

**BOARD OF PUBLIC WORKS AND SAFETY**  
**Agenda Request Form**

(Form B-01-2012)

*Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.*

**Date Submitted:** 02/23/15

**Meeting Date:** 03-02-15

**Contact Information:**

**Requested by:** City Attorney Lynn Gray

**On Behalf of Organization or Individual:** City of Franklin

**Telephone:** 317-738-3365

**Email address:** [lynng@igmlawfirm.com](mailto:lynng@igmlawfirm.com)

**Mailing Address:** 63 E. Court Street

**Describe Request:**

Board of Works Resolution No.: 15-04 A Resolution for the Transfer of Surplus Equipment and Property

**List Supporting Documentation Provided:**

Board of Works Resolution 15-04

**Who will present the request?**

**Name:** Janet P. Alexander

**Telephone:** 317-736-3609

*In order for an individual and/or agency to be considered for new business on the Board of Works agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.*

**RESOLUTION NO: 15-04  
OF THE CITY OF FRANKLIN, INDIANA'S  
BOARD OF PUBLIC WORKS AND SAFETY**

**RESOLUTION FOR THE TRANSFER OF SURPLUS EQUIPMENT AND PROPERTY**

**WHEREAS**, the City of Franklin by and through its Board of Public Works and Safety is a government organization providing services to the citizens of Franklin, Indiana and is a disposing agent as that term is contemplated pursuant to IC 36-1-11-2; and

**WHEREAS**, IC 5-22 (Purchasing Statute) permits a purchasing agency to adopt policies to supplement IC 5-22 or a rule adopted by the Council, so long as the policies are not inconsistent with the purchasing statute or a rule adopted by the Council; and

**WHEREAS**, the Common Council of the City of Franklin has previously designated the Board of Public Works and Safety as a purchasing agency; and

**WHEREAS**, IC 5-22-22-3 permits the purchasing agency to sell or transfer property that is no longer needed or is unfit for the purpose for which it was intended and has been declared surplus; and

**WHEREAS**, IC 5-22-22-6 permits a public or a private sale or transfer without advertisement of property valued at less than \$5,000.00

**WHEREAS**, the City of Franklin received property through a civil forfeiture authorized under IC 34-24-1 Forfeiture of Property used in violation of certain criminal statutes; and

**WHEREAS**, the City of Franklin by and through its Board of Public Works has received certain hydroponic equipment which is more specifically identified as on the attached Exhibit "A" and the Board of Public Works and Safety has authority by law to own, possess and control this equipment and property identified on said Exhibit; and

**WHEREAS**, IC 5-22-22-10(a) and (b) stipulate that it is permissible for the purchasing agency and another governmental body to exchange property upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of substantially identical resolutions by each entity; and

**WHEREAS**, the City of Franklin by and through its Board of Public Works and Safety has determined that the items of personal property identified on Exhibit "A" are surplus equipment and is desirous of disposing of and transferring said items of personal property in their "as-is" condition to the Franklin Community School Corporation; and

**WHEREAS**, the Franklin Community School Corporation is desirous of receipt and acceptance of said items of personal property being offered by the City of Franklin, and agrees to accept transfer of said items of personal property in their "as-is" condition; and

**WHEREAS**, the City of Franklin does deem the aforementioned items of personal property to be surplus property to be disposed of as the manner set forth herein;

**BE IT THEREFORE RESOLVED** that the City of Franklin by and through its Board of Public Works and Safety does hereby adopt the above aforementioned as findings of fact;

**IT IS FURTHER RESOLVED** that the City of Franklin by and through its Board of Public Works and Safety will hereby transfer said items of surplus property in their "as-is" condition and deliver the items of personal property as described herein to the Franklin Community School Corporation upon presentation of a substantially identical Resolution agreeing to accept said transfer of personal property.

**INTRODUCED & APPROVED** by the Board of Public Works and Safety of the City of Franklin, Johnson County, Indiana, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

City of Franklin, Indiana, By its Board of Public Works and Safety:

Voting Affirmative:

\_\_\_\_\_  
Mayor Joseph E. McGuinness

\_\_\_\_\_  
Steve Barnett

\_\_\_\_\_  
Robert Swinehamer

Voting Opposed:

\_\_\_\_\_  
Mayor Joseph E. McGuinness

\_\_\_\_\_  
Steve Barnett

\_\_\_\_\_  
Robert Swinehamer

Attest:

\_\_\_\_\_  
Janet P. Alexander, Clerk Treasurer

Prepared by: Lynnette Gray  
Attorney No.: 11567-41