

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 3/2/05
Department Name: General Services/Purchasing
Department No.: 063
Agenda Date: 3/15/05
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
FROM: Ronald Cortez, Director, General Services
STAFF CONTACT: John McMillin, Purchasing Manager
X2693
SUBJECT: Donation of Surplus Cell Phones

Recommendation(s):

That the Board of Supervisors:

1. Authorize the Purchasing Manager to donate surplus Cell Phones that are of no value to Coast Hills Federal Credit Union for the purpose of supplying them to U.S. soldiers through www.cellphonesforsoldiers.com.

Alignment with Board Strategic Plan: The recommendation is primarily aligned with Goal number I, "An efficient government able to anticipate and respond effectively to the needs of the community."

Executive Summary and Discussion:

The Government code, Section 25363, allows counties to dispose of property only by means of "sale or lease." This prohibits the gifting of property to any non-governmental agency, with some exceptions. See attached opinion of counsel, dated December 14, 1979. The Board, however, has the implied authority to dispose of property that has no value by throwing it away, recycling it, or giving it away. In the present case, the Purchasing Manager is in possession of 27 surplus cell phones. These are judged by the Purchasing Manager to have no value in that they cannot be sold, being obsolete. They are actually of negative value since the batteries must be disposed of as hazardous waste, at some cost to the County.

www.cellphonesforsoldiers.com supplies old cell phones to soldiers for the purpose of calling home. It is a registered 501 (c) (3) non-profit corporation. It is asked that Your Board authorize the Purchasing Manager to supply cell phones to this organization (the 27 now in hand and others in the future) once he has made two determinations: (1) that no other County entity has need for them and that they are, in fact, surplus, and (2) that the items cannot be advantageously disposed of and are, in fact, worthless.

Mandates and Service Levels:

NONE

Fiscal and Facilities Impacts: None, as the property is worthless.

Special Instructions: The Clerk of the Board will provide a copy of the minute order to the Purchasing Manager.

Concurrence: County Counsel