

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** August 17, 2016

**SUBJECT:** Surplus and Donation of Patrol Vehicle

**PRESENTER:** Major Frank Stout, Sheriff's Department

**ATTACHMENTS:**

- 1) Resolution
- 2) N.C.G.S. 160A-280
- 3) Letter of Request from AB-Tech
- 4) List of Proposed Surplus Property

#### **SUMMARY OF REQUEST:**

Attached for the Board's consideration is a resolution declaring a Patrol Vehicle no longer used by the Henderson County Sheriff's Department as surplus property and donation of the Patrol Vehicle to Asheville-Buncombe Technical Community College (AB-Tech) as allowed by N.C.G.S. 160A-280 to be used for vehicle pursuit intervention training.

#### **BOARD ACTION REQUESTED:**

Staff requests that the Board consider approving the attached resolution declaring the Patrol Vehicle as surplus and authorizes the donation to AB-Tech as allowed by N.C.G.S. 160A-280.

#### ***Suggested Motion:***

***I move that the Board approve the attached resolution declaring the Patrol Vehicle presented as surplus and authorizes the donation to AB-Tech as allowed by N.C.G.S. 160A-280.***

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS  
AND AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY  
BY DONATION**

**WHEREAS**, Henderson County owns the patrol vehicle itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

**WHEREAS**, the Henderson County Board of Commissioners is desirous of declaring the patrol vehicle as surplus and transferring to Asheville-Buncombe Technical Community College via donation as authorized by N.C.G.S. 160A-280; and

**WHEREAS**, it is the intent of the County to donate said surplus property.

**NOW THEREFORE BE IT RESOLVED**, by the Henderson County Board of Commissioners as follows:

1. The vehicle itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Henderson County Sheriff's Department is hereby authorized to transfer by donation, the surplus property described above to Asheville-Buncombe Technical Community College.
3. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.

**THIS** the 17th day of August, 2016.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**Thomas H. Thompson, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Teresa L. Wilson, Clerk to the Board**

**[OFFICIAL SEAL]**

**§ 160A-280. Donations of personal property to other governmental units.**

(a) A city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.

(c) The authority granted to a city under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1; 2009-141, ss. 1, 2, 3.)

The Honorable Sheriff Charles S. McDonald

100 North Grove Street

Hendersonville, NC 28792

Sheriff McDonald, Asheville-Buncombe Technical Community College is starting a program called Pursuit Intervention Technique (PIT). This program allows officers to stop vehicle pursuits and reduces liability for our Law Enforcement Agencies who are involved by stopping the suspect/violator who flees. Because of these modifications to the vehicles, they will not be driven on any state roadways, only here at the Buncombe County Training Center Driving Track. I am requesting patrol vehicles that are being decommissioned and taken off line to use at the College for this training. We have an overwhelming response from other Western North Carolina agencies for this type of training. The increased devastation of vehicle pursuits has complicated our work in Law Enforcement to include media scrutiny, and public perception as to why we have not developed ways to stop these fleeing vehicles sooner. The PIT maneuver is a well known tool to help protect our citizens and community from those who decide to flee from Law Enforcement Officers. I personally have seen and taken this training first hand, and it provides a safe opportunity to end these devastating pursuits before they get out of control. I hope you will consider this request and be able to assist in this matter. We greatly appreciate and understand all you do for your Community to provide the best training possible for your Department. I want to thank you for your consideration and any assistance you can offer.

Robin Lyles  
Law Enforcement Training Coordinator  
Asheville-Buncombe Technical Community College  
Woodfin Campus  
24 Canoe Lane  
Asheville, NC 28804  
828-782-2319 (Office)  
828-779-4319 (Cell)

**Exhibit B**

**List of surplus vehicles:**

<u>DEPARTMENT</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>HC#</u>	<u>VIN#</u>	<u>Asset#</u>	<u>Mileage</u>
Sheriff	1999	Ford	Crown Victoria	SH-105	2FAFP73W9XX141200	10969	61,388