

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services Agency	(2) MEETING DATE 6/18//2013	(3) CONTACT/PHONE Janette Pell, 781-5200	
(4) SUBJECT Submittal of resolution to surplus and transfer ownership of a used construction trailer to Dana Adobe Nipomo Amigos, Inc. (DANA) to be converted to two Americans with Disabilities Act (ADA) compliant restrooms for the use of visitors at Rancho Nipomo Dana Adobe. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board approve the resolution and instruct the Chairperson to: <ol style="list-style-type: none"> <li>1. Declare the trailer surplus. The County no longer has a need for this trailer.</li> <li>2. Transfer the ownership of the trailer to the Dana Adobe Nipomo Amigos (DANA) consistent with Government Code section 25372, subdivision (b) (2), to be converted to two Americans with Disabilities Act (ADA) compliant restrooms for the use of visitors.</li> <li>3. Authorize the County Purchasing Agent, consistent with 2.36.9030, to execute an Agreement and Release and Waiver of Liability, to complete the donation to Dana Adobe Nipomo Amigos (DANA).</li> </ol>			
(6) FUNDING SOURCE(S)	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT?	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4 -			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services Agency / Janette Pell, 781-5200

DATE: 5/21/2013

SUBJECT: Submittal of resolution to surplus and transfer ownership of a used construction trailer to the Dana Adobe Nipomo Amigos, Inc. (DANA) to be converted to two Americans with Disabilities Act (ADA) compliant restrooms for the use of visitors at Rancho Nipomo Dana Adobe. District 4.

## **RECOMMENDATION**

It is recommended that the Board approve the Resolution and instruct the Chairperson to:

1. Declare the trailer surplus. The County no longer has a need for this trailer.
2. Transfer the ownership of the trailer to the Dana Adobe Nipomo Amigos, Inc. (DANA) consistent with Government Code section 25372, subdivision (b) (2), to be converted to two Americans with Disabilities Act (ADA) compliant restrooms for the use of visitors at Rancho Nipomo Dana Adobe.
3. Authorize the County Purchasing Agent, consistent with 2.36.9030, to execute an Agreement and Release and Waiver of Liability, to complete the donation to Dana Adobe Nipomo Amigos (DANA).

## **DISCUSSION**

Government Code Section 25372 expressly authorizes donation of surplus personal property of a county to certain tax exempt organizations in a manner and upon terms and conditions as set by the Board of Supervisors. The specific wording of that statute is as follows:

*25372. Donation and leasing of surplus personal property and real property.*

*(a) Except as restricted by any conditions by which the county acquired the property, the board of supervisors may donate or lease any real or personal property that the board declares to be surplus to any public agency or organization exempt from taxation listed in subdivision (b). The board may impose on the donation or lease any terms and conditions that it determines to be appropriate.*

*(b) This section applies to all of the following:*

- (1) An organization exempt from taxation pursuant to 26 U.S.C. Sec. 501 (c) (3) that is organized for the care, teaching, or training of children or developmentally disabled children.*

- (2) *An organization exempt from taxation pursuant to 26 U.S.C. Sec. 501(c)(3) that is organized for the care, teaching, or training of Native Americans.*
- (3) *A school district or community college district.*
- (4) *A county children and families commission established pursuant to the California Children and Families Act of 1998 (Division 108 (commencing with Section 130100) of the Health and Safety Code).*
- (5) *An organization exempt from taxation pursuant to 26 U.S.C. Sec. 501(c)(3) that is organized to provide health or human services.*

The DANA is a non-profit organization exempt from taxation pursuant to 26 U.S.C. Section 501(c)(3) as that term is used in Government Code section 25372(b)(2). The DANA is dedicated to the restoration and preservation of the historic Dana Adobe. One project of the DANA is to showcase the cultural and natural resources of the Nipomo Creek watershed and Nipomo Mesa through interactive environmental education programs. The proposed plan of restoration includes giving voice to Native American (Chumash) culture through interpretive features. The restoration of the Dana Adobe has been underway for several years. The trailer will be converted to two Americans with Disabilities Act (ADA) compliant restrooms for the use of visitors of the historic Dana Adobe.

The County desires to donate the used trailer to DANA for use as two ADA compliant restrooms for the use by visitors to the Dana Adobe. The trailer, designated as #8800 and as asset #V0000019 is 10' by 25', and is being donated "as-is" with all faults, and without any warranties. The trailer has not been used for several years and there is no planned future use. DANA will provide for the proper and safe transportation of the trailer from its current location on a vacant site near the County Operations Center at 1475 Kansas Avenue to the Dana Adobe. The DANA will be responsible for all costs associated with the transportation and set up of the trailer for its new use.

The resolution before the Board will instruct the Chairperson to surplus and donate the trailer to the DANA. The resolution authorizes the General Services Agency Director, as the Purchasing Agent for the County, to take such further action as necessary to complete the donation. This is consistent with County Code section 2.36.030(f) which allows the purchasing agent to dispose of any personal property belonging to the County and found by the Board of Supervisors not to be required for public use.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed the resolution as to form and legal effect. The County General Services Agency Architectural Services team has stated that the trailer is no longer required by the County.

#### **FINANCIAL CONSIDERATIONS**

None.

#### **RESULTS**

The approval of the resolution will result in the re-use of a used construction trailer that may otherwise have been sent to the landfill or other legal and proper disposal as required. This means less trash in the landfill, an extended useful life for the trailer and benefit to the DANA and the community it serves. This action contributes to the Community wide Result of a Well-Governed Community.

#### **ATTACHMENTS**

1. Resolution