

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Barry Ng

**SUBJECT: DONATION OF SURPLUS
PROPERTY**

DATE: January 3, 2018

Approved



Date

1/10/18

RECOMMENDATION

Adopt a resolution approving the donation of eight City surplus vehicles with a cumulative value of \$42,500 to San José Police Historical Society, San José Fire Museum, Silicon Valley Career Technical Education, San Francisco Police Department, and the Spring Valley Volunteer Fire Department, including:

- a) Six Fire Apparatus, one 1986 Pierce Pumper, one 1988 Pierce Snorkel and four 1994 Spartan Pumpers with an estimated cumulative value of \$34,500; and
- b) One 2007 Harley Davidson Police Motorcycle with an estimated value of \$4,000; and
- c) One 2009 Chevrolet Traverse with an estimated value of \$4,000.

OUTCOME

The donation of surplus vehicles will preserve fire apparatus and police vehicle history used for the education and enjoyment of City of San José residents and visitors through museum exhibits and community outreach events. The utilization of surplus fire apparatus also provides critical resources for an educational institution and for a local volunteer fire department tasked with protecting life and property in the San José foothills. The undercover surplus police vehicle would be used in a Bay Area task force, which includes the San José Police Department, enforcing internet crimes against children.

BACKGROUND

The City's Fire and Police departments have identified the following fleet assets as surplus because of age, mileage, mechanical condition, and obsolescence:

Description	Quantity	Estimated Unit Value
1986 Pierce Pumper	1	\$1,500
1988 Pierce Snorkel	1	\$9,000
1994 Spartan Pumpers	4	\$6,000
2007 Harley Davidson Motorcycle	1	\$4,000
2009 Chevrolet Traverse	1	\$4,000

San José Municipal Code Section 4.16.250, states that any surplus property valued in excess of \$1,500 may be donated by the City Council to a public or governmental body or agency, volunteer fire department, or a non-profit corporation. It further provides that all donations shall be made without warranty (express or implied) and requires the transferee to indemnify and hold the City harmless from claims arising out of the condition of the property or its use by the organization or subsequent transferee.

In 2008, the Council adopted Policy #1-20 "Donation of Surplus Personal Property" (Donation Policy). Pursuant to the Donation Policy, property worth more than \$1,500 may be donated with Council approval but no property valued in excess of \$10,000 may be donated.

The value of each of the assets described in the table above was determined by analyzing recent and past auction data from similar units sold, researching published market values where available, and outreaching with fleet dealerships for unique items such as the 1988 Pierce Snorkel. Based on this research, DPW staff has determined the unit value of each vehicle is below \$10,000, therefore they are eligible for donation pursuant to the San José Municipal Code and Donation Policy.

The City has occasionally received request for surplus vehicles over the years which have always been a small fraction of the total number of its surplus vehicles and typically for specialized surplus fleet assets in the Police and Fire departments. This group of vehicles targeted for donation are a result of interest expressed to City staff over the last few years from organizations with a need for the specific surplus vehicles being requested. The vast majority of surplus City vehicles are sold through third party auction services. Since adoption of Council Donation Policy in November 2008, the City has sold approximately 1,600 vehicles and equipment through the auction process producing sales revenue of more than \$2 million. In addition, since 2008 the City has donated 42 vehicles, 33 of which were for 2017 Flood Victims. The vehicle donation program has proven to be a benefit to the community for very selective needs that have outweighed the auctioned value.

ANALYSIS

On October 18, 2017, the Rules and Open Government Committee approved the notification process for the potential donation of eight surplus vehicles as required by the City's Donation Policy. On October 25, 2017, Public Works posted a "Notice of Intended Donation of Surplus Fleet Vehicles" on the City's website. The information and links to the City's website were also

January 3, 2018

Subject: Donation of Surplus Vehicles

Page 3

sent out directly to volunteer fire departments, relevant educational institutions, and non-profit historical societies as follows:

Educational Institutions:

- Mission Community College
- City College San Francisco
- Silicon Valley Career Technical Education

Volunteer Fire Departments:

- Spring Valley Fire Dept.
- Loma Prieta Volunteer Fire & Rescue
- Two Rock Volunteer Fire Department
- Felton Fire Protection District
- Weed City Volunteer Fire Dept.
- Bass Lake Volunteer Fire Dept.
- La Honda Fire Brigade
- Muir Beach Volunteer Fire Dept.
- Sebastopol Volunteer Fire Dept.
- Bodega Volunteer Fire Dept.

Non-Profit Organizations:

- San José Fire Museum
- San José Police Historical Society
- San Diego Police Museum
- Los Angeles Police Museum

Five requests for the vehicles were received from San José Police Historical Society, San José Fire Museum, Silicon Valley Career Technical Education, San Francisco Police Department (SFPD), and the Spring Valley Volunteer Fire Department by the November 20, 2017, application deadline and are summarized below:

- The San José Police Historical Society requested the 2007 Harley Davidson Motorcycle and would display the motorcycle at the San José Police Sub-Station to honor motor officers in alignment with their goal of preserving and educating the public on the San José Police Department's history.
- The San José Fire Museum requested that (4) four fire vehicles be donated to the museum. The 1986 Pierce 1500 GPM Pumper Fire Engine would be painted pink and used to promote Breast Cancer Awareness. The 1988 Pierce Snorkel served active duty as Truck One in San José old Fire Station One and would be part of the Museum's truck history. The museum also requested two (2) of the Hi-Tech 1500 GPM Fire Engines which were the first San José fire engines with fully enclosed cabs which aligns with the Museum's goals of preserving the history of firefighting in San José and serving the community.
- Silicon Valley Career Technical Education located in San José requested the 1994 Spartan Pumper and the 2009 Chevrolet Traverse. The vehicles will be used for Fire Science and First Responder training of high school students.
- The SFPD requested the 2009 Chevrolet Traverse. The SFPD Internet Crimes Against Children (ICAC) unit is currently a member of the Silicon Valley ICAC Task Force managed

by the San José Police Department. The agency task force has a shortage of these type of resources and the vehicle would be used for comprehensive under-cover criminal investigations pertaining to internet crimes against children.

- The Spring Valley Volunteer Fire Department requested the 1994 Spartan Pumper to be used to protect lives, property and the environment covering 250 square miles including parts of the East San José Foothills. Volunteer Fire departments often acquire and rely on retired frontline apparatus from larger agencies. Even though these units have served a full useful life in frontline capacity, they can be beneficial to a rural volunteer fire department with limited resources and much lower response needs.

All potential donees have complied with the appropriate verifications regarding status of a government, nonprofit agency, or volunteer fire department and have signed the Disclaimer and other Conditions of Donation documents. The completed applications from each organization are attached to this memorandum.

Section 2.a of the Donation Policy states that when evaluating requests for donations, “priority should be given to organizations on the basis of how likely the donation of surplus property will benefit City residents. In general, preference should be given to governmental agencies and volunteer fire departments over non-profit organizations.” Pursuant to this direction, staff recommends donating to each of the requesting organizations because each requestor will have direct benefit to San José residents. These benefits are preserving and displaying San José public safety history, educating future first responders, protecting property, and preventing and investigating crimes against children. In one case, two organizations, San Francisco Police Department and Silicon Valley Career Technical Education requested the same vehicle, the 2009 Chevrolet Traverse undercover SUV. Staff recommends that the SUV be donated to the San Francisco Police Department because of the interagency Task Force with the San José Police Department.

Name of Organization Requesting Donation	# of Vehicles Requested	# of Vehicles Recommended for Donation	Vehicle Type	City Benefit
San José Police Historical Society	1	1	Motorcycle	Historical preservation, Public outreach & education
San José Fire Museum	4	4	3-Pumpers & Snorkel Truck	Historical preservation, Public outreach & education
Silicon Valley Career Technical Education	2	1	Pumper	Educating Future First Responders
San Francisco Police Department	1	1	SUV	Undercover police operations targeting crimes against children
Spring Valley Volunteer Fire Department	1	1	Pumper	Protecting Life and Property San José Foothills
Total	9	8		

EVALUATION AND FOLLOW-UP

This memorandum will not require any follow-up from staff.

POLICY ALTERNATIVES

Alternative #1: Sell the units through a competitive auction process.

Pros: Raise approximately \$42,500 of revenue for the City.

Cons:

Historical Societies: The unique attributes of vehicles requested such as the fire trucks and the police motorcycle are first of its kind and will not be preserved as part of the City's public safety historical collection.

Local Educational Programs: Fire Pumper trucks used in local fire science educational programs for training future fire fighters would be less effective because of the age of their current Fire Pumper trucks compared to the City's Fire Pumper truck.

Other Bay Area Agencies: SUV potentially used for undercover police operations reduces the interagency Task Force effectiveness.

Reason for Not Recommending: The benefits and value of donating the vehicles for various purposes helps support local organizations with limited resources and has greater value to City residents than the projected revenue.

COORDINATION

This memorandum has been coordinated with the Fire and Police Departments, and the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-010, City Organizational and Administrative Activities.

/s/ Jon Cicirelli for
BARRY NG
Director of Public Works

For questions please contact Joe Garcia, Deputy Director, at (408) 535-1298.

Attachments: Notice of Intended Donation of Surplus Fleet Vehicles and Donation Request Form Submittals

October 18, 2017

NOTICE OF INTENDED DONATION OF SURPLUS FLEET VEHICLES

1. DESCRIPTION OF SURPLUS ITEMS

The City has retired the following vehicles from the active San José fleet because of age, mileage, mechanical and operational obsolescence.

- One 1986 Pierce Fire Apparatus, 1500gpm Pumper
- One 1988 Pierce Snorkel Fire Apparatus, 85 Foot Aerial Device
- Four 1994 Spartan Fire Apparatus, 1500gpm Pumper
- One 2007 Harley Davidson Police Motorcycle FLHTP
- One 2009 Chevrolet Traverse LS

Detailed information and a photograph of each vehicle is attached to this Notice.

Pursuant to Council Policy 1-20, the City is required to determine interest from organizations that would like to be considered as donees for this property. The entire policy may be reviewed at <http://www.sanjoseca.gov/DocumentCenter/View/3849>

2. CONTACT

For additional information or in order to inspect the vehicles, please contact:

Pete Leon
1661 Senter Road, Bldg. D1
San José, CA 95112
Office (408) 975-7147
pete.leon@sanjoseca.gov

The City will have the specified vehicles available for inspection by interested donees; inspection is required for all organizations submitting a Donation Request Form. To schedule your inspection, please email the contact listed above.

For the inspection visit, please park in the visitor parking lot (facing Senter Road) located at the North end of the building A.

3. ELIGIBLE ORGANIZATIONS

Priority shall be given to organizations on the basis of how likely the donation of surplus property will benefit City residents with preference given to governmental agencies and volunteer fire departments over non-profit organizations. Organizations that are eligible donees are listed below:

- Government Agencies
- Volunteer Fire Departments
- Non-Profit Organizations that are so classified per Internal Revenue Code Section 501 (c) (3), and who also meet one of the following:
 1. Must currently provide a service that compliments or serves a common client base of an existing City program.
 2. Must be able to utilize the donation to further a special project or geographically focused City effort or benefits a particular group such as the elderly, low income families, the homeless population, or any group or community the City wishes to provide assistance to.

4. HOW TO SUBMIT REQUEST FOR DONATION

Eligible organizations may request consideration for donation items by submitting the Donation Request Form attached. As a condition to final selection, organizations recommended for selection as donees will be required to sign the attached Disclaimer Form. Submission of the attached Disclaimer Form does not guarantee final selection; organizations which are finally selected as donees shall be notified in writing by the Director of Finance or designee.

5. DEADLINE FOR APPLICATIONS

The deadline to submit the Donation Request Form and Disclaimer Form (attached) is November 20, 2017 by 4:00 pm (Pacific Time) and must be submitted to the contact person listed above in Section 2.

Details of Items to be Donated:

1. One 1986 Pierce Fire Apparatus, 1500gpm Pumper

General Description of Vehicle: Fire engine pumper

- As Is Condition



Mileage: Approximately 191,000 miles
Chassis: Pierce
Body: Pierce Arrow
Transmission: Allison HT 740
Pump Make/Model/Capacity: Waterous, 1500 GPM
Water tank capacity: 500 gallons

2. One 1988 Pierce Snorkel Fire Apparatus, 85 Foot Aerial Device

General Description of Vehicle: Fire Aerial Device

- As Is Condition



Mileage: Approximately 83,000 miles

Chassis: Pierce

Engine: Detroit

Transmission: Allison HTB 755

Pump: Waterous, 1500 GPM

3. Four 1994 Spartan Fire Apparatus, 1500gpm Pumper

General Description of Vehicle: Fire engine pumper

- As Is Condition



Mileage: 135,000 thru 170,000 miles

Chassis: Spartan

Body: Hi-Tech

Engine: Detroit Series 60

Transmission: Allison HD 4560

Pump: Hale, 1500 GPM

Water tank capacity: 500 gallons

4. One 2007 Harley Davidson Police Motorcycle FLHTP

General Description of Vehicle: Police Motorcycle

- As Is Condition



Mileage: Approx. 60,000 miles
Make: Harley Davidson
Model: FLHTP

5. One 2009 Chevrolet Traverse LS

General Description of Vehicle: Sport Utility Vehicle

- As Is Condition

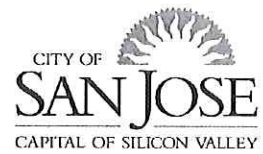


Mileage: Approx. 117,000 miles

Chassis: Chevrolet

Model: Traverse LS

DONATION REQUEST FORM

**Type of Organization:**

- ☐ Government Agency
☐ Volunteer Fire Department
☐ Non-Profit Organization

Name of Group/Organization:		
If Non-Profit, you must be a recognized Internal Revenue Code Section 501 (c) (3) Organization.	<input type="checkbox"/> Yes <input type="checkbox"/> No Attach documentation	Tax ID: ____ - ____
Contact Name:	Title:	
Email:	Telephone #:	

Select which item(s) you are requesting:

<u>Select</u>	<u>Vehicle Description</u>
<input type="checkbox"/>	1986 Pierce Pumper
<input type="checkbox"/>	1988 Pierce Snorkel
<input type="checkbox"/>	1994 Spartan Pumpers
<input type="checkbox"/>	2007 Harley Davidson Motorcycle
<input type="checkbox"/>	2009 Chevrolet Traverse

1. Provide information about your Organization (attach separate page if necessary):

2. Describe intended use of donation and the benefit to your Organization and City of San Jose residents to be derived from donated item being requested (attach separate page if necessary):

In addition, please be aware of the following:

1. When requested to do so, prospective donees will be required to sign the attached Disclaimer Form, which contains conditions applicable to the donation, including an acknowledgement that the donation will be made on an "as is" basis without warranties of any kind and an indemnity in favor of the City.
2. Prior to final selection, prospective donees will be required to inspect the items requested to be donated.
3. Selected donees will be required to pick up the donated property at a designated City facility.

DISCLAIMER AND OTHER CONDITIONS OF DONATION

As an authorized representative of _____ ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of the following described fire trucks ("Donated Equipment"):

Select Item	Item Description	Condition
1. <input type="checkbox"/>	1986 Pierce Fire Apparatus, Pumper	• AS IS
2. <input type="checkbox"/>	1988 Pierce Snorkel Fire Apparatus	• AS IS
2. <input type="checkbox"/>	1994 Spartan Fire Apparatus, Pumper	• AS IS
3. <input type="checkbox"/>	2007 Harley Davidson Police Motorcycle	• AS IS
4. <input type="checkbox"/>	2009 Chevrolet Traverse LS	• AS IS

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San José, California to Donee.

1. DISCLAIMER

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, and no affirmation of the City, by words or action, will constitute a warranty as to the donated equipment. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

2. INDEMNIFICATION

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

3. USE OF DONATED EQUIPMENT

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

4. INSPECTION; NO PROFIT OR FEE

Donee certifies that: i) Donee acknowledges condition of the Donated Equipment, as described above, that the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

5. PICKUP OF DONATED EQUIPMENT

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization: _____

Name: _____

Title: _____

Signature: _____

Date: _____

DONATION REQUEST FORM



Type of Organization: ☐ Government Agency
☐ Volunteer Fire Department
☒ Non-Profit Organization

Name of Group/Organization:		
If Non-Profit, you must be a recognized Internal Revenue Code Section 501 (c) (3) Organization.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Attach documentation	Tax ID: <u>77</u> - <u>00317824</u>
Contact Name: <u>John Carr</u>	Title: <u>POLICE SERGEANT</u>	
Email: <u>3335@SANJOSECA.GOV</u>	Telephone #: <u>(408) 277-4051</u>	

Select which item(s) you are requesting:

Select	Vehicle Description
<input type="checkbox"/>	1986 Pierce Pumper
<input type="checkbox"/>	1988 Pierce Snorkel
<input type="checkbox"/>	1994 Spartan Pumper
<input checked="" type="checkbox"/>	2007 Harley Davidson Motorcycle
<input type="checkbox"/>	2009 Chevrolet Traverse

1. Provide information about your Organization (attach separate page if necessary):

THE SAN JOSE POLICE HISTORICAL SOCIETY PRESERVES AND DISPLAYS BOTH ANTIQUES & POLICE VEHICLES ASSOCIATED WITH THE SAN JOSE POLICE DEPARTMENT FOR DISPLAY, EDUCATION, AND PRESERVATION.

2. Describe intended use of donation and the benefit to your Organization and City of San Jose residents to be derived from donated item being requested (attach separate page if necessary):

MOTORCYCLE IS TO BE USED FOR DISPLAY AT THE POLICE SUB-STATION ALONG WITH A MANNEQUIN WEARING A MOTOR UNIFORM AND A DISPLAY HONORING MOTOR OFFICERS WHO HAVE SERVED IN SAN JOSE

In addition, please be aware of the following:

1. When requested to do so, prospective donees will be required to sign the attached Disclaimer Form, which contains conditions applicable to the donation, including an acknowledgement that the donation will be made on an "as is" basis without warranties of any kind and an indemnity in favor of the City.
2. Prior to final selection, prospective donees will be required to inspect the items requested to be donated.
3. Selected donees will be required to pick up the donated property at a designated City facility.

DISCLAIMER AND OTHER CONDITIONS OF DONATION

As an authorized representative of SAN JOSE POLICE HIST. SOCIETY ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of the following described fire trucks ("Donated Equipment"):

Select Item	Item Description	Condition
1. <input type="checkbox"/>	1986 Pierce Fire Apparatus, Pumper	• AS IS
2. <input type="checkbox"/>	1988 Pierce Snorkel Fire Apparatus	• AS IS
2. <input type="checkbox"/>	1994 Spartan Fire Apparatus, Pumper	• AS IS
3. <input checked="" type="checkbox"/>	2007 Harley Davidson Police Motorcycle	• AS IS
4. <input type="checkbox"/>	2009 Chevrolet Traverse LS	• AS IS

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San José, California to Donee.

1. DISCLAIMER

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, and no affirmation of the City, by words or action, will constitute a warranty as to the donated equipment. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

2. INDEMNIFICATION

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

3. USE OF DONATED EQUIPMENT

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

4. INSPECTION; NO PROFIT OR FEE

Donee certifies that: i) Donee acknowledges condition of the Donated Equipment, as described above, that the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

5. PICKUP OF DONATED EQUIPMENT

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization: SAN JOSE POLICE HISTORICAL SOCIETY

Name: SGT John Carr

Title: DIRECTOR, SJPHS

Signature: 

Date: 11-13-17

DONATION REQUEST FORM



Type of Organization:

- ☐ Government Agency
☐ Volunteer Fire Department
☒ Non-Profit Organization

Name of Group/Organization:		
If Non-Profit, you must be a recognized Internal Revenue Code Section 501 (c) (3) Organization.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Attach documentation	Tax ID: <u>57-0427344</u>
Contact Name: <u>JOHN McMILLAN</u>	Title: <u>PRESIDENT</u>	
Email: <u>john.mcmillan@yahoo.com</u>	Telephone #: <u>831-357-2194</u>	

Select which item(s) you are requesting:

Select	Vehicle Description
<input checked="" type="checkbox"/>	1986 Pierce Pumper
<input checked="" type="checkbox"/>	1988 Pierce Snorkel
<input checked="" type="checkbox"/>	1994 Spartan Pumps <u>2 E9 53264 E9 53258</u>
<input type="checkbox"/>	2007 Harley Davidson Motorcycle
<input type="checkbox"/>	2009 Chevrolet Traverse

1. Provide information about your Organization (attach separate page if necessary):

SEE ATTACHED

2. Describe intended use of donation and the benefit to your Organization and City of San Jose residents to be derived from donated item being requested (attach separate page if necessary):

SEE ATTACHED

In addition, please be aware of the following:

- When requested to do so, prospective donees will be required to sign the attached Disclaimer Form, which contains conditions applicable to the donation, including an acknowledgement that the donation will be made on an "as is" basis without warranties of any kind and an indemnity in favor of the City.
- Prior to final selection, prospective donees will be required to inspect the items requested to be donated.
- Selected donees will be required to pick up the donated property at a designated City facility.

DISCLAIMER AND OTHER CONDITIONS OF DONATION

As an authorized representative of _____ ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of the following described fire trucks ("Donated Equipment"):

Select Item	Item Description	Condition
1. <input checked="" type="checkbox"/>	1986 Pierce Fire Apparatus, Pumper	• AS IS
2. <input checked="" type="checkbox"/>	1988 Pierce Snorkel Fire Apparatus	• AS IS
2. <input checked="" type="checkbox"/>	1994 Spartan Fire Apparatus, Pumper	• AS IS <i>E9 S-3204 E9 S-3258</i>
3. <input type="checkbox"/>	2007 Harley Davidson Police Motorcycle	• AS IS
4. <input type="checkbox"/>	2009 Chevrolet Traverse LS	• AS IS

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San José, California to Donee.

1. DISCLAIMER

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, and no affirmation of the City, by words or action, will constitute a warranty as to the donated equipment. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

2. INDEMNIFICATION

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

3. USE OF DONATED EQUIPMENT

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

4. INSPECTION; NO PROFIT OR FEE

Donee certifies that: i) Donee acknowledges condition of the Donated Equipment, as described above, that the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

5. PICKUP OF DONATED EQUIPMENT

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization: San Jose Fire Museum

Name: John A. McMillan

Title: President

Signature: *John A. McMillan*

Date: November 20, 2017

San Jose Fire Museum



November 10, 2017

San Jose Fire Department
1661 Senter Road, Building A
San Jose, CA 95112
Attention: Fire Chief Curtis Jacobson

Subject: Surplus Fire Apparatus Request

Dear Chief, the San Jose Fire Museum (SJFM) is completing an official City of San Jose application form to officially have four (4) fire apparatus that are currently in storage and ready for surplus, to be transferred into the San Jose Fire Museum Historical Collection. We have been coordinating with Dan Sunseri, Public Works for the past year. Mr. Sunseri notified us that the 4 units the SJFM has identified are finally ready for the surplus process and will be going to the Rules Committee on November 20th, 2017. We are hoping we have your full support in this process.

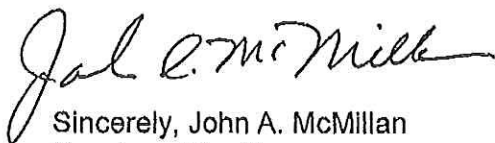
Once the SJFM has the proper form completed and submitted, Public Works will review and recommend to Council for final Donation approval.

We wanted to remind you what the 4 apparatus are:

1. The first unit is a 1986 Pierce 1500 GPM Pumper Fire Engine, Equipment Number 5306. As you may remember, we sent you an official letter about a year ago letting you know our interest in this unit. Our plan is to support and promote Breast Cancer Awareness. the apparatus will be painted pink, detailed with high profile safety messages, and outfitted with breast cancer awareness materials for distribution.
2. The Second apparatus is a 85 foot Pierce Snorkel, formerly Truck One. It will fit into our SJFM collection. Our plan is to have a history of San Jose Fire Apparatus with 20 years span for trucks and 10 years for engines. This aerial truck was a significant apparatus serving as Truck One for many years at Old Fire Station One.
3. The final 2 apparatus are 1994 Hi-Tech 1500 GPM Fire Engines. Their Equipment Numbers are 53264 & 53258. These apparatus are significant in San Jose Fire's History. Not only did they have major improvements in emergency response effectiveness but they are the first fire engine apparatus in our history with fully enclosed cabs for all firefighters on the company.

Page 2, Letter to Fire Chief Jacobson

If we are successful receiving these four (4) apparatus from the City of San Jose, this will help our non-profit meet our goals & mission to preserve the history of firefighting in San Jose and support our community and other organizations that have similar goals. In summary, we hope you will support us through this process.



Sincerely, John A. McMillan
San Jose Fire Museum

Cc: Dan Sunseri, Public Works
Pete Leon, Public Works

San Jose Fire Museum



Chief Curtis Jacobson, Fire Chief SJFD

Subject: Request for 1986 Pierce Arrow Engine: SJFD equipment #53060

EXECUTIVE SUMMARY:

The San Jose Fire Museum (SJFM) is officially requesting support in securing the transfer/donation of a decommissioned Fire Engine (Equipment # 53060) to the San Jose Fire Museum.

Equipment # 53060 is a 1986 Pierce 1500 GPM Pumper Fire Engine. Our main purpose for acquiring this Engine is to support and promote breast cancer awareness. The apparatus will be painted pink, detailed with high profile safety messages, and outfitted with breast cancer awareness materials for distribution. The intent is to make this Engine available for display at events and occasions such as parades, fund raisers, public education events and schools. SJFM staff will be positioned to provide information and answer questions regarding breast cancer awareness to the general public. The Engine will be available to attend events in the City of San Jose, and in cooperating cities/jurisdictions, and will proudly represent the San Jose Fire Department and demonstrate the Department and City's dedication to breast cancer awareness, prevention, and cure. The San Jose Fire Museum wishes to represent the San Jose Fire Department in the annual San Francisco Avon Walk for Breast Cancer, which is an internationally acclaimed event. Currently, San Jose Fire and San Jose Police dispatchers participate in this event annually.

BACKGROUND:

The San Jose Fire Museum (SJFM) was incorporated in 2002. The organization was originally created in the early 1970's and called the San Jose Muster Team. We have a Business Plan, Bylaws and a 501(c)3 non-profit status from the State of California. Our Mission is threefold:

- 1) Preserve the history of the San Jose Fire Department and the City of San Jose,
- 2) Serve the San Jose Fire Chief and the city and
- 3) Share this preserved collection with the residents of San Jose.

The San Jose Fire Department started in 1854 when the City of San Jose officially recognized Hook & Ladder No. One (Today it is called Aerial Ladder Truck Co. No. One) and then recognized Empire Engine Co. No. One (Today it is called Fire Engine Co. No. One). These two (2) companies are the foundation of the San Jose Fire Museums effort to preserve the history of the San Jose Fire Department The Museum has an average annual income of \$15,000 and has over 80 active members. The Museum possesses one of the finest collections of fire apparatus, tools and equipment in the United States -- largely specific to the City of San Jose. The collection spans the fire department's long, 156-year history.

The acquisition of the SJFD equipment #53060 is in alignment with the SJFM's mission of preserving San Jose Fire Department history, and it is in alignment with the Fire Department's mission of conducting public outreach and enhancing safety through prevention. It is the Fire Museum's opinion that promoting breast cancer awareness will also positively elevate the visibility of the City of San Jose, and the San Jose Fire Department in being proactive with this important cause. The SJFM has partnered with several community groups which will assist in the outfitting and deployment of the Breast Cancer Awareness Engine. The San Jose Fire Museum will take full responsibility for the outfitting, maintenance, and operation of the Engine once it is in the possession of the museum.

Respectfully Submitted


John McMillan

President, San Jose Fire Museum

DONATION REQUEST FORM



Type of Organization:

- ☒ Government Agency
☐ Volunteer Fire Department
☒ Non-Profit Organization

Name of Group/Organization:		
If Non-Profit, you must be a recognized Internal Revenue Code Section 501 (c) (3) Organization.	<input type="checkbox"/> Yes	Tax ID: <u>942-897-396</u>
	<input checked="" type="checkbox"/> No Attach documentation	
Contact Name: <u>Mu Gonzalez, Instructor</u>	Title: <u>Instructor</u>	
Email: <u>amendez@merced.net</u>	Telephone #: <u>408-591-8584</u>	

Select which item(s) you are requesting:

Select	Vehicle Description
<input type="checkbox"/>	1986 Pierce Pumper
<input type="checkbox"/>	1988 Pierce Snorkel
<input checked="" type="checkbox"/>	1994 Spartan Pumps
<input type="checkbox"/>	2007 Harley Davidson Motorcycle
<input checked="" type="checkbox"/>	2009 Chevrolet Traverse

1. Provide information about your Organization (attach separate page if necessary):

See Attachment

2. Describe intended use of donation and the benefit to your Organization and City of San Jose residents to be derived from donated item being requested (attach separate page if necessary):

See Attachment

In addition, please be aware of the following:

1. When requested to do so, prospective donees will be required to sign the attached Disclaimer Form, which contains conditions applicable to the donation, including an acknowledgement that the donation will be made on an "as is" basis without warranties of any kind and an indemnity in favor of the City.
2. Prior to final selection, prospective donees will be required to inspect the items requested to be donated.
3. Selected donees will be required to pick up the donated property at a designated City facility.

DISCLAIMER AND OTHER CONDITIONS OF DONATION

As an authorized representative of Metro ED/Silicon ValleyCT ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of the following described fire trucks ("Donated Equipment"):

Select Item	Item Description	Condition
1. <input type="checkbox"/>	1986 Pierce Fire Apparatus, Pumper	• AS IS
2. <input type="checkbox"/>	1988 Pierce Snorkel Fire Apparatus	• AS IS
2. <input checked="" type="checkbox"/>	1994 Spartan Fire Apparatus, Pumper	• AS IS
3. <input type="checkbox"/>	2007 Harley Davidson Police Motorcycle	• AS IS
4. <input checked="" type="checkbox"/>	2009 Chevrolet Traverse LS	• AS IS

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San José, California to Donee.

1. DISCLAIMER

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, and no affirmation of the City, by words or action, will constitute a warranty as to the donated equipment. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

2. INDEMNIFICATION

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

3. USE OF DONATED EQUIPMENT

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

4. INSPECTION; NO PROFIT OR FEE

Donee certifies that: i) Donee acknowledges condition of the Donated Equipment, as described above, that the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

5. PICKUP OF DONATED EQUIPMENT

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization: Metro ED/SVCTB
 Name: Morie dela Cruz
 Title: Chief Business Officer

Signature: [Signature]
 Date: 11/20/17



MetroED

Metropolitan Education District

Metropolitan Education District

Preparing students to thrive
in college and careers.

November 20, 2017

Pete Leon
1661 Senter Road, Bldg. D1
San Jose, CA 95122
(408) 975-7147 Office
Pete.leon@sanjoseca.gov

Subject: City of San Jose
Donation of Surplus Fire Apparatus (1994 Spartan Pumper)

Pete, I am writing in response to the consideration for donation offer from the City of San Jose of Surplus Fire Apparatus.

Organization:

As a public High School trade school, Silicon Valley Career Technical Education, (SVCTE), our school currently provides a service that not only benefits and serves students from City of San Jose, but also Santa Clara County. The Fire Science/First Responder program is one of twenty-seven programs at our school.

Intended Use and Course Description:

This donation will be used for "Fire Science and First Responder" training purposes only that will definitely benefit our program. The class is approximately a five-hundred and forty (540) hour competency-based course that prepares students in core skills needed for the Fire Service and Emergency Medical Service (EMS) industry. Students successfully completing this course will have basic Emergency Services knowledge, Fire Service related training and manipulative skills from hands-on training that will lead to more advanced training and certification/s. A donation like this will greatly enable us to provide industry standard fire service related training to our class of sixty-four (64) Fire Science and First Responder program students.

If there is need for service or maintenance of the equipment being donated, we currently have a Diesel Mechanics class that is capable of servicing and doing needed repairs.

Eligibility:

In reference to the eligibility requirements, we are also a Non-Profit Organization that is classified per the Internal Revenue

This offer is greatly appreciated and it is nice to see that there are organizations like The City of San Jose willing to assist local High School Fire Science training programs with their training needs and efforts.

Thank you for your generous offer and we look forward to your favorable response.

Phil Gonzalez, Instructor
Fire Science/First Responder
(408) 591-8584 pgonzalez@metroed.net

A Joint Powers Authority Campbell Union HSD, East Side Union HSD, Los Gatos-Saratoga JUHSD, Milpitas Unified SD, San Jose Unified Santa Clara Unified SD Programs: Silicon Valley Career Technical Education • Silicon Valley Adult Education Program
• Regional Testing Center

Alyssa Lynch
Superintendent

Marie dela Cruz
Chief Business Officer

Meagan Azevedo
Director, Human Resources

Pilar Vazquez-Vialva
Director, Educational Services

760 Hillsdale Avenue
Building 400
San Jose, CA 95136
ph: 408.723.6464
fax: 408.264.7266
metroed.net



WASC Accredited

DONATION REQUEST FORM



Type of Organization:

- ☒ Government Agency
- ☐ Volunteer Fire Department
- ☐ Non-Profit Organization

Name of Group/Organization: <u>SAN FRANCISCO POLICE DEPT. ICAC UNIT</u>		
If Non-Profit, you must be a recognized Internal Revenue Code Section 501 (c) (3) Organization.	<input type="checkbox"/> Yes	Tax ID: <u>94 - 3248335</u>
	<input checked="" type="checkbox"/> No Attach documentation	
Contact Name: <u>SGT. CHRIS SERVAT #285</u>	Title: <u>SERGEANT OF POLICE</u>	
Email: <u>CHRISTOPHER.M.SERVAT@SFGOV.ORG</u>	Telephone #: <u>415-847-0144</u>	

Select which item(s) you are requesting:

Select	Vehicle Description
<input type="checkbox"/>	1986 Pierce Pumper
<input type="checkbox"/>	1988 Pierce Snorkel
<input type="checkbox"/>	1994 Spartan Pumper
<input type="checkbox"/>	2007 Harley Davidson Motorcycle
<input checked="" type="checkbox"/>	2009 Chevrolet Traverse

1. Provide information about your Organization (attach separate page if necessary):

SEE ATTACHED

2. Describe intended use of donation and the benefit to your Organization and City of San Jose residents to be derived from donated item being requested (attach separate page if necessary):

SEE ATTACHED

In addition, please be aware of the following:

- When requested to do so, prospective donees will be required to sign the attached Disclaimer Form, which contains conditions applicable to the donation, including an acknowledgement that the donation will be made on an "as is" basis without warranties of any kind and an indemnity in favor of the City.
- Prior to final selection, prospective donees will be required to inspect the items requested to be donated.
- Selected donees will be required to pick up the donated property at a designated City facility.

1.

The San Francisco Police Department (SFPD) Internet Crimes Against Children (ICAC) unit is currently a member of the Silicon Valley ICAC task force which is managed by the San Jose Police Department.

Background: The Internet Crimes Against Children Task Force Program (ICAC) is a national network of 61 coordinated task forces representing more than 4,500 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in both proactive and reactive investigations, forensic examinations, and criminal prosecutions. By helping state and local agencies develop effective, sustainable responses to online child victimization – including responses to child sexual abuse images, the ICAC Program has increased law enforcements capacity to combat technology facilitated crimes against children at every level.

The ICAC Program was developed in response to the increasing number of children and teenagers using the Internet and other technology, the proliferation of child sexual abuse images available electronically, and the heightened online activity by predators seeking unsupervised contact with potential underage victims. Because ICAC Members understand that arrests alone cannot resolve the problem of technology-facilitated child sexual exploitation, the ICAC Program is also dedicated to training law enforcement officers and prosecutors, as well as educating parents and youth about the potential dangers of online activity.

Mission: The Internet Crimes Against Children Task Force Program (ICAC) helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This support encompasses forensic and investigative components, training and technical assistance, victim services, prevention and community education.

Types of Investigations:

1. **Child Pornography Investigations-** Unfortunately, our unit is tasked with targeting adults who are in possession of illicit images/videos which depict children being sexually abused by means of force and or fear. Often, we utilize technology (Internet and peer to peer file sharing) to gain the trust of subject's who are streaming and/or sharing these types of images. We utilize undercover personas to gain the trust. This is all completed in an undercover capacity.
2. **Traveler Case Investigations-**A traveler is an individual who is willing to respond to a location and engage in sexual contact with a minor. These particular cases are extremely dangerous and complex! This type of investigation is also done in a undercover capacity.

2.

During the course of our duties, the vehicle will be utilized to conduct follow up and comprehensive under-cover criminal investigations pertaining directly to child sexual exploitation. SFPD ICAC has continued to meet and succeed all MOU requirements within the task force.

The City of San Francisco Police Department has a budget deficit which will not allow our agency to purchase new and/or used undercover vehicles. We are currently a team of 4 sharing one Ford Crown Victoria sedan. This particular vehicle is not practical for our day to day operations.



DISCLAIMER AND OTHER CONDITIONS OF DONATION

As an authorized representative of SAN FRANCISCO POLICE DEPARTMENT ICAC UNIT ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of the following described fire trucks ("Donated Equipment"):

Select Item	Item Description	Condition
1. <input type="checkbox"/>	1986 Pierce Fire Apparatus, Pumper	• AS IS
2. <input type="checkbox"/>	1988 Pierce Snorkel Fire Apparatus	• AS IS
2. <input type="checkbox"/>	1994 Spartan Fire Apparatus, Pumper	• AS IS
3. <input type="checkbox"/>	2007 Harley Davidson Police Motorcycle	• AS IS
4. <input checked="" type="checkbox"/>	2009 Chevrolet Traverse LS	• <u>AS IS</u>

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San José, California to Donee.

1. DISCLAIMER

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, and no affirmation of the City, by words or action, will constitute a warranty as to the donated equipment. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

2. INDEMNIFICATION

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

3. USE OF DONATED EQUIPMENT

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

4. INSPECTION; NO PROFIT OR FEE

Donee certifies that: i) Donee acknowledges condition of the Donated Equipment, as described above, that the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

5. PICKUP OF DONATED EQUIPMENT

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization: SAN FRANCISCO POLICE DEPT. ICAC UNIT

Name: CHRISTOPHER SERVAT

Title: SERGEANT

Signature: [Signature]

Date: 11/30/17

DONATION REQUEST FORM



Type of Organization: ☐ Government Agency
☒ Volunteer Fire Department
☐ Non-Profit Organization

Name of Group/Organization: <u>Spring Valley Volunteer Fire Department</u>		
If Non-Profit, you must be a recognized Internal Revenue Code Section 501 (c) (3) Organization.	<input checked="" type="checkbox"/> Yes	Tax ID: <u>94 - 3193048</u>
	<input type="checkbox"/> No Attach documentation	
Contact Name: <u>Ken Cooper</u>	Title: <u>ASST. Fire Chief</u>	
Email: <u>KCOOPER@SVVFD.ORG</u>	Telephone #: <u>408-499-8820</u>	

Select which item(s) you are requesting:

Select	Vehicle Description
<input type="checkbox"/>	1986 Pierce Pumper
<input type="checkbox"/>	1988 Pierce Snorkel
<input checked="" type="checkbox"/>	1994 Spartan Pumps - 53263
<input type="checkbox"/>	2007 Harley Davidson Motorcycle
<input type="checkbox"/>	2009 Chevrolet Traverse

1. Provide information about your Organization (attach separate page if necessary):

Spring Valley Volunteer Fire Dept. is a 501(c)(3) Non-Profit, and exists to protect the lives, property and environment within the communities. We have about 60 volunteers and cover approximately 250 square miles in North East San Jose Foothills and beyond. (Santa Clara County)

2. Describe intended use of donation and the benefit to your Organization and City of San Jose residents to be derived from donated item being requested (attach separate page if necessary):

Spring Valley Volunteer Fire Dep. will be using this pumper to better serve the community and surrounding residents of the San Jose Area.

In addition, please be aware of the following:

- When requested to do so, prospective donees will be required to sign the attached Disclaimer Form, which contains conditions applicable to the donation, including an acknowledgement that the donation will be made on an "as is" basis without warranties of any kind and an indemnity in favor of the City.
- Prior to final selection, prospective donees will be required to inspect the items requested to be donated.
- Selected donees will be required to pick up the donated property at a designated City facility.

DISCLAIMER AND OTHER CONDITIONS OF DONATION



As an authorized representative of SPRING VALLEY Vol. Fire Dept. ("Donee"), I have read, understand and accept the conditions of donation as outlined below on behalf of the Donee:

Conditions of donation of the following described fire trucks ("Donated Equipment"):

Select Item	Item Description	Condition
1. <input type="checkbox"/>	1986 Pierce Fire Apparatus, Pumper	• AS IS
2. <input type="checkbox"/>	1988 Pierce Snorkel Fire Apparatus	• AS IS
2. <input checked="" type="checkbox"/>	1994 Spartan Fire Apparatus, Pumper	• AS IS - 53263
3. <input type="checkbox"/>	2007 Harley Davidson Police Motorcycle	• AS IS
4. <input type="checkbox"/>	2009 Chevrolet Traverse LS	• AS IS

The following conditions are hereby incorporated as conditions to the donative transfer of the Donated Equipment from the City of San José, California to Donee.

1. DISCLAIMER

THE DONATED EQUIPMENT WILL BE TRANSFERRED ON AN "AS IS" BASIS WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WARRANTY OF TITLE, WARRANTY AGAINST INFRINGEMENT OF PATENT OF SIMILAR RIGHTS, OR WARRANTY THAT THE DONATED EQUIPMENT CAN BE SAFELY USED AT ALL, and no affirmation of the City, by words or action, will constitute a warranty as to the donated equipment. THE ENTIRE RISK AS TO THE QUALITY, CONDITION AND PERFORMANCE OF, AND TITLE OR OTHER RIGHTS TO, THE DONATED EQUIPMENT IS WITH DONEE, AND SHOULD THE DONATED EQUIPMENT OR TITLE OR OTHER RIGHTS THERETO PROVE DEFECTIVE FOLLOWING THE TRANSFER, DONEE, AND NOT THE CITY ASSUMES THE ENTIRE RISK OF USE AND COST OF ALL NECESSARY SERVICING, REPAIR OR DEFENSE.

2. INDEMNIFICATION

Donee agrees to defend, indemnify and hold harmless City, its officers and employees, from and against any and all claims, causes of action, damages, losses or liabilities arising out of or resulting in any way from the condition of the Donated Equipment or its ownership or use by Donee or subsequent transferee of the Donated Equipment.

3. USE OF DONATED EQUIPMENT

Donee covenants that the Donated Equipment shall be used for the benefits which are described in the Donation Request Form submitted by Donee with respect to the Donated Equipment.

4. INSPECTION; NO PROFIT OR FEE

Donee certifies that: i) Donee acknowledges condition of the Donated Equipment, as described above, that the City offered Donee the opportunity to fully inspect the Donated Equipment and demanded that Donee inspect the Donated Equipment, and that Donee undertook such inspection; and ii) no one involved in the donative process has received or shall receive a profit or fee in relation to the Donated Equipment.

5. PICKUP OF DONATED EQUIPMENT

Donee will be required to pick up the Donated Equipment at a City facility as designated by City.

Organization: SPRING VALLEY Vol. Fire Dept.

Name: Ken Cooper

Title: ASST. CHIEF

Signature: [Signature]

Date: 11-20-17

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **OCT 08 2008**

SPRING VALLEY VOLUNTEER FIRE DEPT
PO BOX 360211
MILPITAS, CA 95036

Employer Identification Number:

DLN:

Contact Person:

GREGORY K. OLWINE

ID# 31382

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated April 1984, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely yours,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)