

# 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:** 7/13/04  
**Department Name:** Probation  
**Department No.:** 022  
**Agenda Date:** 8/3/04  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Susan J. Gionfriddo, Chief Probation Officer  
Probation Department

**STAFF CONTACT:** Jean Silva, Chief Financial Officer  
x3654

**SUBJECT:** Application for the Federal Surplus Property Program

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## **Recommendation(s):**

That the Board of Supervisors:

Approve the Resolution authorizing specified employees of the Probation Department to acquire federal surplus property on behalf of the Probation Department and authorize the Clerk of the Board of Supervisors to sign the resolution (Attachment A); and

Authorize the Clerk of the Board of Supervisors to sign the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (Attachment B) affirming that the specified employees are not prevented from acquiring federal surplus property.

## **Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 2: A Safe and Healthy Community in which to Live, Work, and Visit.

## **Executive Summary and Discussion:**

The Probation Department acquires federal surplus property for use in Probation Institutions from time to time. The persons named on the attached Eligibility Renewal Application and Resolution (Attachment A) have represented the Department and the County in the past. It is now time to renew the Probation Department's eligibility to participate.

The Performance Measure is:

- RPM #111: To protect and serve the community: Institutions staff will process and serve 2,920 admissions of youth committed to the Santa Barbara and Santa Maria Juvenile Halls and Los Prietos Boys Camp and Boys Academy during FY 2004-2005.

**Mandates and Service Levels:**

Participation in the Federal Surplus Property Program is not mandated. Any federal surplus property obtained would be used in mandated programs. (Attachment C)

**Fiscal and Facilities Impacts:**

There are no facilities impacts. Obtaining Federal Surplus Property has been a cost effective way of obtaining various supplies and equipment for the Juvenile Halls and the Camps. However, due to the sporadic nature of acquisitions, we do not have an estimate of the fiscal impact.

**Special Instructions:**

Please return (2) Certified Minute Orders and (1) Resolution and Certification with original signatures to Jean Silva, Chief Financial Officer, Probation Department, 117 E. Carrillo Street, Santa Barbara, CA 93101. The Federal Government requires that their Resolution and Certification with original signatures be returned to them.

**Concurrence:**

County Counsel



Application for the Federal Surplus Prop Program.tif

(Double click on the above icon to view attachments A & B.)

**ELIGIBILITY RENEWAL APPLICATION  
FEDERAL SURPLUS PROPERTY PROGRAM**

Name of organization Santa Barbara County Probation Telephone 805-739-8604  
Address 2121 S. Centerpointe Parkway City Santa Maria County SB ZIP 93455

Organization is a:

PUBLIC AGENCY \_\_\_\_\_

- \_\_\_\_\_ A. Conservation
- \_\_\_\_\_ B. Economic Development
- \_\_\_\_\_ C. Education
- \_\_\_\_\_ D. Parks and Recreation
- \_\_\_\_\_ E. Public Health
- X \_\_\_\_\_ F. Public Safety
- \_\_\_\_\_ G. 2 or more listed
- \_\_\_\_\_ H. Other (includes library/museums)
- \_\_\_\_\_ I. Homeless Program

NONPROFIT AGENCY \_\_\_\_\_

- \_\_\_\_\_ J. Private Education
- \_\_\_\_\_ K. Private Health
- \_\_\_\_\_ L. Older Americans Act for Sr. Citizens
- \_\_\_\_\_ M. Homeless Program

NOTE: Categories J-K-L-M

Number of sites \_\_\_\_\_

Enrollment or number of clients served \_\_\_\_\_

**RESOLUTION**

"BE IT RESOLVED by the Governing Board, OR by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) are listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the California State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

NAME—(Print or type)	TITLE	SIGNATURE
<u>James Clark</u>	<u>Supervising Juv Inst Officer</u>	<u>J Clark</u>
<u>Debra Anderson</u>	<u>Admin Support Supervisor</u>	<u>Debra Anderson</u>
<u>Michael Cleary</u>	<u>Probation Inst Supervisor</u>	<u>Michael Cleary</u>
<u>Al Bolender</u>	<u>Probation Manager</u>	<u>Al Bolender</u>
<u>Emmett Darbyshire</u>	<u>Probation Inst Supervisor</u>	<u>Emmett Darbyshire</u>

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the Governing Board of \_\_\_\_\_ by the following vote:

Ayes: \_\_\_\_\_; Noes: \_\_\_\_\_; Absent: \_\_\_\_\_.

I, \_\_\_\_\_, Clerk of the Governing Board of \_\_\_\_\_ do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a \_\_\_\_\_ meeting thereof held at its regular place of meeting at the date and by the vote above stated, which resolution is on file in the office of the Board.

(Signed) \_\_\_\_\_

**OR**

AUTHORIZED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by:

\_\_\_\_\_  
Name of Chief Administrative Officer

(Signed) \_\_\_\_\_

**FOR STATE AGENCY USE**

Application approved: \_\_\_\_\_ Application disapproved: \_\_\_\_\_

Comments or additional information: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

## TERMS AND CONDITIONS

### (A) THE DONEE CERTIFIES THAT:

(1) It is a public agency; or a nonprofit institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, including research for such purpose, or for programs for older individuals. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.

### (B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense, return such property to the state agency, or otherwise make the property available for transfer or other disposal by the state agency, provided the property is still usable as determined by the state agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (B)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

### (C) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the state agency designates a further period of restriction.

(3) In the event the property is not so used as required by (C)(1) and (2) and federal restrictions (B)(1) and (2) have expired then title and right to the possession of such property shall at the option of the state agency revert to the State of California and the donee shall release such property to such person as the state agency shall direct.

### (D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the state, without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the state agency, the donee, at the option of GSA or the state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the state agency.

(4) The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.

(5) At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent thereto in (D) by payment of an amount as determined by the state agency.

### (E) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

### (F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the Conditional Transfer, Document executed by the authorized donee representative.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND  
VOLUNTARY EXCLUSION—LOWER TIER COVERED TRANSACTIONS**

This certification is required by the General Services Administration regulations implementing Executive Order 12549—41 CFR 105-68—for all lower tier transactions meeting the requirements stated at 41 CFR 105-68.110.

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification**

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF DONEE APPLICANT

Santa Barbara County

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Clerk of the Board of Supervisors

SIGNATURE

DATE

APPROVED AS TO FORM:

STEVE UNDERWOOD  
RISK MANAGEMENT

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APPROVED AS TO FORM:

STEPHEN SHANE STARK  
COUNTY COUNSEL

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APPROVED AS TO FORM:

ROBERT W. GEIS  
AUDITOR-CONTROLLER

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## ATTACHMENT C

### PROBATION DEPARTMENT MANDATES

#### **GENERAL**

830.5 PC; 1202.7. PC; 1203.74 PC; 273a(c)(3)(A) and 273d(c)(3)(A) PC  
1203.097(c) and 1203.098 PC; 13010-13014 PC; 6035 PC; 3300 Government Code  
1020-1031.5 Government Code

#### **CIVIL**

1826 Probate Code; 1851 Probate Code; 1852 Probate Code; 1513-1513.1 Probate Code  
7800 Family Law Code (FLC); 7801 FLC; 7803 FLC; 7804 FLC; 7805 FLC; 7807 FLC.  
7808 FLC; 9001 FLC

### **JUVENILE DIVISION**

#### **A. Administrative**

270 WIC; 283 WIC

#### **B. Juvenile Intake**

601 WIC; 601.2 WIC; 601.3WIC; 602 WIC; 627.5 WIC; 628 WIC  
628.1 WIC; 630 WIC; 631 WIC; 632 WIC; 652 WIC; 652.5 WIC  
653 WIC; 676.5 WIC; 777WIC;

#### **C. Juvenile Investigations**

200 WIC; 280 WIC; 281 WIC; 281.5 WIC; 361.2 WIC; 635 WIC; 636 WIC; 652 WIC  
653.5 WIC; 656.2 WIC; 636.1 WIC; 706 WIC; 706.5 WIC; 706.6 WIC; 707 WIC; 727.1 WIC; 727.4 WIC;  
742 WIC;  
781 WIC; 1499 Juvenile Court Rules

#### **D. Juvenile Supervision**

241.1 WIC; 366.26 WIC; 625 WIC; 625.3 WIC; 641 WIC; 654 WIC; 654.1 WIC  
654.2 WIC; 654.3 WIC; 654.4 WIC; 654.6 WIC; 655 WIC; 725 WIC; 727 WIC; 727.1 WIC;  
727.2 WIC; 727.3 WIC; 727.31 WIC; 727.32 WIC; 727.4 WIC; 727.4 (d) (4) WIC; 727.6 WIC; 729 WIC;  
729.3 WIC 729.7 WIC; 729.8 WIC; 729.9 WIC; 730 WIC; 730.6 WIC; 730.7 WIC;  
737 WIC; 738 WIC; 740 WIC; 740.1 WIC; 742.16 WIC; 790 WIC; 793 WIC; 794 WIC; 795 WIC; 841  
WIC; 1300 WIC; 1502.4 (a)(1) H&S; 4096 WIC; 5600.3 WIC; 11400 WIC; 11401 WIC;  
11402 WIC; 11403 WIC; 11404 WIC; 11404.1 WIC; 11462.01(2)(C) WIC

### **INSTITUTIONS DIVISION**

#### **A. Juvenile Hall**

Title 15, Division 1 Board of Corrections, Chapter 1 Board of Corrections, Subchapter 5 Minimum  
Standards for Juvenile Facilities

Title 24, Part 1, Division VII Board of Corrections, Minimum Standards for Juvenile Facilities  
210 WIC; 850 WIC

## **B. Home Supervision**

628.1 WIC; 840 WIC

## **C. Boys' Camp**

Title 15, Division 1 Board of Corrections, Chapter 1 Board of Corrections, Subchapter 5 Minimum Standards for Juvenile Facilities

Title 24, Part 1, DIVISION VII BOARD OF CORRECTIONS, Minimum Standards for Juvenile Facilities

881 WIC; 885 WIC

## **D. Counseling and Education Centers**

654 (c) WIC

## **E. Non-Secure Detention**

210.1 WIC; 601 WIC; 626 WIC

## **F. Medical Care Juveniles**

369 WIC; 739 WIC

## **G. Separate Categories**

284 WIC; 285 WIC; 656.2 WIC; 704 WIC; 729.7 WIC; 742 WIC; 742.20 WIC;  
749.22 WIC; 749.23 WIC; 751 WIC; 826 WIC; 826.5(a) WIC; 826.6 WIC; 827 WIC;  
48321 Ed Code; 56026 Ed Code; 56325 Ed Code

## **ADULT DIVISION**

### **A. Adult Investigations**

1203.7 PC; 1000 PC; 1000.1(b) PC; 1000.2 PC; 1000.3PC; 1000.4PC; 1000.5PC;  
1001 PC; 1001.9 PC; 1001.20 PC to 1001.34 PC; 1001.70 PC to 1001.90 PC; 1191 PC;  
1191.1 PC; 1191.2 PC; 1191.3 PC; 1202.4 PC; 1203 PC; 1203a PC; 1203c PC; 1203d PC;  
1203.9 PC; 1203.10 PC; 1203.097(b)(3) PC; 1203.097(b)(4) PC; 4.310 Judicial Rule;  
4.411(a)(b)(c)(d) Judicial Rule; 4.411.5 Judicial Rule

### **B. Adult Supervision**

290(c)(1) PC; 290.4 PC Megan's Law; 1202.7 PC  
1202.8 PC; 1203.02 PC; 1203.016 PC; 1203.044 PC; 1203.044(h) PC; 1203.045 PC;  
1203.047 PC; 1203.055 PC; 1203.055(f) PC; 1203.066 PC; 1203.067 PC;  
1203.076 PC; 1203.95PC; 203. 097 PC; 1203.1 PC; 1203.1(b) PC; 1203.1bb PC;  
1203.1(d) PC; 1203.1(h) PC; 1203.1ab PC; 1203.1b(a) PC; 1203.1e PC; 1203.1g PC;  
1203.1k PC; 1203.2 PC; 1203.2 a. PC; 1203.3 P; 1203.4(d) PC; 1203.9 (a) PC;  
1203.9 (b) PC; 1203.10 PC; 1203.12 PC; 1389.6 PC; 3075 PC to 3076 PC;  
11180 PC and 11181 PC