

RESOLUTION NO. 2016-1087

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WHITE SETTLEMENT, TEXAS ADOPTING THE CITY OF
WHITE SETTLEMENT DONATION AND GIFT POLICY**

WHEREAS, the White Settlement City Council wishes to establish a Donation and Gift Policy for the purpose of establishing consistent procedures for the acceptance and documentation of unsolicited donations made to the City or to employees or officials of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF WHITE SETTLEMENT, AS FOLLOWS:**

SECTION 1.

The City Council hereby establishes the City of White Settlement Donation and Gift Policy as Attachment "A".

SECTION 2.

The City Council hereby adopts the Donation Acceptance Form and the Employee Policy Acknowledgment Form, as Attachment "B" and Attachment "C".

SECTION 3.

This Resolution shall take effect immediately from and after its passage.

PASSED, APPROVED AND ADOPTED this 12th day of January, 2016.

/s/ RONALD A. WHITE , MAYOR

ATTEST:

APPROVED AS TO FORM:

/s/ AMY ARNOLD, TRMC
CITY SECRETARY

/s/ WARREN SPENCER,
CITY ATTORNEY



“Attachment A”

CITY OF WHITE SETTLEMENT DONATION AND GIFT POLICY

Purpose

The purpose of this policy is to establish a formal process for review, acceptance, and documentation of donations made to the City, to confirm that the City has relevant and adequate resources to administer such donations, and ensure that the City appropriately acknowledges the generosity of the donor in a responsible, transparent, and accountable manner.

Definitions

For purposes of this Council Policy:

Beneficiary Department Head shall mean the Director of the City department, agency, board, or commission, or his/her designee, for which a donation is designated or intended. The Finance Director or designee shall act as the Beneficiary Department Head if no department, agency, board, or commission is designed or intended.

Donation or Gift shall mean a monetary (cash) contribution, endowments, personal property, real property, financial securities, equipment, in-kind goods or services, or any other asset that the City has accepted and for which the donor has not received any goods or services in return. For purposes of this Council Policy, the terms “*donation*” and “*gift*” shall be synonymous.

Donor shall mean a person or other legal entity that proposes or provides a donation to the City.

Endowment shall mean donations that are restricted to the extent that only earnings, and not principal, may be used for a particular City department, location or purpose.

Designated donations shall mean donations that the donor specifies for a particular City department, location, or purpose.

Undesignated donations shall mean donations that are given to the City without any limitations being placed upon its use.

General Principles

1. This Council Policy is intended to guide the manner in which City staff accepts

donations on behalf of the City.

2. Donations do not become the property of the City until accepted by the City consistent with this Council Policy.
3. Only City officials authorized by this Council Policy may accept donations.
4. The City has no obligation to accept any donation proposed by a donor.
5. All donations will be evaluated by the City prior to acceptance to determine whether the donation is in the City's best interest and is consistent with applicable City laws, policies, ordinances, and resolutions.
6. The City does not provide legal, accounting, tax or other such advice to donors. Each donor is ultimately responsible for ensuring the donor's proposed donation meets and furthers the donor's charitable, financial, and estate planning goals. As such, each donor is encouraged to meet with a professional advisor before making any donation to the City.
7. The City must determine whether an expenditure of City funds, either a direct outlay of City funds or the use of City forces and materials, is associated with or required by acceptance of the donation prior to acceptance.
8. The donation must be used for official City business, and not for political activities or other personal business.
9. A donor may restrict a donation for a particular City department, location or purpose, but not designate the City official who may use the donation.
10. The Beneficiary Department Head is responsible for acknowledging receipt of and thanking, on behalf of the City, the donors of donations.
11. The City shall comply with all applicable laws and regulations of the Internal Revenue Service regarding the acceptance of donations.
12. The Beneficiary Department Head shall work with the Finance Director or his/her designee to determine the appropriate accounting for the donation.

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 White Settlement. The City must always consider the public trust and comply with all applicable laws when accepting donations.

POLICY

Section 1. Types of Donations

Donations may be received in the form of cash, financial securities, real or personal property. Donations may be Designated or Undesignated.

Section 2. Acceptance Review

The following items will be considered when reviewing donations:

- donation value as outlined in Section 3;
- real property value as outlined in Section 4;
- obligation of the city to make an immediate or initial expenditure not included in the approved City budget;
- requirement of a new general maintenance obligation;
- donation is in the City's best interest and is consistent with applicable City laws, policies, ordinances, and resolutions

Section 3. Threshold Amounts for Donation Acceptance

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 lists the threshold amounts for donation acceptance.

- a. Offers of donations of cash or items valued at \$100 or below may be accepted by a Department Head.
- b. Offers of donations of cash, real property, or items valued at more than \$100 and up to \$10,000 may be accepted by the City Manager, or the Deputy City Manager in his/her absence.
- c. Offers of donations of cash, real property, or items valued at more than \$10,000 must be accepted by the City Council. Donations valued at more than \$10,000 shall be accepted through a written agreement consistent with these guidelines and approved by the City Council.

Section 4. Real Property Donations

Donations of real property may be accepted upon completion of the following process:

- The Building Official shall determine the approximate value of the donation and shall seek City Council approval to accept a donation if the Building Official determines that the donation is in the City's best interest and acceptance is consistent with applicable City laws, policies, ordinances, and

resolutions.

- When seeking such approval, the Building Official shall report to the City Council regarding:
 - The appraised value of the donation;
 - Any expenditures or maintenance obligations for the City associated with the donation;
 - potential liabilities associated with the donation, such as hazardous conditions or environmental concerns;
 - whether the donation has any special restrictions, and if so, if those restrictions are acceptable to the City; and
 - any recommendations for conditions of acceptance.

Section 5. Designated Donations of Cash or Tangible Items

Based on the value of the donation offer as outlined in Section 3 above, appropriate City staff will 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:

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

Section 6. Acceptance and Acknowledgement of Donations by a Department Head

When a donation is accepted by a Department Head, the following shall apply:

- a. The Department Head shall seek a Resolution from the City Council to accept, appropriate and expend the donation if the donation requires expenditures in excess of the Department Head's approved annual department budget.
- b. A Donation Acceptance Form is required to be completed by the receiving Department Head (form attached).
- c. The Department Head shall give notice of the decision to the donor within 10 business days following the determination to accept or decline proposed donation.
- d. Acknowledgement of the donation should be in writing and is the responsibility of the Department Head who is the beneficiary of the donation. A copy of the acknowledgement agreement should be forwarded to donors.
- e. Distribution of Donation and Dissemination of Information shall be followed as outlined in sections 10 and 11 below.
- f. The Donation Acceptance Form including the donor names and donation amounts are public information subject to disclosure pursuant to the Texas

Public Information Act.

Section 7. Acceptance and Acknowledgement of Donations by City Manager

When a donation is accepted by the City Manager, the following shall apply:

- a. The City Manager shall seek a Resolution from the City Council to accept, appropriate and expend the donation if the donation requires expenditures in excess of the Department Head's approved annual department budget.
- b. A Donation Acceptance Form is required to be completed by the City Manager (form attached).
- c. The City Manager shall give notice of the decision to the donor within 10 business days following the determination to accept or decline proposed donation.
- d. Acknowledgement of the donation should be in writing and be the responsibility of the City Manager. The City Manager is responsible for acknowledgement of all undesignated donations. A copy of the acknowledgement form should be forwarded to donors.
- e. Distribution of Donation and Dissemination of Information shall be followed as outlined in sections 10 and 11 below.
- f. The Donation Acceptance Form including the donor names and donation amounts are public information subject to disclosure pursuant to the Texas Public Information Act.

Section 8. Acceptance and Acknowledgement of Donations by City Council

When a donation is accepted by the City Council, the following shall apply:

- a. A written agreement, through adoption of a Resolution, to accept, appropriate and expend the donation will be presented to the City Council for approval.
- b. A Donation Acceptance Form is required to be completed by the City Manager (form attached).
- c. The City Manager shall give notice of the decision to the donor within 10 business days following the determination to accept or decline proposed donation.
- d. Acknowledgement of the donation should be in writing and be the responsibility of the City Manager. The City Manager is responsible for acknowledgement of all undesignated donations. A copy of the acknowledgement form should be forwarded to donors.
- e. Distribution of Donation and Dissemination of Information shall be followed as outlined in sections 10 and 11 below.

- f. The Donation Acceptance Form including the donor names and donation amounts are public information subject to disclosure pursuant to the Texas Public Information Act.

Section 9. Declined Donations

- a. The City of White Settlement 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 be not in the best interests of the City.

Section 10. Distribution of Donation

- a. Tangible items will be distributed to appropriate City departments for use or, at the discretion of the Department Head or City Manager, disposed of in an appropriate manner according to this policy.
- b. Donations of cash for designated donations will be deposited into the appropriate revenue account for the designated City department.
- c. Donations of cash for undesignated donations under \$10,000 will be deposited into the City's General Fund account #01-400-70-70 at the direction of the City Manager. Undesignated donations in an amount over \$10,000 will be distributed at the direction of City Council as specified in the written agreement as mentioned in section 3 (c) above.
- d. Donations of cash for undesignated donations will be deposited and available for budgeting and appropriation consistent with the City's budgeting process.

Section 11. Dissemination of Information

- a. 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.
- b. 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.
- c. Each original Donation Acceptance Form shall be maintained by the City Secretary's Office.

Section 12. Acceptance of Gifts to Employees and/or Elected Officials of the City

- a. Employees shall follow the provisions listed in the City of White Settlement Personnel Policy and Procedure Manual.
- b. Elected officials of the City shall follow the provisions listed by the Texas Ethics Commission, Conflict of Interest as they relate to the receipt of gifts as well as any Statues listed by the Texas Election Code.

- c. Employees and 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.
- d. No City official or employee 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 official or employee knows, or has reason to know is being offered:
 - 1. For the purpose of improperly obtaining or rewarding favorable treatment;
 - 2. With interest to influence the official or employee in the discharge of official duties or;
 - 3. In consideration of having exercised official powers or performed official duties.
- e. Anonymous gifts shall be delivered to the City Manager for appropriate disposition.
- f. This policy does not prohibit a City official from accepting anything of value by way of a gift when such a gift is made to and accepted on behalf of, the City of White Settlement. All such gifts to the City shall be forwarded to the City Manager for compliance with this policy whenever possible; the City Manager will ensure that all such gifts are shared by all City staff. An example of such gifts would be those received during holiday periods.

Attachment "B"
CITY OF WHITE SETTLEMENT 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

Date Approved by Council

Date

Mayor Signature

NOTE: The City of White Settlement cannot guarantee future funding for repair, maintenance, use or replacement of donated items.

cc: City Council, Finance Department, City Secretary

Attachment "C"

CITY OF WHITE SETTLEMENT, TEXAS

DONATION AND GIFT POLICY ACKNOWLEDGEMENT

I have received and read the City of White Settlement Donation and Gift Policy and understand its provisions. I further understand that when I sign this acknowledgement form it will be placed in my personnel file.

Employee (PRINT NAME)

Signature

Date