

City of Albany

DONATION ACCEPTANCE POLICY



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cityhall@albanyca.org

**Adopted by
Resolution No.
2019-87**

October 21, 2019

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SECTION 1: PURPOSE

The purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City of Albany. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City.

SECTION 2: TYPES OF DONATIONS

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

SECTION 3: CONSISTENCY WITH CITY GOALS & OBJECTIVES

The City welcomes unrestricted donations as well as restricted or designated donations that enhance City services, reduce costs that the City would incur in the absence of the donation or that otherwise provide a benefit to the City.

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 Albany. The City must always consider the public trust and comply with all applicable laws when accepting donations. The City may decline any donation without comment or cause.

SECTION 4: GENERAL PROVISIONS - ACCEPTANCE OF DONATIONS

Requirements for accepting donations:

1. Donations must be directly related to providing goods or services to the public or for another valid public purpose. Donations may not be used for personal financial gain of any City elected or appointed official or employee.
2. The City may decline any donation without comment or cause.
3. The donation shall not be in conflict with any provision of the law.
4. Designated donation must have a purpose consistent with City goals and objectives.
5. Donors shall not expect, nor shall the City grant, any extra consideration to the donor in relation to the City procurement, regulatory matters, or any other business, services, or operations of the City.
6. Any non-cash donation shall be aesthetically acceptable to the City.
7. The net benefit of a donation shall be considered when determining whether to accept a donation. Net benefit is all lifecycle costs of the ownership of the donation, including but not limited to maintenance, repair, clean-up, administrative, and any potential liability or expenses that may be associated with the donation.
 - a. The donation will not add to the City's workload unless it provides a net benefit to the City.
 - b. The donation will not bring hidden costs such as starting a program the City would be unwilling to fund when the donation is exhausted.
 - c. The donation may not be used to implement new on-going programs or services unless a permanent source of revenue is identified to support the program or service.
 - d. If the donation requires additional purchases, or labor to be provided by the City, the dollar value of those additional items shall be specified in the request to consider accepting the donation, and it shall provide a net benefit to the City or the dollar value of those additional

- items in total donation and collected from the donor prior to any work being done or purchases made.
- e. Potential costs and liabilities should be considered if a donation of personal property or of a service does not include the same indemnification, insurance, bonding, or warranties that the City would normally receive through procurement of personal property or services.
 - f. Real property may be donated to the City provided that it will not expose the City to an unreasonable risk of litigation or liability, because of the physical condition of the property or existence of claims, liens, and encumbrances against the property.
8. The donation places no restrictions on the City, unless accepted by the City Council as a donation that is designated for an appropriate specific purpose.

SECTION 5: PROCEDURES - ACCEPTANCE OF DONATIONS

All donations to the City shall be submitted for consideration for acceptance in compliance with the thresholds listed below and based on the value of the donation offered as outlined below.

1. Undesignated donations of \$5000 or less or designated donations of \$500 or less may be accepted by the City Manager.
2. Undesignated donations of more than \$5000 or designated donations of more than \$500 shall be brought to the City Council for approval and acceptance. The City Council may accept or decline any donation at its sole discretion.
3. Upon acceptance and receipt of a donation and upon request from the donor, the City will provide the donor a receipt indicating the amount of a cash donation or describing the goods or services received within 30 days of receiving the request. The donation receipt shall also include the date of the donation, the name of the donor, the purpose of the donation (if a designated donation), and note that the donor received no goods or services in exchange.

SECTION 6: ACCEPTANCE OF MEMORIAL OR RECOGNITION REQUESTS & PROPOSED VOLUNTEER CAPITAL PROJECTS

The purpose of this section is to establish guidelines for a consistent decision-making process related to the acceptance, placement and long-term maintenance of public requests for memorial, recognition, or volunteer capital project donations in City-owned facilities, parks, public right-of-way, medians, and open spaces. The City may limit memorials, recognitions, or volunteer capital projects in order to promote resource management and sustainability of natural landscapes. The integrity, natural and architectural features of parks, open spaces and facilities will be preserved and not detract from a user's experience. Applications for memorials, recognitions, or volunteer capital projects shall be submitted to the City Manager for review. Final decision on placement of memorials, recognitions, or volunteer capital projects will be made by City Council. Memorials, recognitions, or volunteer capital projects with a commercial appearance or corporate label will not be allowed. All proposed donations will be evaluated by the City Manager or his/her designee according to the following criteria:

1. Submit a written plan to the City Manager. Plan must include project purpose, project description and scope of work, project location, sponsoring agency, estimated cost, financial commitment, maintenance plan, primary contact person and contact information, and proposed project schedule. Preliminary drawings, as appropriate, as also requested.
2. The City Manager will direct the proposal to the appropriate staff to determine potential impacts to the City, including fiscal, liability, maintenance, sustainability or other.
3. The City Manager will determine the appropriate reviewing entity or entities, including City Departments and relevant advisory bodies to the City Council.

4. Project sponsor or requestor may be required to present the proposed project to the reviewing advisory bodies and/or the City Council for conceptual approval including location, design, cost, and/or other pertinent information. Potential impacts to the City shall also be included as part of the presentation.
 - a. Location: Locations will be reviewed for criteria including but not limited to: ADA requirements, number of similar projects already in the area, conflicts or negative impacts to neighboring property owners, safety or public health issues.
 - b. Design: The project should conform with the existing designs of the projects in the adjoining area. If the City has an existing or proposed plan for upgrading the area, the project shall conform to the new plan. Projects shall not detract from or overpower the scenic or architectural values of the existing environment.
 - c. Cost: The requestor shall pay for all costs, including but not limited to purchase, tax, freight, plaques and engraving costs, and all City installation costs. City installation costs may include the need for a concrete pad, sidewalk repair, or other improvements which are required by the installation of the project. Please see Donation Agreement for additional information on cost, installation, maintenance, removal, and other responsibilities.
5. Once the project has been reviewed either by the City Manager or the appropriate advisory bodies and deemed appropriate to recommend for approval, it will be brought to the City Council for final approval.
6. City Council shall consider approval of the project and acceptance as “public gifts” per Albany Municipal Code Section 2-27.8.
7. Any naming of volunteer capital projects shall follow the guidelines set forth in the City’s policy pertaining to naming City-owned land and facilities (City Council Resolution No. 2012-04, provided as Exhibit C).
8. Large scale project donations may be considered on a case-by-case basis as they relate to community, parks, and open space planning and other City approval processes.

SECTION 7: ACKNOWLEDGEMENT OF DONATIONS

1. A Donation Receipt for tax reporting purposes will be furnished by City’s Finance Department upon request from the donor.
2. All documentation submitted by the requestor/donor and/or provided to the requestor/donor including but not limited to the requestor/donor names, donation amount, and contact information are public information maintained by the City Clerk Office and Finance Department and are subject to disclosure pursuant to the California Public Records Act.

SECTION 8: DECLINED DONATIONS

The City of Albany 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. A declined donation may be one that would violate the requirements of Section 4.

SECTION 9: DISTRIBUTION OF DONATIONS

The City’s Finance Department shall be responsible for administering the distribution of all donations (tangible items, designated and undesignated donations) to the City.

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City of Albany

Standard Donation Acceptance Agreement

The undersigned Donor wishes to make a donation to the City of Albany as described below:

Donor is donating Non-Monetary Monetary in the amount of \$_____

Checks Payable to: **CITY OF ALBANY**

(Describe the Donation. Attach additional sheets if needed):

This Donation is a (check the applicable box below and complete)

General undesignated donation

Restricted donation designated only for the purpose(s) of

This donation is consistent with the general City Goals & Objectives and complies with the general provisions and procedures of the City's Donation Acceptance Policy.

In connection with administering this agreement, Donor and the Recipient (City) shall work through the following primary representatives:

Recipient/Donor Name(s)	City of Albany	
Primary Representative:		
Address:	1000 San Pablo Avenue Albany, CA 94706	
Telephone Number:		
Email Address:		

* All information submitted becomes public records and are subject to disclosure per California Public Records Act.

In addition to the foregoing, Donor and the City of Albany understand and agree that:

1. Upon acceptance and receipt of donation and upon request from the donor, the City will provide the donor a receipt indicating the amount of a cash donation or describing the type of goods or services received within 30 days of receiving the request. All information submitted to the City becomes public records and are subject to disclosure per California Public Records Act.
2. For undesignated donations, the City may use the donation in any manner at its sole discretion. The Donor has no right or obligation to control City's use of the donation.
3. Donor has not and will not receive any goods or services in exchange for the donation and the City will not grant any extra consideration to the Donor in relation to City procurement, regulatory matters, or any other business, services, or operations of the City.
4. If the donation is made for memorial, recognition, or volunteer capital project in City-owned facilities, parks, public right-of-way, medians, and open spaces, Donor confirms that Section 6 of the Donation Acceptance Policy has been read and Donor shall conform to the criteria listed in said Section 6. Donor shall pay for all costs, including but not limited to purchase, tax, freight, plaques and engraving costs, and all City installation costs. Approval must be received before order and installation of the memorial/recognition/volunteer capital project may proceed. The City will install the item. Once installed, the memorial/recognition/volunteer capital project or improvements made becomes the property of the City of Albany. Neither the City, nor the Department, can offer any guarantee or obligation, legal or otherwise, to maintain or replace signs, plaques, materials, equipment, structures, or other donated resources that are vandalized, lost, stolen or otherwise damaged or destroyed. The City does not guarantee permanency of any memorial.

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

Donor(s):

City of Albany

Signature

Nicole Almaguer, City Manager

Print Name

Date: _____

Organization (if applicable)

ATTEST:

Anne Hsu, City Clerk

Signature

Date: _____

Print Name

APPROVED AS TO FORM:

Organization (if applicable)

Craig Labadie, City Attorney

Date: _____

Date: _____



City of Albany Donation Receipt

This is to confirm that on _____ *[insert date]*, the City of Albany received from:

Donor Name(s): _____

Donor Address: (optional) _____

the donation(s) listed below:

Monetary contribution of \$ _____

Non-monetary contribution consisting of the following [describe goods, services, property, etc.]:

The City of Albany cannot guarantee or be obligated to repair, maintain, use, or the replacement and/or the permanency of donated items.

The City of Albany sincerely appreciates your donation.

Heather Rowden, Finance Director
City of Albany

Per Section 170(c)(1) of the Internal Revenue Code, charitable contributions made to the City exclusively for public purposes are tax deductible.

City of Albany Federal Tax ID No. 94-6000289

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RESOLUTION NO. 2012-04
RESOLUTION OF THE CITY OF ALBANY CITY COUNCIL
ESTABLISHING A FACILITY NAMING POLICY

PURPOSE:

To provide guidance and procedures for the naming of new or existing City parks, facilities, and facility components in recognition or memorial of individuals, families, or organizations. All naming in recognition of an honoree must be consistent with the City's role as a public trust.

DEFINITIONS:

1. **Parks**: are owned and managed by the City, used for public recreation purposes and include developed and undeveloped park areas and designated open space areas.

2. **Facilities**: are City owned facilities used to conduct City business. Buildings may include but are not limited to City Hall, Fire and Police Stations, Maintenance Center, Senior Center, Child Care and Teen Centers, Recreation Center, and Community Center.

3. **Components**: are specific parts of City facilities or parks, and include but are not limited to playgrounds, rooms within buildings, and ballfields.

POLICY:

I. Criteria for naming a facility, park, or component after an individual, family, or charitable organization should include at least one of the following considerations:

- 1 1. The person or persons being recognized or memorialized has made
2 exceptional contributions and provided distinguished service to the Albany
3 Community.
- 4 2. A person being recognized for their service as an elected official,
5 appointed official, or City employee, shall be retired or otherwise
6 separated from City office or employment for at least two years.
- 7 3. If deceased, the person or persons being memorialized has been deceased
8 for at least one year.
- 9 4. The person or persons being memorialized died in the line of duty serving
10 the City of Albany or the United States of America, or while committing a
11 heroic act.
- 12 5. The person, persons, or charitable organization being recognized or
13 memorialized has made a significant financial donation to the City, which
14 enabled the acquisition or improvement of a City facility or program.

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16 **II. Naming involving a gift:**

- 17
18 1. When the naming involves a financial contribution towards a specific
19 project, the gift shall constitute a significant portion of the total cost of the
20 project to be named.
- 21 2. The eminence, reputation, integrity, and affiliation of the individual or
22 entity whose name is proposed should be considered.
- 23 3. Corporate names may be used to designate components of facilities, such
24 as rooms or playgrounds, but not to designate entire facilities or parks.
25 The use of a corporate name requires additional due diligence so as to
26 avoid any appearance of commercial influence or conflict of interest.
- 27 4. A naming conferred in recognition of a pledge is contingent on fulfillment
28 of that pledge and will be approved on that condition.
- 29

1 **III. Renaming:**

2

- 3 1. When a facility is named in recognition of an individual or entity, the
4 name will be effective for the useful life of that facility.
- 5 2. When a facility has reached the end of its useful life and will be replaced
6 or substantially renovated, the new facility may be renamed in recognition
7 of another donor.
- 8 3. When a corporate entity no longer exists as a result of merger, acquisition,
9 or bankruptcy, the name of the facility may be eliminated.
- 10 4. The city reserves the right to change the function of the named facility.
11 When the function of a facility substantially changes, the City shall make
12 a good faith effort to contact the family of the individual named or the
13 parent entity in advance of City Council action.

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15 **IV. Changing of Street Names:**

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- 17 1. Names of streets with existing homes or businesses should not be renamed
18 if at all possible.

19

20 **V. Nomination and Naming Process:**

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- 22 1. Nominations for facilities may be submitted to the City Manager at any
23 time. Submissions should be in written form, with an explanation for the
24 nomination.
- 25 2. City Council shall by resolution approve the naming of any city facility
- 26 3. Processing of the request, depending on the facility, may take up to 180
27 days.
- 28 4. If a facility is to be renamed, the City shall make a good faith effort to
29 contact the family of the individual named or the parent entity in advance
30 of City Council action.

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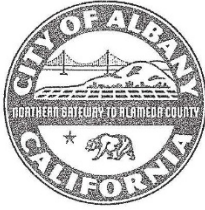
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VI. Amendments and Exceptions:

1. Guidelines may be amended by the City Council to accommodate changing circumstances or extraordinary events.



Farid Javandel, Mayor



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2012-4

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
this 17th day of January, 2012, by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Wile and Mayor Javandel

NOES:

ABSENT:

ABSTAINED:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 18th
Day of January, 2012.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.



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