

**City of NEWPORT**

**DONATION APPLICATION AND AGREEMENT FORM**

Newport City Hall ♦ 596 7<sup>th</sup> Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Date: \_\_\_\_\_

**Donor Information**

Donor's Full Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Donor's Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**Donation Information**

Donated Item: \_\_\_\_\_

Cost Estimate of the Donation (not to be filled out by City Staff or Volunteers): \_\_\_\_\_

If Applicable:

For: \_\_\_\_\_

In Honor Of: \_\_\_\_\_

Location or Placement of Donation: \_\_\_\_\_

Estimated Lifespan of Material Donation: \_\_\_\_\_

Is the Donation Restricted:    Yes    No

If Yes, Terms of Donation Restriction: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Donor Statement and Acknowledgements**

**I certify that all information I have provided in this application is complete to the best of my knowledge. I further certify that I have received, read, understand and agree to the City of Newport Donations Policy.**

Applicant/Agent Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

For Office Use

Received By: \_\_\_\_\_

Date Received: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date of Approval: \_\_\_\_\_

Reasons for Denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **CITY OF NEWPORT DONATIONS POLICY**

### **I. PURPOSE**

The City of Newport encourages and welcomes donations from civic groups, organizations, individuals, businesses, foundations or churches for either specified or unspecified use by the City. Community residents take a great deal of ownership and develop a deeper commitment to the community when they can contribute with either financial resources or with volunteers working on community projects. It is important, however, that all gifts be in keeping with the mission, ordinances, philosophy and policies of the City of Newport.

This policy creates systematic procedures for the review and acceptance of donations by identifying the City Departments responsible for accepting donations; maintaining standards for accepting donations; managing donations; keeping records of donations; and facilitating appropriate recognition of donations.

### **II. DEFINITIONS**

- A. **Gifts and Donation:** These two shall be synonymous. They may be monetary contributions, material items, intellectual property, or services, which the City Council has accepted and for which the donor has not received any goods, services, or advertising service in return.
- B. **Existing Donation:** Donations accepted prior to the adoption of this policy.
- C. **New Donation:** Donations made after the adoption of this policy.
- D. **Restricted Donation:** A donation given for a specified purpose or with conditions for use attached.

### **III. AUTHORITY**

The acceptance of donations must comply with Minnesota Statute 465.03: Gifts to Municipalities. The acceptance of donations requires administrative action. Only the Newport City Council or City Administrator retains the authority to accept donations. Resolution No. 2013-42 authorizes the City Administrator to accept material donations that are estimated to cost \$50 or less.

### **IV. REAL PROPERTY**

Real Property donations shall be reviewed and a legal opinion rendered thereto by the City Attorney before acceptance by the City Council.

### **V. ACCEPTANCE CRITERIA AND SPECIFICATIONS**

- A. **Criteria:** The following criteria shall be applied in determining whether a donation is appropriate for acceptance.
  - 1. The donation shall meet a true need of the City. A facility may be determined to be fully developed and the opportunity for donations may not be available.
  - 2. The donation shall be consistent with existing City policy, program outcomes and department or City goals.
  - 3. The donation covers the full cost for the purchase, recognition installation, and if required, maintenance during the expected life span of the feature.

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4. The donation shall not typically result in an increase to the City's budget. Donors shall bear in mind that donations are typically to be considered one-time supplements to the City and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years.
5. Accounting for the item or fund shall not be excessively difficult.
6. The donation contains equipment that does not require extensive repair or maintenance, and if so, maintenance support is available and not burdensome.
7. The donation does not require the purchase of a burdensome amount of additional items in order for it to be used.
8. The donation does not present a conflict of interest for the City or its employees.
9. The donation shall not interfere with the intended current or future use of the facility.
10. Pursuant to Minnesota Statute 465.03, "Nothing herein shall authorize such acceptance or use for religious or sectarian purposes."
11. The donation does not require the relocation of other equipment or infrastructure to accommodate it, unless the expense of such accommodation is included in the donation.
12. The donated item or service shall not pose an unacceptable level of liability to the City.
13. No donation shall be accepted from individuals, groups or businesses that demand that, in return for their donation, the City advertise alcohol, tobacco, gambling or pornography.
14. If there is any question as to the legal owner of the donated item, proof of ownership may be requested.

**B. Specifications:**

1. Donations and their associated acknowledgement become City property upon formal acceptance by the City Council or City Administrator and therefore cannot be donated, sold, or deposited of without approval from the City Council or City Administrator. Resolution No. 2013-42 authorizes the City Administrator to dispose of the following items without City Council approval: Books, DVDs, VHSs, Craft Supplies for Programs at the Library and Community Center, and Donations for the Pioneer Day Raffle Drawing.
2. The City reserves the right to remove, relocate or dispose of donations and their acknowledgments when they have been vandalized or damaged by a natural act beyond reasonable repair, reached the end of their life span, or when the donation and acknowledgment interferes with: site safety, maintenance, facility use, aesthetics or construction activities.
3. In accordance with this policy, the City shall attempt to notify the donor in writing at the address on file, of any action related to the disposition of the donation. In certain situations, such as safety or emergency situations, the notification may be made after the action has already taken place. In the event a donation must be permanently removed from its current site, the City will attempt to seek an alternative location, consistent with this policy.

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4. The City reserves the right to seek a new donor for an existing gift at the end of the established life span should the original donor choose not to renew the donation, or if the City has not been able to contact the original donor.
5. When a material donation is estimated to cost more than \$50 the City Administrator or designated staff member shall recommend to the City Council approval or rejection of all donations and the location of their placement. City staff shall ensure that the products, construction materials and design meet City standards for maintenance, aesthetics and longevity.
6. A specific life span shall be stated for all material donations. The City does not guarantee the life span of a donation.
7. The City does not guarantee survivability of trees, plants or gardens. The size at planting and specie of tree or plants shall be limited to those determined by the City.
8. Staff shall ensure that restrictions are reasonable and the donation is practical to accept and meets the criteria of this policy. All terms of restricted donations shall be clearly stated on the Donation Application and Agreement Form. The City Council shall take action on the terms of the donation after hearing the advice of City staff.

## VI. APPROVAL AND ACCEPTANCE

### A. Acceptance Procedure:

1. **Administrative Responsibility:** It shall be the responsibility of the City Administrator to ensure that proper City officials are informed of the donation; that the donation conforms to this policy; that the donation is acknowledged; that City Council goes through the process of accepting or rejecting the donation (if needed); that timely reports are made; and that suitable recognition is afforded the donor. The City Administrator or a designated staff member shall maintain a record of each donation.

The donation record shall include the City of Newport Donation Application and Agreement Form. The Form shall contain the following information:

- Donor's name
- Name of the person in whose honor the donation is made
- Location or placement of the donation, if applicable
- If the donation is restricted and if so what the terms and details are for the restrictions
- Description of the donation (monetary, material, etc)
- Lifespan of the material donation
- Cost estimate of the donation to the City

The Form shall contain a signed acknowledgement that the donor has read and agrees to the City Donations Policy.

2. **Notification:** It is the responsibility of the donor to provide the City with a current address for purposes of notification regarding their donation and to notify the City in the event of an address change. The City shall send written notice to the donor at the most recent address on file, notifying the donor of changes related to the status of their donations, such as a need to remove, relocate, dispose of the donation, or comply with conditions set forth in this Policy.
3. **Installation:** City staff shall be responsible for approving the installation of donations. A gift installation shall not commence until donations for the cost of the entire donation project have been

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accepted by City Council or designated staff. The installation shall be scheduled at a time and date as determined by City staff so as not to unnecessarily interfere with City activities.

4. **Costs:** The cost of a donation shall include the cost of purchase, the cost of a recognition plaque or element, site preparation, installation, and, if required the estimated cost of maintenance for the expected life span of the donated item. The expected life span of items typically donated shall be specified on a separate schedule.

**B. Donation Approval and Acceptance Steps**

1. The donor and City staff shall each complete their sections of the Donation Application and Agreement Form when donations are received. The donor shall retain a copy of this form as a receipt, a copy shall be sent to the City Administrator or designated staff member who will then file the application upon approval. The City shall preserve a record of donations that outlines the item, amount, designated use, donor, and date that it was approved by the City Council or designated staff.
2. Staff shall not place a value on the gift.
3. All monetary donations shall be deposited immediately in accordance with City's Internal Controls Procedure Policy and shall be accompanied by a copy of the Donation Application and Agreement Form.