

AN ORDINANCE 2010-04-01-0275

**AUTHORIZING THE GRANTING OF USED X-RAY EQUIPMENT BY THE
SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROJECT C.U.R.E.
FOR USE IN INTERNATIONAL HUMANITARIAN ACTIVITIES IN A
DEVELOPING COUNTRY.**

* * * * *

WHEREAS, Project C.U.R.E. was founded in 1987 to provide medical relief to people in need in developing nations around the world and builds sustainable healthcare infrastructure by providing the medical supplies and equipment that medical personnel need to deliver healthcare to their communities; and

WHEREAS, Project C.U.R.E. has delivered medical relief to needy people in more than 120 countries and since 2000 has delivered medical relief valued at approximately \$250 million; and

WHEREAS, Project C.U.R.E. works with recipient partner organizations by donating the medical supplies and equipment they need to provide healthcare to the people in the local community; and

WHEREAS, the x-ray equipment to be granted was purchased by the City in 1999 for \$8,350.00; and

WHEREAS, depreciation of medical equipment is generally at 10% annually, making the current value of this equipment insignificant; and

WHEREAS, moreover, due to routine maintenance and operational expenses, this unit was decommissioned by the San Antonio Metropolitan Health District in 2006 and must be removed in order for needed repairs to be made at the facility where it's located; and

WHEREAS, without this opportunity to work with Project C.U.R.E., the costs to the City for the removal and appropriate disposal of this equipment would be considerable; and

WHEREAS, Project C.U.R.E. can put this equipment to good use for medical care in other countries that have a high disease burden; and

WHEREAS, through this transfer of equipment, Project C.U.R.E. at its expense will remove, package and transport the identified equipment and assume all liability and responsibility for future utilization and maintenance; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council authorizes the granting of used x-ray equipment to Project C.U.R.E. in consideration for the removal and transfer of said equipment and its use in international humanitarian activities in a developing country. A copy of an Acknowledgement of Receipt of Property/Waiver and Release in substantially final form which will be executed by Project C.U.R.E. is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The donation of property owned by the City of San Antonio must be coordinated through the City's Finance Department to assure the removal of these assets from the City's financial records and to record the proper accounting transactions.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 1st day of April, 2010.



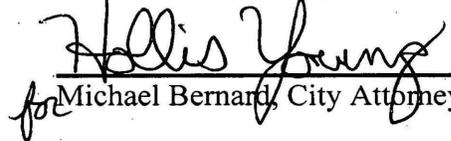
M A Y O R
Julián Castro

ATTEST:

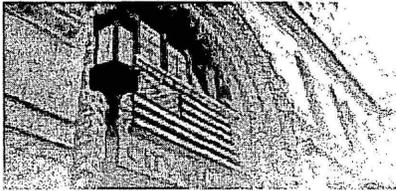


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 37

Name:	5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 28A, 28B, 28C, 28D, 28F, 28G, 28H, 28I, 28J, 28K, 29, 30, 32, 33, 36, 37, 38, 39						
Date:	04/01/2010						
Time:	09:32:57 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the granting of used x-ray equipment by the San Antonio Metropolitan Health District to Project C.U.R.E. for use in international humanitarian activities in a developing country. [Sharon De La Garza, Assistant City Manager, Dr. Fernando A. Guerra, Director, Health]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				x
Leticia Cantu	District 4		x				
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	

**ACKNOWLEDGEMENT OF RECEIPT OF PROPERTY INCLUDING
WAIVER AND RELEASE**

State of Texas
County of Bexar

KNOW ALL PERSONS BY THESE PRESENTS:

That Project C.U.R.E. South Texas, of 10250 Westheimer Rd., Harris County, Texas (Agency), does hereby acknowledge the following statements are true.

I acknowledge receipt of the following described property from the City of San Antonio, Bexar County, Texas:

One X ray machine which includes the following parts: x-ray film processor, model 9992305300, serial # 12187; collimator, model #D800, serial #ND7880699; x-ray control panel equipment, model Concept 1, serial #3089; x-ray tube housing, model #E7239X, serial #9B263; radiographic table, model #5211, serial #990401; wall mount x-ray film slide, model #B067, serial #990108.

I acknowledge that in consideration of the City's granting of said property to Agency, the property shall be packaged, removed and transported by the Agency and will be used to provide humanitarian medical care in another country that has a high disease burden.

I acknowledge that the City is granting the property in "AS IS" CONDITION, THAT THE DESCRIBED PROPERTY IS BEING GRANTED BY THE CITY OF SAN ANTONIO "AS-IS" WITHOUT ANY WARRANTIES, EXPRESS OR IMPLIED, AS TO THE CONDITION OF SUCH PROPERTY. BY ACCEPTING THIS PROPERTY, I REPRESENT THAT I HAVE PERSONALLY INSPECTED THE DESCRIBED PROPERTY AND ACCEPT THE PROPERTY "AS-IS".

Agency does hereby **IRREVOCABLY AND UNCONDITIONALLY RELEASE, ACQUIT AND FOREVER DISCHARGE** City, and the elected officials, employees, officers, directors, volunteers and representatives of CITY, individually or collectively, from any and all claims, liabilities, damages, causes of action, costs, losses, and reasonable attorneys' fees and expenses whatsoever, whether known or unknown, including (without limitation) any dispute, claim, charge, or cause of action which may have arisen, or which may arise, prior to, at the time of, or subsequent to the execution of this document, and which is/are directly or indirectly related to the granting and use of the property listed herein. Agency further **COVENANTS NOT TO SUE, OR OTHERWISE PARTICIPATE IN ANY ACTION OR CLASS ACTION** against the City based upon any of the claims released above.

Agency does hereby **FULLY INDEMNIFY and HOLD HARMLESS**, the City, and the elected officials, employees, officers, directors, volunteers and representatives of CITY, individually or collectively, from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines,

penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage, made upon City directly or indirectly arising out of, resulting from or related to the granting and use of the property, including any actions or activities of Agency in connection with the property, including any acts or omissions of Agency, any agent, officer, director, representative, or employee of Agency.

Agency will dismantle, package securely and transport the property listed herein. Agency further acknowledges that the property shall be transported, operated and disposed of by Agency in accordance with all applicable laws and regulations.

This Receipt of Property Including Waiver and Release shall be effective as to the property listed in it as of _____.

IN WITNESS WHEREOF, this Receipt of Property Including Waiver and Release is executed on _____.

Signature

Typed or Printed Name

Witness' Signature

Witness' Typed or Printed Name

ACKNOWLEDGMENT

State of Texas
County of Bexar

Before me, the undersigned authority, on this day appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____ [date].

[Notarial Seal:]

Notary's Signature

Notary's Typed Name

NOTARY PUBLIC

My commission expires: