TO:          HONORABLE CITY COUNCIL
FROM:        CITY MANAGER    DEPARTMENT: COMMUNITY SERVICES
DATE:        OCTOBER 6, 2008    CMR: 401:08

REPORT TYPE: CONSENT

SUBJECT:    ADOPTION OF AN EMERGENCY 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

RECOMMENDATION
Staff recommends that the Council adopt the attached emergency ordinance amending Section 2.31.010 of Chapter 2.31 to Title 2 of the Palo Alto Municipal Code, to allow the donation of unusable or obsolete City property and equipment to non-profit organizations supporting the City of Palo Alto’s programs.

BACKGROUND
Section 2.31.010 (a) of the Palo Alto Municipal Code states that the Director of Administrative Services has the authority to sell all property which is no longer used or which has been obsolete or worn out, and which cannot be used by any department or which has become unsuitable for City use by negotiated sales, sealed bids, public auction or trade-in for new property or equipment. The director may also under Section 2.31.010 delegate any authority granted to the director with respect to property valued at less than $5,000.00. Section 2.31.010 (b) gives authority to the city manager to authorize the abandonment, destruction or donation to public bodies, charitable, civic or non-profit organization, of city property which has no commercial value.

DISCUSSION
The intent of this amendment is to allow staff to donate assets the City’s staff has deemed to be no longer used, obsolete or worn out but which may have some commercial value to non-profit organizations formed to support City programs, such as the Friends of the Palo Alto Library or the Friends of the Children’s Theatre.

The current ordinance lacks specific language that would allow the City to contribute materials to
nonprofit support organizations in order to directly support City programs, services and facilities. City staff, together with The Friends of the Children’s Theatre, would like to continue the long-standing tradition of offering discarded theatre costumes for sale to children for participation in Halloween festivities and other creative dress-up occasions. The adoption of this emergency ordinance will allow the Friends to conduct the costume sale before Halloween (October 18), when demand for costumes from the public is at a peak.

RESOURCES IMPACT
There is no resource impact associated with the adoption of the attached revised ordinance since the assets have no longer any use or commercial value to the City of Palo Alto.

POLICY IMPLICATION
This is an amendment to the existing City policy Section 2.31.010.

ENVIRONMENTAL ASSESSMENT
This is not a project subject to California Environmental Quality Act (CEQA) requirements.

ATTACHMENTS
Attachment A: Draft Emergency Ordinance

DEPARTMENT HEAD: ____________________________
GREG BETTS
Interim Director, Community Services Department

CITY MANAGER APPROVAL: ____________________________
JAMES KEENE
City Manager