

# City of Marshall, Minnesota

## Policy for Donation of Surplus Equipment to a Nonprofit Organization

### Purpose

The purpose of this Policy is to establish procedures for the Donation of Surplus Equipment by the City to a Nonprofit Organization as required by Minnesota Statute § 471.3459.

### Scope

This policy applies to all City departments that generate Surplus Equipment and governs the actions of all City employees and officials.

### Definitions

“City” means the City of Marshall, Minnesota.

“City Council” means the governing body of the City.

“Donation” means to contribute, donate or give Surplus Equipment at no cost to a Nonprofit Organization that serves a public purpose and benefits its community as a whole.

“Eligible Organization” means a Nonprofit Organization serving one or more of the following functions: cultural, historical, educational, safety, social services, environmental or economic.

“Nonprofit Organization” means an organization formed under Section 501(c)(3) of the Internal Revenue Code.

“Policy” means this Policy adopted by the City Council.

“Surplus Equipment Form” means the form attached as Exhibit I to this Policy that must be filled out by a Nonprofit Organization requesting a Donation of Surplus Equipment.

### Procedure

1. The City shall determine all Surplus Equipment and may offer it for Donation in conformance City Ordinance 2-4.
2. After the City Council has determined the Surplus Equipment is eligible for Donation, the City Administrator is responsible for coordinating the Donation of the Surplus Equipment in accordance with City Ordinance 2-4.
3. Eligible Organizations interested in Surplus Equipment shall fill out a Surplus Equipment Form and submit the form to the City Clerk.
4. If more than one Eligible Organizations requests a Donation for the same Surplus Equipment, the City shall consider factors it deems relevant including how the Surplus Equipment will be used, the benefit to the Eligible Organization, the impact on the City, how the Donation will accomplish goals of the City Council, and any previous Donation to the Eligible Organization.
5. A Donation of Surplus Equipment is made “as is” with no warranty, guarantee or representation of any kind, express or implied, as to the condition, utility, or usability of

the Surplus Equipment offered. The Surplus Equipment may be defective and cannot be relied upon for safety purposes.

6. The City shall cause any title or other ownership documents to be transferred to the Eligible Organization at the time of transfer. Any fees required to transfer the Surplus Equipment are the responsibility of the Eligible Organization.

**Exhibit I**  
Surplus Equipment Form

Organization Name: \_\_\_\_\_

Organization Address:

\_\_\_\_\_  
\_\_\_\_\_

Organization Website: \_\_\_\_\_

(Attach proof of status as a nonprofit corporation under Section 501(c)(3) of the Internal Revenue Code.)

Organization Purpose: \_\_\_\_\_

Point of Contact

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

City Surplus Equipment of Interest: \_\_\_\_\_

How will the requested Surplus Equipment benefit your organization?

\_\_\_\_\_

How do you plan to transport the surplus property from the City to your location?

\_\_\_\_\_

**DISCLAIMER OF WARRANTIES.** The City makes no agreement, warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for any particular purpose or use of the Surplus Equipment by the recipient or any other user.

The recipient acknowledges the Surplus Equipment may be defective and that it cannot be relied upon for safety purposes. The recipient has a duty to inspect the Surplus Equipment before it is used for any purpose.

The recipient acknowledges that the City is not a manufacturer of the Surplus Equipment or a dealer therein; that the Surplus Equipment is being provided “as-is” and “with all faults,” it being agreed and understood that all of the aforementioned risks are to be borne by the recipient or user of the Surplus Equipment.

In no event shall the City be liable for any damages in connection with or arising out of the recipient's or any other person's or entity's use of the Surplus Equipment.

I acknowledge that the Donation of any Surplus Equipment to my organization is subject to the City's Policy for Donation of Surplus Equipment to a Nonprofit Organization.

I have authority to request a Donation from the City and to bind my organization to the terms of this form.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_