

ORDINANCE NO.

* Authorize disposal of surplus Taser X26 Electronic Control Weapons, holsters, cartridges and batteries and authorize the Portland Police Bureau to proceed with donation and/or sale of the property (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Police Bureau has and wishes to donate Taser X26 Electronic Control Weapons, holsters, cartridges and batteries.
2. Taser International has ceased production of the X26 and the Portland Police Bureau has transitioned to a newer model Electronic Control Weapon. The Police Bureau no longer uses the X26, holsters, cartridges or batteries.
3. An Ordinance is required by City Code Section 5.36 for the donation of surplus property.
4. Donations will only be to agencies employing Oregon Department of Public Safety Standards and Training (DPSST) certified personnel.
5. Sale will only be made to the manufacturer.

NOW, THEREFORE, the Council directs:

- a. That the donation and or sale of Taser X26 Electronic Control Weapons, holsters, cartridges and batteries is authorized upon the execution of hold harmless agreements with the recipients as outlined in a form similar to the hold harmless agreement template attached as Exhibit A.

Section 2. The Council declares that an emergency exists as it is important for the benefit of the City to effect a complete removal of the surplus property and to determine the final disposition without additional delay; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

Commissioner: Mayor Ted Wheeler
Prepared by: Aubrey Lindstrom
Date prepared: March 9, 2017

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

RELEASE AND HOLD HARMLESS AGREEMENT

_____, as the duly authorized representative of _____, hereby releases and forever discharges the City of Portland, its agents, officers, employees, officials, and all other persons, firms, corporations or other entities liable or who might be claimed to be liable from any and all claims related to _____ previously in the possession of the City of Portland, Portland Police Bureau.

_____ shall accept _____ "as-is" in the condition in which City delivers the _____. City expressly disclaims any and all warranties related to the _____, including but not limited to any warranty related to _____ fitness of use for any purpose.

This Release and Hold Harmless Agreement is intended to, and does, cover any losses and or damages which may later develop or be discovered including all effects and consequences thereof.

The terms set forth herein are contractual and not a mere recital. This Release and Hold Harmless Agreement releases any and all claims for nondisclosure, fraud or misrepresentation and any and all claims for nondisclosure, fraud or misrepresentation in the inducement of this agreement.

As the duly authorized representative for _____, the undersigned has reviewed this Release and Hold Harmless Agreement, with or without the assistance of legal counsel. This agreement is executed pursuant to valid corporation authority and legally binding upon _____.

Print Name: _____
Title: _____
STATE OF _____
County of _____

This instrument was acknowledged before me this ____ day of _____, 2017, by _____, as _____, on behalf of the _____.

Notary Public – State of _____
Commission No.: _____
Commission Expiration: _____

IMPACT STATEMENT

Legislation title: * Authorize disposal of surplus Taser X26 Electronic Control Weapons, holsters, cartridges and batteries and authorize the Portland Police Bureau to proceed with donation and or sale of the property (Ordinance)

Contact name: Aubrey Lindstrom

Contact phone: 503-823-0364

Presenter name: Eric Daniels

Purpose of proposed legislation and background information:

The Police Bureau has and wishes to donate and or sale its Taser X26 Electronic Control Weapons, holsters, cartridges and batteries.

Taser International has ceased production of the X26 and the Portland Police Bureau has transitioned to a newer model Electronic Control Weapon. The Police Bureau no longer uses the X26, holsters, cartridges or batteries.

Financial and budgetary impacts:

There may be potential revenue from sale of items. Any sale of items will comply with City Code 5.36.010, Disposition of Surplus Property.

Community impacts and community involvement:

None.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount