



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Police Department

Board Action

File #: 19-308

Commissioner Fraley - Police Department - To Approve the Surplus of a 1998 Ford Crown Victoria and Conveyance to the Gaston County Board of Education to be Used by Cherryville High School's Public Safety Vocational Program

STAFF CONTACT

Chief J. D. Ramey - Gaston County Police Department - 704-866-3321

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

North Carolina Statute 160A-266 dictates the procedure of disposal of surplus property. Gaston County Police has a 1998 Ford Crown Victoria (VIN# 2FAFP71W9WX130148, vehicle #142) that is included in the FY19 deadline list due to high mileage (144,507). This car meets the established surplus criteria for designation as surplus equipment. Pursuant to NCGS 160A-274, Gaston County Police requests this vehicle be conveyed to the Gaston County Board of Education for \$1 to be used by Cherryville High School's Public Safety Program as part of their vocational program to educate students on potential future in law enforcement. In addition, the vehicle will be used during those courses to familiarize students to the related equipment and operations of a law enforcement vehicle. The Gaston County Board of Education / Cherryville High School agree to use the vehicles only for official agency use, the vehicles may not be sold or titles transferred to another person or entity for a minimum of two years after purchase from Gaston County and, the vehicles are purchased in as "as is, where is" condition. Gaston County does not warrant in any way the condition or future operation/reliability of said vehicles. Approval of the Board Action authorizes the County Manager or his designee to execute the agreement and other documents as may be necessary for vehicle sales and title transfers to Gaston County Board of Education / Cherryville High School. This transfer is conditioned upon the understanding that all expenses including, but not limited to, repairs, motor fuels and lubricants, tag, inspections and any other costs associated with purchase and ownership will be the sole responsibility of the Gaston County Board of Education.

POLICY IMPACT

N/A

ATTACHMENTS

Letter of Request and Agreement

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TKelgher	TPhillips	RWorley	Vote
2019-207	07/23/2019	BH	RW	A	AB	AB	A	A	A	A	U

DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

Page, Gail

Subject: FW: Surplus car

From: Ramey, Joe
Sent: Wednesday, July 10, 2019 1:44 PM
To: Page, Gail
Subject: FW: Surplus car

Gail,

Commissioner Fraley and the Principle at Cherryville High School requested we donate a surplus police vehicle for use in the schools public safety courses. The vehicle will be used as part of the vocational program to educate students on potential future in law enforcement. In addition, the vehicle will be used during those courses to familiarize students to the related equipment and operations of a law enforcement vehicle.

Joseph D. Ramey
Chief of Police
FBI NA 257

GASTON COUNTY POLICE

www.gastoncountypolice.org

420 West Franklin Boulevard
Gastonia, NC 28052
(704) 866-3321
jramey@gcps.org



From: Jentsch, Steve
Sent: Wednesday, July 10, 2019 8:54 AM
To: Page, Gail <gpage@gcps.org>
Cc: Ramey, Joe <jramey@gcps.org>
Subject: Surplus car

Gail,

I have spoken with Captain Dover and a car has been selected for surplus for Cherryville HS. The car information is as follows:

Vehicle #142	1998 Ford Crown Victoria	VIN# 2FAP71W9WX130148	Current
miles 144,507			

Thanks for your help!

Steve

S. V. Jentsch
Assistant Chief of Police

GASTON COUNTY POLICE

www.gastoncountypolice.org

420 West Franklin Boulevard
Gastonia, NC 28052
(704) 866-3320
sjentsch@gcps.org



NORTH CAROLINA
GASTON COUNTY

AGREEMENT FOR TRANSFER OF A VEHICLE

THIS AGREEMENT, made effective upon execution, by and between GASTON COUNTY, a political subdivision of the State of North Carolina, having a mailing address of P.O. Box 1578 Gastonia, NC 28053-1578 and THE GASTON COUNTY BOARD OF EDUCATION, a North Carolina Public School System, having a mailing address of P.O. Box 1397, Gastonia, NC 28053.

WHEREAS, vehicle transfer consists of one police vehicle, a 1998 Crown Victoria (VIN 2FAFP71W9WX130148), also known as Gaston County Vehicle number 142; and

WHEREAS, pursuant to N.C.G.S. 160A-266 and 160A-274, Gaston County is conveying the police vehicle described herein to the Gaston County Board of Education for One Dollar (\$1.00) per vehicle; and

WHEREAS, The Gaston County Board of Education is receiving the police vehicle for consideration of the terms provided herein; and

WHEREAS, the purpose of conveying the vehicle to the Gaston County Board of Education is to allow students to use the vehicle as part of a vocational program to educate students on a potential future in law enforcement. The vehicle will be used during these courses and programs to familiarize students with the related equipment and operations of a law enforcement program; and

WHEREAS, the vehicle is intended to go to Cherryville High School

NOW THEREFORE, for and in consideration of the mutual covenants herein provided, the parties agree as follows:

1. Gaston County shall convey the vehicle, as described above, to The Gaston County Board of Education for One Dollar (\$1.00).
2. The condition of the vehicle provided to The Gaston County Board of Education is "as-is", and Gaston County is making no representations or warranties concerning the serviceability or quality of the vehicles. Additionally, no representations or warranties are made for future reliability of the vehicles.
3. All fees associated with the transfer of the vehicle titles shall be borne by The Gaston County Board of Education. The Gaston County Board of Education is responsible for recording the titles of the vehicles and to take other steps needed in order to take title of the vehicles.
4. The Gaston County Board of Education shall be responsible to procure sufficient insurance for the vehicles. Additionally, to the extent permitted by North Carolina law, The Gaston County Board of Education agrees to indemnify and hold Gaston County (including its employees, officers, elected officials, agents, and all others associated with the County) harmless for any liability or damages arising from the operation, usage, storage, or possession of said vehicle. The Gaston County Board of Education shall be responsible for maintenance of the subject vehicle.

5. The Gaston County Board of Education shall not sell or transfer title of the vehicles for a minimum of two (2) years from receipt of said vehicles.
6. All notices required shall be given by registered or certified mail to the parties at the following addresses. Either of the parties may designate in writing from time to time substitute addresses or persons in connection with those notices.

GASTON COUNTY

ATTN: County Manager
Post Office Box 1578
Gastonia, NC 28053-1578

GASTON COUNTY BOARD OF EDUCATION

ATTN: Superintendent
Post Office Box 1397
Gastonia, NC 28053

7. This Agreement may be amended or terminated by an instrument in writing executed by both parties hereto or pursuant to the terms and conditions set forth herein.
8. Neither party may assign its rights under this Agreement. Any assignment attempted without the written consent of the other party shall be void.
9. No waiver of any breach of any one or more of the conditions or covenants of this Agreement by the County or by The Gaston County Board of Education shall be deemed to imply or constitute a waiver of any succeeding or other breach under this Agreement.
10. North Carolina law shall govern the interpretation and enforcement of this Agreement, and any other matters relating to this Agreement. All legal actions or other proceeding relating to this Agreement shall be brought in a state court sitting in Gaston County, North Carolina. By execution of this Agreement, the parties submit to the jurisdiction of said court and hereby irrevocably waive any and all objections that they may have with respect to venue in any state court sitting in Gaston County, North Carolina.
11. Both parties acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by Counsel for both Gaston County and The Gaston County Board of Education. As such, the doctrine of construction against the drafter shall have no application to this Agreement.
12. Should any one or more of the provisions contained in this Agreement be held invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in the Agreement shall not in any way be affected or impaired thereby, and this Agreement shall otherwise remain in full force and effect. If any such provision is held to be invalid or unenforceable, then upon the request of either party, the parties shall attempt in good faith to negotiate and agree upon a replacement provision.

13. This Agreement may be simultaneously executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument.

14. The headings, captions and numbers in this Agreement are solely for convenience and shall not be considered in construing or interpreting any provision in this Agreement. Wherever appropriate in this Agreement, personal pronouns shall be deemed to include other genders and the singular to include the plural, if applicable.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

GASTON COUNTY

Tracy Philbeck, Chairman
Gaston County Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

APPROVED AS TO FORM:

County Attorney

GASTON COUNTY BOARD OF EDUCATION

Brent Moore, Chairman
Gaston County Board of Education

ATTEST:

Clerk to the Gaston County Board of Education

APPROVED AS TO FORM:

Attorney for the Gaston County Board of Education