

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO APPROVE DONATIONS OF OBSOLETE FIRE SAFETY PERSONAL PROTECTIVE EQUIPMENT (JACKETS, PANTS AND BOOTS) TO SISTER CITY DAGUPAN

WHEREAS, on April 15, 2003, the Cities of Milpitas and Dagupan executed their first Memorandum of Understanding, establishing a Sister City relationship between the City of Milpitas and City of Dagupan to enrich cultural understanding, create adult and student exchange opportunities and broaden cooperation to encourage goodwill between the Cities; and

WHEREAS, on December 3, 2019, the Cities of Milpitas and Dagupan executed the Memorandum of Understanding renewing the Sister City relationship between the City of Milpitas and City of Dagupan; and

WHEREAS, the renewed Memorandum of Understanding is set to expire on December 3rd, 2024; and

WHEREAS, the City of Dagupan requested to receive donations of obsolete Fire safety personal protective equipment (jackets, pants and boots) ,from the City of Milpitas; and

WHEREAS, the City of Dagupan understands that such obsolete Fire safety personal protective equipment (jackets, pants and boots) may not provide the full protection as intended and is prepared to sign a waiver of liability holding the City of Milpitas harmless; and

WHEREAS, per the City of Milpitas Municipal Code Section I-2-7, the Purchasing Agent is authorized to dispose of surplus items with an estimated of value of five thousand Dollars (\$5,000) or less through a public or private sale or by renting or destroying the surplus items; and

WHEREAS, the aforementioned Municipal Code Section does not provide for the donation of any surplus items; and.

WHEREAS, any donated Fire safety equipment shall have no value to the City of Milpitas and

WHEREAS, the local Sister City of Dagupan organization on behalf of the City of Dagupan will be responsible to pick up obsolete Fire safety personal protective equipment (jackets, pants and boots) , as is and where is, from City of Milpitas Fire Stations in coordination with the City of Milpitas Fire Chief or designee.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby authorizes the City Manager or his/her designee to donate surplus Fire safety personal protective equipment (jackets, pants and boots), as is and where is, no less than once annually as long as the Sister City Memorandum of Understanding, as renewed, is in effect and after the City Manager or his/her designee has determined that

such safety equipment has no value to the City of Milpitas and the City of Dagupan signed a waiver of liability approved as to form by the City of Milpitas City Attorney.

PASSED AND ADOPTED this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney