

RESOLUTION NO. 147-2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING DONATION OF BICYCLES AND CLOTHING DURING FISCAL
YEAR 2017-2018**

WHEREAS, the Abilene Police Department acquires a large number of unclaimed bicycles and used clothing through the normal course of police business; and

WHEREAS, the Texas Constitution, Art. III, § 52(a) and Art. XI, § 3 generally prohibit the donation or gift of property by a municipality to a private entity or person; and

WHEREAS, a municipality may make a donation or gift of property if (1) the conveyance will serve a predominately public purpose of the city; (2) the city will retain sufficient control to ensure the public purpose is carried out; and (3) the city will receive return benefit; and

WHEREAS, the unclaimed bicycles and used clothing have minimal monetary value to the City of Abilene, and the public is better served if the unclaimed bicycles and used clothing are donated to local non-profit organizations for distribution to the public.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF ABILENE, TEXAS:**

Part 1: That the City Council, City of Abilene, finds that the donation of the unclaimed bicycles and used clothing to local non-profit organizations for distribution to the public will serve a predominately public purpose, the City will retain sufficient control to ensure the public purpose is carried out, and the City will receive a benefit.

Part 2: That the Abilene Police Department is authorized to donate unclaimed bicycles and used clothing during fiscal year 2017-2018 to local non-profit organizations to serve the public purpose.

Part 3. That this Resolution takes effect immediately upon its adoption.

ADOPTED this 7th day of December, 2017.

ATTEST:



Rosa Rios, City Secretary



Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney