mobilization.
- (5) If, during the period of restriction, property is no longer suitable, usable or further needed for the purpose for which acquired, the donee shall promptly notify the Director, Office of Civil and Defense Mobilization through the State Agency (California Disaster Office) and shall, as directed, by the Director, Office of Civil and Defense Mobilization or State Agency, either retransfer the property to such department or agency of the United States of America or such other donee as may be designated, or sell the property at public sale.
- (6) In the event such property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval, the donee, at the option of the Director, Office of Civil and Defense Mobilization, shall be liable to the United States of America for the proceeds of the disposal or for the fair market value of the property at the time of such disposal as determined by the Director, Office of Civil and Defense Mobilization.
- (7) Property donated for purposes of civil defense reserve stocks shall be stored in accordance with criteria made and approved by the Director, Office of Civil and Defense Mobilization and maintained in good operating condition by the donee acquiring title to such property.

