RESOLUTION 2017-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL APPROVING THE GIFTS, DONATIONS, AND SPONSORSHIP POLICY WHICH ESTABLISHES A METHOD FOR REVIEWING AND ACCEPTING GIFTS, DONATIONS AND SPONSORSHIPS

WHEREAS, the City of Bell is the location of a variety of City-sponsored special events for our community and our guests; and

WHEREAS, the City Council desires to create a methodology to allow for individual and corporate donation and gifting to support and enhance City facilities, services, programs, activities, and events; and

WHEREAS, such a policy provides a public benefit by allowing and encouraging private gift, donation and sponsorship opportunities; and

WHEREAS, the purpose of this policy is to establish guidelines for how City officials and staff accept sponsorships and donations on behalf of the City, consistent with the City's policies and goals.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF BELL AS FOLLOWS:

SECTION 1. Purpose

The purpose of this policy is to establish guidelines for how City officials and staff accept sponsorships and donations on behalf of the City consistent with the City's policies and goals to protect the integrity and transparency of the City of Bell.

SECTION 2. Definitions

1. City Event: any social, philanthropic, cultural, recreational, dramatic, educational, or musical event or other gathering sponsored or organized solely by the City or co-sponsored or co-organized by the City.

2. Fundraising: Any activity conducted with the intent to solicit sponsorships or donations. Fundraising activities may include, but are not limited to: City grant proposals, City responses to Request for Proposals issued by other agencies, foundations or funding agencies, endowment programs, adoption or pledge drives, and contacting individuals, companies, foundations, or other entities with the intent to receive financial support for the City.

3. Gift or Donation: any contribution to the City for which the contributor ("donor") does not receive any goods or services in return. The terms gift and donation mean the same within this policy. Donations may be in the form of cash, real or
personal property, equipment, in-kind goods or services, endowments, financial securities, or any other asset. An in-kind donation is one where a donor provides goods or services instead of cash or other contribution which would be used to purchase those goods or services (e.g., event t-shirts, event banners, etc.).

4. **Sponsorship:** any payment or other contribution to the City made by a person or business ("sponsor") in return for advertising, usually to promote the sponsor's business or activities.

5. **Restricted Donation:** a donation where the donor places limitations or conditions upon its use, such as, for example, limiting the donation to a particular City department, location, or purpose.

6. **Unrestricted Donation:** a donation which does not have any limitations or conditions placed upon its use. Unrestricted donations are preferable to restricted donations.

**SECTION 3. General Principles Applicable To All Sponsorships and Donations**

1. All sponsorships and donations offered to the City must be evaluated pursuant to this policy prior to acceptance.

2. Every sponsorship and donation accepted pursuant to this policy should further the following guiding principle: to encourage and support the City's ability to increase revenue and foster partnerships to fund new and existing facilities, projects, programs, and activities for the benefit of the City and its residents.

3. The City is not obligated to accept every proposed sponsorship or donation and may, in its sole discretion, decline any sponsorship or donation offered to it.

4. Anonymous Donations and Sponsorships shall not be accepted.

**SECTION 4. Sponsorships**

1. **Soliciting Sponsorships.** City departments will have the authority to coordinate the process of seeking and soliciting sponsorships (i.e., fundraising), subject to the limitations below as to who may accept sponsorships. Prior to seeking or soliciting sponsorships, the head or director of the coordinating Department shall establish the terms of the sponsorship in writing.

2. **Who May Accept.** All sponsorships must be evaluated and accepted by the following persons or bodies ("authorized person") based on the value of the sponsorship offered:
a. Sponsorships of $1 - $10,000 must be accepted by the City Manager with notification to the City Council.

b. Sponsorships over $10,000 must be accepted by the City Council.

c. Sponsorships Involving Naming City Property. Any proposed sponsorship that involves naming City property after an individual or entity can only be accepted by the City Council, regardless of the sponsorship amount.

3. Which Sponsorships May Be Accepted. Sponsorships may be accepted only if the authorized person determines:

a. The sponsorship is in the City's best interest and consistent with the City's policies and goals; and

b. The sponsorship provides an enhancement to the City which furthers the City's strategic goals or otherwise benefits the City in a manner that provides a net savings to the City; and

c. That accepting the sponsorship would not create an appearance of impropriety or favoritism.

4. Sponsorship Agreement Form. Every sponsor will be required to complete a Sponsorship Agreement Form.

5. In-Kind Sponsorships. In-kind sponsorships shall be accompanied by documentation from the sponsor as to the sponsorship's value.

6. Depositing Sponsorship Funds. Sponsorships paid for by a monetary contribution (e.g., cash, check, credit card), if accepted, shall be forwarded to the Finance Department and deposited within the designated donation account created under each department.

7. Terminating Sponsorships. The City may, in its sole discretion, terminate any sponsorship should conditions arise during the term of the sponsorship that results in the sponsorship conflicting with this policy or the sponsorship is no longer in the best interests of the City, including if the sponsoring business, organization, or person turns out to be disreputable or subsequently acts in a disreputable way. Decisions to terminate a sponsorship shall be made by the authorized person or body level that had the power to accept the sponsorship, as outlined above.
SECTION 5. Donations of Real Property

1. Required Components for Donations of Real Property. All donations of real property must be accompanied by:
   
a. A signed written statement which includes the donor's intent to make the donation as well as restrictions, if any, placed on the use of the property;

b. Representations by the donor, to the extent known, that the real property does/do not contain any known hazardous materials and whether it has/ has not been used for any known purposes prohibited by environmental laws.

c. An appropriate recordable instrument, such as a deed, lease, or trust.

d. Any other documentation as required by the City Council or City Attorney.

2. Accepting Donations of Real Property. Donations of real property may be accepted only as follows:

a. Review by the Planning Commission. The Planning Commission shall review all proposed gifts of real property for conformance with the City's General Plan as required by Section 65402 of the California Government Code.

b. Report by the City Manager. Upon notice of a proposed donation of real property, the Community Development Director shall prepare a report detailing the following:

   i. The approximate value of the property;

   ii. Whether the property is or will be of any value to the City, e.g. economic, historic, social or other;

   iii. What, if any, restrictions the donor has placed on the proposed gift and if those restrictions conflict with any provision of the law;

   iv. What, if any, obligations will be assumed by the City upon acceptance of the gift including the cost of accepting, maintaining and disposing of the property; and

   v. Whether an environmental audit is necessary to determine whether the property contains any hazardous material or has been used in a manner prohibited by environmental laws;
vi. Whether any encumbrances or liens exist on the real property through the review of a preliminary title report.

c. **Review by the City Council to Accept or Decline the Gift.** The City Manager shall present to the City Council the proposed gift of real property, the City Manager's Report, and any determinations made by the Planning Commission, along with a recommendation as to whether acceptance of the gift is in the best interests of the City and consistent with the City's policies and goals. The City Council shall accept by resolution or decline the proposed gift of real property and is the only authorized person to do so.

3. **Use of Accepted Donations.** Once accepted, donations become City property and the City may, in its sole discretion, maintain, replace, or dispose of the property unless such action would be inconsistent with any restrictions on the property which the City explicitly consented to at the time it accepted the donation.

**SECTION 6. Donations Other Than Real Property**

1. **Who May Accept.** All donations other than real property may be evaluated and accepted only by the following persons or bodies ("authorized person") based on the value of the donation offered:

   a. **Donations with a value less than $10,000.**

      i. If the donation is made to a specific City department, or not directed to a specific City department, it shall be accepted by the City Manager.

   b. **Donations with a value of more than $10,000** must be accepted by the City Council.

   c. **Donations Involving Naming of City Property.** Any proposed donation which requires the naming of City property after an individual or entity can only be accepted by the City Council, regardless of the donation's value.

   d. **Anonymous Donation.** Notwithstanding the authorized persons listed above, all anonymous donations must be accepted by the City Council.

2. **Which Donations May Be Accepted.** All donations may be accepted only if the authorized person determines:
a. The donation, and the restrictions on the donation if any, is in the City's best interest and consistent with the City's policies and goals; and

b. The donation, and the restrictions on the donation if any, provides an enhancement to the City which furthers the City’s strategic goals or otherwise benefits the City in a manner that provides a net savings to the City; and

c. That accepting the donation would not create an appearance of impropriety or favoritism; and

d. The use of the donation is not restricted to a specific City official or employee.

3. **Restricted Donations.** If the donation is restricted, the authorized person must also determine:

   a. The restrictions do not conflict with any provision of the law;

   b. The restrictions are consistent with the City's policies and goals;

   c. Whether the donation requires a one-time or ongoing cost to accept, match, maintain, or utilize the donation.

4. **In-Kind Donations.** In-kind donations shall be accompanied by documentation from the donor as to the donation's value.

5. **Use of Accepted Donations.** Once accepted, donations become City property and the City may, in its sole discretion, maintain, replace, or dispose of the property unless such action would be inconsistent with any restrictions on the property which the City explicitly consented to at the time it accepted the donation.

6. **Depositing Cash Donations.** Donations made in the form of a monetary contribution (e.g., cash, check, credit card), if accepted, shall be forwarded to the Finance Department and deposited within the designated donation account created under each department.

**SECTION 7. Notice To The City Council**

The City Manager's office shall prepare a monthly report to the City Council notifying the Council of all donations and sponsorships accepted since the prior report, including the form of the donation or sponsorship, restrictions on its use, its approximate value, and the name of the donor or sponsor, as well as the use made of any past donations.
SECTION 8. Documenting Sponsorships and Donations

1. **Documentation.** Each Department shall document in writing all donations and sponsorships in the following manner:
   
   a. An Acceptance Form shall be filled out for each donation and sponsorship accepted.
   
   b. Each department shall keep a written log of all donations and sponsorships (accepted and declined), stating the donation or sponsorship; restrictions, if any, on the use of the donation or sponsorship; value of the donation or sponsorship; name of the donor or sponsor; disposition of the donation or sponsorship; and, if declined, a brief description explaining why. A donation or sponsorship shall be included in the log for at least the approximate life or term of the contribution, if known, or for a time period of five (5) years.
   
   c. Each department shall report all new donations and sponsorships to the City Manager’s office on a bi-weekly basis.
   
   d. Each department shall keep a written record of how and when donations and sponsorships are used and shall send a notification of the use to the sponsor or donor, as well as the City Manager.

2. **Receiving Cash.** City staff shall not receive proposed or accepted donations or sponsorships in cash unless approved in advance by the City Council. The receipt of any cash shall be properly documented.

SECTION 9. Ethics and Reporting to the Fair Political Practices Commission

1. **FPPC Reporting.** City officials and staff shall be mindful that some donations may be subject to reporting requirements by the Fair Political Practices Commission (FPPC).

2. **Timelines.** If required, the City shall report any Gifts or Donations made to the City to the FPPC in accordance with the timelines and directives described in Section 18944 of Title 2 of the California Code of Regulations.

3. **Reporting by Official.** If a donation to the City is made at an elected City official’s behest and has a value meeting or exceeding the amount established by the FPPC, the elected official and City will report in accordance with Section 82015 of the California Government Code and Section 18215.3 of Title 2 of the California Code of Regulations.
SECTION 10. **Benefit.** The City Council finds and declares the Bell community will be benefited by the use of Gifts, donations, and sponsorship opportunities.

SECTION 11. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

**ADOPTED AND APPROVED THIS 20\textsuperscript{TH} DAY OF SEPTEMBER, 2017.**

\[Signature\]
Fidencio Joel Gallardo, Mayor

**APPROVED AS TO FORM:**

\[Signature\]
David Aleshine, City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Angela Bustamante, City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its regular meeting held on the 20\textsuperscript{th} day of September, 2017, by the following vote:

**AYES:** Councilmembers Romero, Saleh, Valencia, Vice-Mayor Quintana and Mayor Gallardo

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

\[Signature\]
Angela Bustamante, City Clerk