AUTHORIZATION OF PARTICIPANES

RESOLUTION NO. 2030

"BE IT RESOLVED by the Governing Board, OR by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) is (are) listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the Oregon State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

NAME (Print or type)	TI	ITLE	SIGNATURE
Steve Bryant	Planning D	irector	How Buy
James C. Myers	Fire Chief	· · · · · · · · · · · · · · · · · · ·	James C. Pleur
Hugh C. Hull	City Manage	er	Journ & Kuil
D. Gary Holliday		rector/City Reg	order pollulay
Darrell Pepper	Police Chie	ef (Ser to
0. M. Payton	Public Ser	vices Director	Vhi M. fayton
PASSED AND ADOPTED this2	7th	December	, 19 <u>78</u> , by the Governing Board
ofAlbany City Council			• •
Leonard M. Roch	e		Mayor , &WeXk of the Governing Board of
Albany City Council	· · · · · · · · · · · · · · · · · · ·		y that the foregoing is a full, true and
			<u>meeting thereof held at its regular</u> esolution is on file in the office of the
P.O. Box 490, Albany, O	R 97321		
Mailing address			
Albany, Linn	97321	[Signed]	Vincick
City County OR	ZIP Code	(Legally Autho	orized Official) Mayor
OR .			
AUTHORIZED this 27th day	ay of	December	, <u>19_78</u> , by:
Hugh C. Hull	·	City	Manager
Name of chief administrative of City of Albany	officer	•	Title
Name of organization P.O. Box 490	·····	. //	
Mailing address Albany Linn	97321	[Signed]	Juan & Hull
City County	ZIP Code		orized Official) City Manager
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TERMS AND CONDITIONS

(A) THE DONEE CERTIFIES THA

(1) It is a public agency; or a nonprofit educational or public health institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such purpose. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.

(3) Funds are available to pay all costs and charges incident to donation.

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(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

(B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense, return such property to the state agency, or otherwise make the property available for transfer or other disposal by the state agency, provided the property is still usable as determined by the state agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (B)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(C) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$3,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the state agency designates a further period of restriction.

(3) In the event the property is not so used as required by (C)(1) and (2) and federal restrictions (B)(4) and (2) have expired then title and right to the possession of such property shall at the option of the state agency revert to the State of Oregon and the donee shall release such property to such person as the state agency shall direct.

(D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the state, without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the state agency, the donee, at the option of GSA or the state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the state agency.

(4) The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.

(5) At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent thereto in (D) by payment of an amount as determined by the state agency.

(E) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

(F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$3,000 OR MORE, REGARDLESS OF THE PUR-POSE FOR WHICH ACQUIRED:

The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the Conditional Transfer Document executed by the authorized donee representative.

ASSURANCE OF COMPLIANCE WITH GSA REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 606 OF TITLE VI OF THE FEDERAL PROPERTY AND ADMIN-ISTRATIVE SERVICES ACT OF 1949, AS AMENDED, AND SECTION 504 OF THE REHABILITA-TION ACT OF 1973, AS AMENDED

City of Albany, Oregon (Name of donee organization)

(hereinafter called the "donee"),

HEREBY AGREES THAT the program for or in connection with which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with, all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, to the end that no person in the United States shall on the ground of race, color, national origin, or sex, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement of this agreement; and, this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

DatedDecember 27, 1978	City of Albany, Oregon Donee Organization	<u> </u>
	BY Bridget (Chainen of the Band	
	(President/Chairman of the Board or comparable authorized official)	
	Mayor	
City of Albany		
P.O. Box 490		
Albany, OR 97321		

Donee Mailing Address

FICAPPLICATION FOR ELIGIBILITY L PROPERTY UTILIZATION PR UNDER P.L. 94-519

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Albany, Oregon (240 W. 2nd) County Linn Application is made: a. XXX as a Public Agency b	Mailing Address: P.O. Box 490,	Albany, OR	Zip Code .	97321
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Applicant is a: (See definitions) g	Application is made: a. XXX as a Public Age	it Educational or Public Heal	Khord th Institution	
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b. XXX Local Government cally Handicapped m				
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State Agency Approving Officer

Date

DEFINITIONS

Public Agency: means any State; political subdivision thereof, including any unit of local government or economic development district; or any department, agency, instrumentality thereof, including instrumentalities created by compact or other agreement between states or political subdivisions, multijurisdictional substate districts established by or pursuant to state law, or any Indian tribe, band, group, pueblo, or community located on a state reservation.

Nonprofit Institution: means an educational or public health institution or organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held to be tax-exempt under the provisions of Section 501 of the Internal Revenue Code of 1954.

Local Government: means a government, or administration of a locality, within a state or a possession of the United States.

School: (except for schools for the mentally retarded and schools for the physically handicapped) means a public or nonprofit approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for a minimum school year and employs a full-time staff of qualified instructors.

<u>College:</u> means an approved or accredited public or nonprofit institution of higher learning offering organized study courses and credits leading to the baccalaureate or higher degrees.

University: means a public or nonprofit approved or accredited institution for instruction and study in the higher branches of learning and empowered to confer degrees in special departments or colleges.

<u>School for the mentally retarded</u>: means a facility or institution operated primarily to provide specialized instruction to students of limited mental capacity. It must be public or nonprofit and must operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction of the mentally retarded, have a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the state or local governmental body.

<u>School for the physically handicapped:</u> means a school organized primarily to provide specialized instruction to students whose physical handicaps necessitate individual or group instruction. The school must be public or nonprofit and operate on a full-time basis for the equivalent of a minimum school year prescribed for public school instruction for the physically handicapped, with a staff of qualified instructors, and demonstrate that the facility meets the health and safety standards of the state or local governmental body.

Educational Radio: means a radio station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax-exempt under Section 501 of the Internal Revenue Code of 1954.

Educational Television: means a television station licensed by the Federal Communications Commission and operated exclusively for noncommercial educational purposes and which is public or nonprofit and tax-exempt under Section 501 of the Internal Revenue Code of 1954.

Library: means a public or nonprofit facility providing library services free to all residents of a community, district, state or region.

<u>Museum</u>: means a public or nonprofit facility which is attended by the public free or at a nominal charge and which provides museum services including the preservation and exhibition of artistic, cultural, historical, or scientific objects.

<u>Child Care Center</u>: means a public or nonprofit facility where day care services such as educational, social, health, and nutritional services are provided to children through age 14 and which is approved or licensed by the state or other appropriate authority.

<u>Hospital</u>: means an approved or accredited public or nonprofit institution providing public health services primarily for inpatient medical or surgical care of the sick and injured and includes related facilities such as laboratories, outpatient departments, training facilities, and staff offices.

Health Center: means an approved public or nonprofit facility utilized by a health unit for the provision of public health services, including related facilities such as diagnostic and laboratory facilities and clinics.

<u>Clinic:</u> means an approved public or nonprofit facility organized and operated for the primary purpose of providing , outpatient public health services and includes customary related services such as laboratories and treatment rooms.

EPARTMENT OF GENERAL SERVICES ENTRAL WAREHOUSE 1655 Salem Industrial Dr. N.E. Salem, Oregon 97310

Instructions for Eligibility Applications

A. Instructions Applicable Only to Certain Specified Applicants

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- 1. If the applicant is a school, college, or university lacking evidence of formal approval or accreditation, the following type of information may be accepted in lieu thereof: a letter from a school district governing board or the State Board of Education or similar authority stating that the institution meets the academic or instructional standards prescribed for public schools, colleges, or universities in the state or that students will be accepted for transfer to accredited or approved institutions at the same academic level; OR a minimum of three letters from accredited or approved institutions to the effect that students from the applicant institution have been and are accepted as if coming from an accredited or approved institution.
- 2. If the applicant is a school for the mentally or physically handicapped, the application must include a copy of a certificate or other evidence that the facility meets the state and local health and safety standards. Give data on length of school day, week, and year and the number and qualifications of staff.
- 3. If the applicant is an educational radio or educational television station, the application must be accompanied by a copy of the FCC license to operate exclusively for noncommercial educational purposes.
- 4. If the applicant is a private, nonprofit library, the application must include a statement from the governing body that the library serves free all residents of the community.
- 5. If the applicant is a medical institution lacking evidence of formal approval, accreditation, or licensing, the application must include a letter from a city, county, state, or federal health authority stating that the institution is approved by that authority. A licensing authority will be accepted as evidence of approval only when the licensing authority prescribes the medical requirements and standards for the professional and technical services of the institution.

B. Instructions Applicable to All Applicants

- 1. Public Law 94-519 mandates that surplus personal property be distributed in a fair and equitable manner based on the relative needs and resources of interested eligible agencies and organizations and their abilities to utilize the property. To assist the state agency in complying with this requirement, enclose a statement with the application providing information relating to the following:
 - a. Source of funds, such as tax revenues, federal or state grants, tuition or service charges, and donations or contributions
 - b. Economic condition of the agency or organization, including any extraordinary economic problems
 - c. Availability of funds and facilities to repair or renovate the property and maintain the property in use
 - d. General description of the nature and types of property needed for use in the program or activities

APPLICATION FOR ELIGIBILIT ERAL PROPERTY UTILIZATION P. GRAM UNDER P.L. 94-519 F

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