

RESOLUTION NO. 2019-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
ADOPTING THE DONATION AND GIFT POLICY**

THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY
RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. That certain document entitled, "Donation and Gift Policy" is hereby adopted as the official administrative policy for the City of Merced.

SECTION 2. The City Manager is hereby authorized and directed to comply with the Donation and Gift Policy effective immediately.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the _____ day of _____ 2019, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

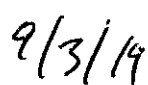
Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney Date

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: DONATION AND GIFT POLICY

EFFECTIVE: _____, 2019

PURPOSE:

To establish a formal process for acceptance and documentation of donations made to the City. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. This policy also establishes the standards for City employees and City officials regarding the acceptance of gifts during the performance of City business.

POLICY:

A. Types of Donations

Donations may be offered in the form of cash, real or personal property. Designated donations means those donations that the donor specifies for a particular City department, location, or purpose. Undesignated donations means those donations that are given to the City for an unspecified use.

B. Consistency With City Interests

Designated donations may only be accepted when they have a purpose consistent with the City's goals and objectives and are in the best interest of the City of Merced. The City must always consider the public trust and comply with all applicable laws when accepting donations.

C. Acceptance of Undesignated Donations of Cash or Tangible Items

All donations to the city, including offers to employees related to the City, shall immediately be submitted for consideration for acceptance. Based on the value of the donation offered as outlined below, appropriate City staff shall review every donation and determine if the benefits to be

derived warrant acceptance of the donation. The following points list the threshold amounts for donation acceptance:

1. Offers of donations of cash or items valued up to \$5,000 may be accepted by the City Manager.
2. Offers of donations of cash or items valued more than \$5,000 must be accepted by the City Council. Donations valued at more than \$5,000 shall be accepted through a written agreement consistent with these guidelines and approved by the City Council.

D. Acceptance of Designated Donations of Cash or Tangible Items

Based on the value of the donation offer as outlined in Section B above, appropriate City staff shall review the conditions of any designated donation and determine if the benefits to be derived warrant acceptance of the donation. Criteria for the evaluation include but are not limited to:

1. Consideration of an immediate or initial expenditure is required in order to accept the donation;
2. The potential and extent of the City's obligation to maintain, match, or supplement the donation.

E. Acknowledgment of Donations

1. A Donation Acceptance Form is required to be completed by the receiving Department Director and/or the City Manager's Office for all donations provided to the City (form attached).
2. Acknowledgment of the donation should be in writing and be the responsibility of the Department Director who is the beneficiary of the donation. Undesignated donations shall be acknowledged by the City Manager. A copy of the Donation Acceptance Form and the acknowledgement agreement should be forwarded to donors.

3. The Donor Acceptance Form including the donor names and donation amounts are public information subject to disclosure pursuant to the California Public Records Act.

F. Declined Donations

The City of Merced reserves the right to decline any donation if, upon review, acceptance of the donation offer is determined in the sole discretion of the City to not be in the best interests of the City.

G. Distribution of Donation

1. Tangible items will be distributed to appropriate City Departments for use or, at the discretion of the Department Director or City Manager, disposed of in an appropriate manner according to this policy.
2. Donations of cash for designated donations will be deposited into the appropriate revenue account for the designated City Department and appropriated accordingly.
3. Donations of cash for undesignated donations under \$5,000 will be deposited into the City's General Fund Other Revenue account. Undesignated donations in an amount over \$5,000 will be distributed at the direction of the City Council.

H. Dissemination of Information

1. A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the City Council by the City Manager's Office.
2. A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the Finance Department and the designated department for which the donation was assigned.

3. Each original Donation Acceptance Form shall be maintained by the City Clerk.

I. Acceptance of Gifts to Employees and/or Elected Officials of the City

1. Employees and or elected officials of the City shall follow the provisions listed in City of Merced Conflict of Interest Code as it relates to the receipt of gifts.
2. Employees and elected officials of the City are required to be objective and fair in dealing with the public and persons or firms doing business with the City. Employees shall not solicit or accept gifts or gratuities for the performance of their City job responsibilities.
3. No employee and or elected officials of the City shall directly or indirectly solicit, accept, or attempt to accept any money, fee, credit, gift, gratuity, object of value, or compensation of any kind which the elected official or employee knows, or has reason to know is being offered:
 - a. For the purpose of improperly obtaining or rewarding favorable treatment;
 - b. With interest to influence the official or employee in the discharge of official duties or;
 - c. In consideration of having exercised official powers or performed official duties.
4. Anonymous gifts shall be delivered to the City Manager for appropriate disposition.
5. Under the Political Reform Act, public officials and employees are required to disclose certain personal financial holdings as outlined

in California Government Code sections 81000-91014. The Fair Political Practices Commission requires all public officials and employees to file a 'conflict-of- interest statement,' known as Form 700. In Schedule D of Form 700, detailed requirements in reporting gifts of a dollar value and shall be used.

APPROVED:

Steve Carrigan
City Manager

Attachments:

- 1. Donation Acceptance Form**
- 2. Donation and Gift Policy Acknowledgment Form**

**CITY OF MERCED
DONATION ACCEPTANCE FORM**

Name of Donor: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of donation: _____

Donor estimate of current value: _____

Potential immediate or initial acquisition or installation cost, any on-going maintenance or replacement cost:

Intended use: _____

Conditions of acceptance or donor designation: _____

Remarks: _____

City Department receiving donation: _____

APPROVED/ DISAPPROVED

Date

Department Head Signature

Date

City Manager Signature

Date Submitted to Council

Date Approved by Council (Donation over \$5000)

Date

Mayor Signature

NOTE: The City of Merced cannot guarantee future funding for repair, maintenance, use or replacement of donated items.
cc: City Council, Finance Department, City Clerk

CITY OF MERCED, CALIFORNIA

DONATION AND GIFT POLICY ACKNOWLEDGEMENT

I have received and read the City of Merced Donation and Gift Policy and understand its provisions.

Employee (PRINT name)

Signature

Date