

IMPACT STATEMENT

Legislation title: * Authorize disposal of surplus shields property and authorize intergovernmental agreements for the Portland Police Bureau to proceed with donation of the property (Ordinance)

Contact name: Aubrey Lindstrom

Contact phone: 503-823-0364

Presenter name: Scott Klinger

Purpose of proposed legislation and background information:

The purpose of this proposed ordinance is for the Police Bureau to donate 34 Patriot, 3 Minuteman, and two folding shields. An Ordinance is required by Code Section 5.36 for the donation of surplus property.

Financial and budgetary impacts:

None

Community impacts and community involvement:

None

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

RELEASE AND HOLD HARMLESS AGREEMENT

_____, as the duly authorized representative of _____, hereby releases and forever discharges the City of Portland, its agents, officers, employees, officials, and all other persons, firms, corporations or other entities liable or who might be claimed to be liable from any and all claims related to _____ previously in the possession of the City of Portland, Portland Police Bureau.

_____ shall accept _____ "as-is" in the condition in which City delivers the _____. City expressly disclaims any and all warranties related to the _____, including but not limited to any warranty related to _____ fitness of use for any purpose.

This Release and Hold Harmless Agreement is intended to, and does, cover any losses and or damages which may later develop or be discovered including all effects and consequences thereof.

The terms set forth herein are contractual and not a mere recital. This Release and Hold Harmless Agreement releases any and all claims for nondisclosure, fraud or misrepresentation and any and all claims for nondisclosure, fraud or misrepresentation in the inducement of this agreement.

As the duly authorized representative for _____, the undersigned has reviewed this Release and Hold Harmless Agreement, with or without the assistance of legal counsel. This agreement is executed pursuant to valid corporation authority and legally binding upon _____.

Print Name: _____
Title: _____
STATE OF _____
County of _____

This instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____, on behalf of the _____.

Notary Public – State of _____
Commission No.: _____
Commission Expiration: _____

**REFERRED TO COMMISSIONER OF
FINANCE AND ADMINISTRATION**

ORDINANCE NO.

* Authorize disposal of surplus shields property and authorize the Portland Police Bureau to proceed with donation of the property (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Police Bureau has and wishes to donate 34 Patriot, 3 Minuteman, and two folding shields. These shields are no longer required by the Bureau's Operations Branch and have been identified as being usable surplus.
2. The shields have expired ballistic panels and have been replaced by a lighter, easier to deploy shield.
3. An Ordinance is required by City Code Section 5.36 for the donation of surplus property.

NOW, THEREFORE, the Council directs:

- a. That the donation of 34 Patriot, 3 Minuteman, and two folding shields is authorized upon the execution of hold harmless with the recipients as outlined in a form similar to the hold harmless agreement template attached as Exhibit A.

Section 2. The Council declares that an emergency exists as it is important for the benefit of the City to effect a complete removal of the surplus property and to determine the final disposition without additional delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

Commissioner: Mayor Ted Wheeler
Prepared by: Aubrey Lindstrom
Date prepared: February 8, 2017

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Agenda No.
ORDINANCE NO.
Title

* Authorize disposal of surplus shields property and authorize intergovernmental agreements for the Portland Police Bureau to proceed with donation of the property (Ordinance)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u>FEB 07 2017</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Wheeler <i>WD</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p style="text-align: center;"><i>Mary Hull Caballero</i></p> <p>By: _____ Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Police Bureau Head: Chief Michael Marshman <i>MM</i></p>	<p>ACTION TAKEN:</p> <p>FEB 15 2017 REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>Prepared by: Aubrey Lindstrom Date Prepared: 12/13/2016</p>	
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>if</i></p>	
<p>Council Meeting Date <u>2/15/17</u></p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT</p>
<p>REGULAR <input checked="" type="checkbox"/> <i>5 min</i></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		
2. Fish	2. Fish		
3. Saltzman	3. Saltzman		
4. Eudaly	4. Eudaly		
Wheeler	Wheeler		