



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 21-0204  
JUN 16 2021

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 22.547 OF THE LOS ANGELES  
ADMINISTRATIVE CODE TO FACILITATE AND STREAMLINE THE PROCESS FOR  
DONATING CITY-OWNED SURPLUS EQUIPMENT**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 20-1269

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends Section 22.547 of the Los Angeles Administrative Code to facilitate and streamline the process for donating City-owned surplus equipment.

Summary of the Changes to the Donating Surplus Equipment

The draft ordinance defines "Donation" more expansively than in the existing Code section to provide for the sale of City-owned surplus equipment at less than market value, and also the provision of City-owned surplus equipment at no cost.

The draft ordinance increases the opportunities for donating surplus equipment by allowing donations to:

1. A non-profit organization located in the City of Los Angeles, when the donation will benefit the residents of the City of Los Angeles;

2. A governmental entity established to support services provided by the City;
3. A governmental entity, including a foreign governmental entity, responding to emergencies or disasters;
4. Up to a total of \$100,000<sup>1</sup> annually in market value of equipment to any sister city or combination of cities;
5. Any other governmental entity up to three times per year;<sup>2</sup> and
6. Any donee, if the cost to the City to discard, recycle, or transport the surplus equipment would impose a documented net financial cost on the City.

The process for the donation of surplus equipment has been streamlined. The process is initiated by the designation made by the head of the department or office that specified equipment within its custody is surplus to its ongoing needs. The designation is then forwarded to the Department of General Services (GSD) and the Chief Legislative Analyst's Office (CLA).<sup>3</sup> The CLA will determine the eligibility of the donee and prepare a report for consideration by the City Council. The draft ordinance codifies the current practice of requiring the donee to accept the surplus equipment "as is" and to hold harmless and indemnify the City with regard to loss or damages arising from the surplus equipment.

#### Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to GSD, the Board of Public Works, and the CLA with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

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<sup>1</sup> The existing ordinance contains a donation cap of \$50,000 annually.

<sup>2</sup> The existing ordinance allows only one donation per year.

<sup>3</sup> The draft ordinance eliminates the role of the Board of Public Works in approving a donation of surplus equipment other than surplus equipment within the custody of the Board of Public Works to streamline the approval process.

If you have any questions regarding this matter, please contact Deputy City Attorney Kimberly Miera at (213) 978-8130. She or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By   
DAVID MICHAELSON  
Chief Assistant City Attorney

DM:KM:ac  
Transmittal