



DONATIONS TO THE CITY

PURPOSE

To establish the process and provide guidance when individuals, community groups, and businesses wish to make donations to the City. This policy does not apply to the donation of tickets to events.

POLICY

Donations may be offered in the form of cash, real or personal property.

For the purpose of this policy, the term “designated donation” is used to include any donation where the donor specifies intended use by a particular City department, location, or purpose. An “undesignated donation” is used to include donations that are given to the City as a whole, for an unspecified use. Donations of any kind which might be perceived or interpreted as an attempt to influence actions of the City Council or City Administration will not be accepted.

Under this policy, all donations must be presented to the City Manager for compliance with this policy. If the City Manager approves acceptance of an undesignated donation, he/she shall determine which City service shall benefit from the donation.

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.

For accepted donations, the City Manager will process the donation in accordance with the donor’s request. Designated donations benefitting particular employees or departments shall comply with CMD 067.

Implementation of this policy must comply with Santa Clara City Code Chapter 2.155, Regulation of Lobbying Activities, Section 2.155.130, entitled, “Gifts” which clearly forbids any lobbyist to deliver or cause to be delivered any donation to any City official, and for any City official to accept any donation from a lobbyist.

All non-monetary donations must adhere to City standards, including size and inscription on monumental signage; make and model of equipment; and must fit an otherwise unmet need.

As part of the annual budget process, for anticipated monetary donations, staff will bring forward for Council consideration a balanced appropriation for revenue and expenditures to facilitate the acceptance of donations throughout the fiscal year.

DONATIONS TO THE CITY (cont.)

PROCEDURE

1. Based on the value of the donation, the City Manager will review the conditions of any designated or undesignated donation and determine if the benefits warrant acceptance of the donation. Requirements for accepting donations include:
 - a) Reasons for the offer
 - b) Conditions attached to the donation
 - c) Potential liability to the City, the donor, or the public
 - d) Benefits and drawbacks
 - e) Ongoing costs to the City, including estimated maintenance and repair
2. If the City Manager approves a donation valued over \$100,000, the City Manager will submit a Report to Council for Council acceptance of the donation and appropriation of funds for monetary donations or other action; the donor shall be invited to a Council Meeting to be recognized under Special Order of Business; and a letter of acceptance and appreciation signed by the Mayor and City Manager shall be transmitted to the donor(s).
3. If the City Manager approves a donation valued at more than \$1,000, but less than \$100,000, the donor shall be invited to a Council Meeting to be recognized under Special Order of Business, and a letter of acceptance and appreciation signed by the Mayor and City Manager shall be transmitted to the donor(s). Based on the adoption of the annual budget, the City Manager is authorized to make the monetary donations available to department(s) for expenditure without further Council action.
4. If the City Manager approves a donation under the value of \$999, a letter of acceptance and appreciation signed by the Mayor and City Manager shall be transmitted to the donor(s). Based on the adoption of the annual budget, the City Manager is authorized to make the monetary donations available to departments for expenditure without further Council action.
5. If the City Manager determines it is not in the best interest of the City to receive the donation or gift, a letter declining the offer signed by the City Manager will be transmitted to the donor(s).
6. The City Manager shall prepare a report of all donations received by the City and present it to the City Council on a quarterly basis.

RESOLUTION NO. 18-8608

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO ADOPT DONATIONS TO THE CITY POLICY**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, establishing a policy on donations to the City as a whole will help ensure that the City of Santa Clara maintains a clear and consistent procedure to accept donations in an ethical, efficient, and transparent manner;

WHEREAS, a policy on donations will provide guidelines for the acceptance and refusal of donations to the City of Santa Clara, and will assist the City with adhering to the highest ethical standards; this policy provides the procedure for the acceptance of designated and undesignated donations, as well as provides the procedure appropriately acknowledging the generosity of the donor; and

WHEREAS, a policy on donations help ensure that the City of Santa Clara is not only in compliance with the Santa Clara City Code and with FPPC regulations, but also serves to reinforce the City's commitment to uphold City's Code of Ethics & Values, which includes maintaining the highest standards of personal and professional conduct and to meeting the most demanding ethical standards;

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Donations to the City policy is hereby adopted, and the City Manager is directed to number (and renumber, as appropriate) the policy in the manual such that it is organized in a logical fashion.

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2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 2nd DAY OF OCTOBER, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Davis, Kolstad, O'Neill, and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Mahan

ABSTAINED: COUNCILORS: None

ATTEST:



JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA