

# **CITY OF BAXTER GIFT AND DONATION POLICY**

## **I. General Statement and Purpose**

This policy is intended to apply uniform criteria and guidelines for donations, sponsorships and gifts across City departments and functions. The policy's objective is to responsibly and efficiently manage donations and gifts to the City. The city may not accept or use any donations for religious or sectarian purposes.

Pursuant to Minnesota Statute §465.04, the City of Baxter may receive and accept gifts and donations, including monetary donations, for the use and benefit of the city and its inhabitants upon terms and conditions to be approved by the city council. Pursuant to Minnesota Statute §465.03, the City may also accept gifts of real or personal property and maintain such property for the benefit of the City and in accordance with the terms prescribed by the donor(s).

## **II. Donations to City**

Donations to the City fall into three categories:

- a. Restricted donations are given for a specified purpose or with conditions attached. Restricted donations require a written agreement be accepted by the City Council. The written agreement should outline responsibility for purchasing, installation, repair and replacement costs, if applicable. Unless the written agreement provides for long-term repair and replacement costs, the City has the right to remove, relocate or dispose of a donation when it has been vandalized, damaged or reached the end of its useful life. The City also reserves the right to relocate a donation when its current location interferes with site safety, maintenance, facility use, aesthetics or construction activities.
- b. Unrestricted donations do not have a condition specified for use or recognition. Donated items are assumed to be unrestricted unless a written agreement to restrict the donation is accepted by the City Council.
- c. Donation programs are documented programs, typically created by City departments, for donations. Examples could include programs for purchasing (i.e. memorial benches) or large capital projects. The written program should cover the key elements of a written agreement for restricted gifts, including how donors will be recognized and what happens when the item is damaged or reaches the end of its useful life. When an approved program exists, gifts will be treated as unrestricted donations under the donation acceptance process as outlined in this policy.

Donations programs will be reviewed and approved by the City Council. In the case of capital campaigns for large projects, the City will not contract for services or purchase materials until 100% of the donation goal has been met unless earlier action is approved by the City Council.

## **III. Acceptance Criteria and Process**

Minnesota Statute §465.03 requires the City Council to formally approve donations to the City. As a result, donations do not become the property of the City until accepted by the City Council.

Donations also involve considerations of aesthetics, compatibility and cost. City Administration will evaluate donations for acceptance by the City Council based on the following criteria:

- The donation doesn't conflict with future site plans, including improvements, renovations, conversions or potential changes in use. Donated items must complement the character of the specific site or facility with respect to scale, materials, subject and style in relation to the physical site, its uses and its users.
- The donation doesn't include commercial advertising or solicitation. Corporate donations are encouraged, but will not constitute an endorsement of the organization, product or service by the City.

City staff will first evaluate all donations for approval by the City Council. If staff recommends approval of an unrestricted donation, he or she will forward the item to the City Clerk for inclusion on a resolution accepting donations for Council approval. If staff recommends approval of a restricted donation, a separate report and recommendation will be prepared for Council that includes the written agreement for the donation.

Every acceptance of a donation to the City requires approval by a two-thirds majority of Council and expressing the term and use of such donation.