

NOT YET APPROVED

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING SECTION 2.31.010 [SURPLUS PROPERTY AND EQUIPMENT DISPOSAL OR DESTRUCTION] OF THE PALO ALTO MUNICIPAL CODE TO ALLOW THE DONATION OF SURPLUS PROPERTY TO NONPROFIT ORGANIZATIONS AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY**

The City Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings. The Council finds and declares that:

A. Current City code allows for the donation of surplus property to nonprofit organizations only when the property has no commercial value.

B. Certain nonprofit organizations have seasonal fundraising activities that provide significant resources necessary to support important City programs and this amendment is necessary to ensure the continuity of these activities.

C. The accumulation of materials such as clothing and theatrical costumes, if not properly disposed of could represent a safety hazard given the limited storage areas in City facilities

D. If a new ordinance is not adopted on an urgency basis to allow the donation of clothing, theatrical costumes, books and other surplus property that has more than a minimal value would be prohibited.

E. Based on findings A through D, the Council finds that there is a current and immediate threat to the public health, safety or welfare if this Ordinance is not adopted as an emergency ordinance pursuant to Palo Alto Municipal Code section 2.04.270(e).

SECTION 2. Section 2.31.010 of the Palo Alto Municipal Code is amended to read as follows:

**2.31.010 Surplus property and equipment - Disposal or destruction.**

(a) Authority of Director of Administrative Services. All using departments shall submit to the director of administrative services, at such times and in such form as the director shall prescribe, reports showing all property which is no longer used or which has been obsolete or worn out. The director of administrative services shall have authority to sell all property which cannot be used by any department or which has become unsuitable for city use, by negotiated sales, through the acceptance of sealed bids, by public auction, or by exchange or trade-in for new property and equipment. The director of administrative services may in writing delegate any authority granted to the director pursuant to this chapter with respect to property valued at less than \$5,000.00.

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(b) Property with No Commercial Value. The city manager may authorize the abandonment, destruction or donation to public bodies, charitable, civic or nonprofit organizations, of city property which has no commercial value or of which the estimated cost of continued care, handling, maintenance or storage would exceed the estimated proceeds of sale. Such determination shall be made in writing and countersigned by the director of administrative services.

(c) Donations to Nonprofit Support Organizations. Notwithstanding any other provisions of this Chapter, the city manager may adopt polices and procedures authorizing the donation of surplus property that is no longer suitable for use by the City to nonprofit organizations that are formed for the purpose of supporting City programs. The City's donation of surplus property shall be contingent on a written agreement that any profits from the sale of such items shall be used for the purchase of equipment, books or capital expenses related to the program supported by the nonprofit organization.

(d) Annual Report to Council. The city manager shall identify all property donated to nonprofit agencies pursuant to subsection (b) or (c) above. In January of each year, the city manager shall provide a report to the city council that includes an inventory of the items donated by the City and all contributions made to the City from nonprofit organizations that have received surplus city property.

(e) The city manager may delegate any authority granted to the manager pursuant to this chapter.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Assistant City Attorney

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Director of Planning and  
Community Environment