

**ORDINANCE NO. 2018-328**

**AN ORDINANCE OF THE TOWN OF WINDSOR  
AMENDING AND RESTATING IN ITS ENTIRETY TITLE I, CHAPTER 6, ARTICLE  
1, SECTION 125 OF THE CODE OF THE TOWN OF WINDSOR REGULATING  
SURPLUS SUPPLIES AND EQUIPMENT**

**WHEREAS**, Section 125 of Chapter 6 of Title I of the Code of the Town of Windsor currently regulates the disposal of surplus supplies and equipment; and

**WHEREAS**, there is a need to update said section to address different categories of Town assets, and to provide greater flexibility in disposing of surplus supplies and equipment in order to best serve the interests of the Town; and

**WHEREAS**, this ordinance is not subject to the California Environmental Quality Act (“CEQA”) because the activity is not a “project” as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES  
HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals Made Findings.**

The above recitals are hereby declared to be true and correct findings of the Town Council of the Town of Windsor.

**SECTION 2. Amendment to Section 125 of Chapter 6 of Title I of the Code of the Town of Windsor.**

Section 125 of Chapter 6 of Title I of the Code of the Town of Windsor entitled “Surplus Supplies and Equipment” is hereby amended and restated in its entirety to read as follows:

A. Purpose. In enacting this ordinance, it is the intent of the Town Council to afford flexibility with respect to options for disposing of different categories of surplus supplies and equipment so that the Town can dispose of same in whatever manner shall best serve the interests of the Town.

B. Definitions. The following words and phrases shall be construed as defined in this section.

“Department” means the Administrative Services Department of the Town.

“Fixed assets” means all tangible Town-owned assets with a life of greater than one year.

“Local schools” means schools administered by the Windsor Unified School District.

“Long-term value” means an asset life of three or more years and an acquisition cost of greater than \$5,000.00 per asset.

“Purchasing agent” means the Town Manager, the Assistant Town Manager, or designee.

“Salvage fixed assets” means assets that are broken and unable to be repaired at reasonable cost.

“Surplus fixed assets” means fixed assets of long-term value including equipment, machines, vehicles, furniture, buildings and related assets.

“This code” means the Code of the Town of Windsor.

“Town” means the Town of Windsor, and for purposes of this ordinance shall be deemed to include the Windsor Water District.

C. Scope. This ordinance applies to all fixed assets, and excludes salvage fixed assets. Disposition of salvage fixed assets shall, however, be reported to the department for recordkeeping purposes.

D. Role of the department. The department shall centrally manage, issue, and implement surplus asset policy and procedures, including, without limitation, procedures for valuation of surplus fixed assets. The department shall report annually to the Town Council a summary of all surplus fixed assets and their disposition.

E. The Purchasing Agent shall have the authority to sell, trade or exchange surplus fixed assets. Any surplus fixed asset with an original acquisition cost of \$50,000 shall require a Council resolution declaring the asset surplus. Upon declaration of an asset as surplus, whether by the Town Council or the Purchasing Agent, the asset shall first be offered for gift or sale to the local schools, through the Windsor Unified School District, unless the Purchasing Agent determines that the asset is hazardous or otherwise inappropriate for use by the local schools. In the event that the asset is not offered to or accepted by the local schools, assets will be auctioned or otherwise sold, at the discretion of the Purchasing Agent. The Purchasing Agent shall establish procedures for valuation and disposal of surplus assets.

**SECTION 3. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The Town Council of the Town of Windsor hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**SECTION 4. Effective Date.** This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

**SECTION 5. Publication or Posting.** The Town Clerk of the Town of Windsor shall cause this Ordinance to be published, or to be posted in at least three(3) public places in the Town of Windsor, in accordance with Section 36933 of the Government Code of the State of California.

**PASSED, APPROVED, AND ADOPTED this 17th day of October 2018, by the following vote:**

<b>AYES:</b>	<b>COUNCILMEMBERS FUDGE, MILLAN, SALMON, VICE MAYOR FOPPOLI AND MAYOR OKREPKIE</b>
<b>NOES:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>NONE</b>



**BRUCE OKREPKIE, MAYOR**

**ATTEST:**



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**MARIA DE LA O, TOWN CLERK**