

ORDINANCE NO. 24-1291

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, RELATING TO THE ACCEPTANCE OF DONATIONS BY THE CITY OF LAKE FOREST PARK; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Forest Park (the "City") is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, pursuant to Chapter 35A.11 RCW, the City Council may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, the City has been and may continue to be approached by private citizens, business groups, or other private organizations desiring to make donations to the City for public purposes; and

WHEREAS, the City Council desires to adopt this ordinance to establish the policies and procedures of the City to accept money or non-monetary donations, devises, or bequests.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. ADOPTION. A new chapter 3.95 Lake Forest Park Municipal Code is created "Acceptance of Donations" as follows:

3.95.010 Purpose.

The purpose of this chapter is to establish policies and procedures for acceptance of donations by the City of Lake Forest Park. The City Council finds it prudent to adopt such policies and procedures to direct the administration in instances where an individual or entity wishes to make a donation to the City for public purposes.

3.95.020 Definitions.

The following definitions shall apply to this chapter:

"Conflict of Interest" means an action that, if taken by a City officer or employee, would violate a local, state, federal, or professional code of ethics applicable to that City officer or employee

"Donation" refers to any money or property, real or personal, donated, devised, or bequeathed, with or without restriction, to the City of Lake Forest Park. As used in this chapter, the term "donation" does not refer to any money or property, real or personal that may be reasonably classified as a grant.

"Donation Agreement" means the legal instrument, in a form approved by the City Attorney, that sets out the terms and conditions of the donation and is executed by the authorized representatives of the City and of the Donor.

"Financial Asset" means stocks, bonds, and assets readily convertible into Cash, such as a marketable security, a note, an account receivable, and cryptocurrency.

"Monetary Donation" means the official legal tender of a sovereign nation state, checks, and money orders.

"Personal Property" means any movable or intangible thing that is subject to ownership and is not Real Property. For the purposes of this Chapter, "Personal Property" does not include Monetary donation or Financial Assets.

"Real Property" means land, and anything growing on, attached to, or erected on it, excluding anything that may be easily severed without injury to the land.

3.95.30 Acceptance of Donations

A. Limitation on Acceptance of Donations. The City may accept and use donations only for purposes related to those powers granted to the City by law. All donations to the City that are accompanied by any contingency, term, or condition on the use by the City of such donation that is inconsistent with this chapter, contrary to law, or inconsistent with the policies, plans, goals, or any other ordinance of the City shall be declined by the City. Subject to this limitation, the following apply to the acceptance of donations:

1. Monetary Donations under \$10,000. The Mayor or designee is authorized to accept any monetary donation under \$10,000 to the City, and to abide by any terms or conditions of the donation. If no terms or conditions are attached to the donation the City may expend or use the same for any public purpose consistent with this chapter. Such donations shall be reported to the City Council at the first regular meeting following acceptance.

2. Monetary Donations of \$10,000 or Greater. Any monetary donation of \$10,000 or greater shall be approved by the City Council before acceptance. Upon such approval by the City Council, the Mayor or designee is authorized to accept such monetary donation to the City, and to abide by any terms or conditions of the donation. If no terms or conditions are attached to the donation the City may expend or use the same for any public purpose consistent with this chapter.

3. Personal Property Donations Directly Supporting City Events or Community Activities. The Mayor or designee is authorized to accept personal property donations that support specific city events and other community activities.

4. Other Personal Property Donations. The Mayor or designee will assess the utility to the City and value of personal property donations offered to the City (other than in subpart 3. Above).

a. If the estimated value of the donation is less than \$10,000, the Mayor or designee is authorized to accept such donations. Such donations shall be reported to the City Council at the first regular meeting following acceptance.

b. If the estimated value of the donation is \$10,000 or greater, the Mayor or designee is authorized to accept such donation upon approval by the City Council.

5. Real Property Donations. The Mayor or designee will evaluate the proposed donation for consistency with City adopted plans and visions, costs associated with ownership, prioritization of City resources, and any terms or restrictions on the donation. The donation shall be presented to the City Council for evaluation and a decision whether to accept the donation. If the donation is accepted by the City Council, the Mayor is authorized to execute all legal instruments necessary to effectuate acceptance of the donation and the transfer of the real property to the City.

B. The City shall not take possession of any Donation until it has been accepted and a Donation Agreement has been fully executed by the Donor and the City officer or employee authorized to accept the Donation.

3.95.40 Emergencies.

A. Where a proclamation of local emergency has been declared pursuant to Chapter 8.15 LFPMC, the Mayor is authorized to accept any donation that may reasonably aid the City in responding to the emergency.

B. The authority granted to the Mayor under this section shall expire when the proclamation of local emergency is lifted.

3.95.050 Prohibited Donations.

The City shall not accept Donations from following categories of donors or donations:

A. Candidates, as defined by RCW 42.17A.005;

B. Political Committees, as defined by RCW 42.17A.005;

C. An individual or entity with a pending application for a permit or approval by the City;

D. An individual or entity that has submitted a bid, proposal, or quote to the City and no decision to award a contract for the advertised work has been made;

E. An individual or entity that has a matter pending before the City's Hearing Examiner;

F. An individual or entity that is in active litigation with the City;

G. Where acceptance of the donation would constitute a conflict of interest; and

H. Donors of real property or monetary donations greater than \$10,000 are prohibited from applying for permits under Titles 16 and 18 of the LFPMC for twelve months after the acceptance of their donation by the city. The city council may grant an exception under the following circumstances:

1. Permits necessary to address emergent circumstances related to Tree Canopy Preservation and Enhancement per LMPMC 16.14.050.
2. Permits necessary to address emergent circumstances related to Environmentally Critical Areas per LFPMC 16.16.220.

3.95.060 Procedure for Acceptance of Donation.

A. All donations shall be offered in writing to the City and directed to the Mayor or designee. The City shall not take possession of any Donation until it has been accepted and a Donation Agreement has been fully executed by the Donor and the City officer or employee authorized to accept the Donation.

B. If a donation is not approved or accepted by the City, but the City is in receipt of same, the donation shall be immediately returned to the private citizen, business group, or private organization attempting to make such donation in a manner that properly documents the return of such donation by the City.

Section 2. ACCOUNTING PROCEDURES. The Finance Director is directed to establish accounting procedures as may be necessary to carry out the terms of this chapter, in accordance with all applicable laws of the State of Washington and requirements of the Office of the State Auditor.

Section 3. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

APPROVED BY A MAJORITY the Lake Forest Park City Council this XXth day of XXXX, 2024

APPROVED:

Tom French
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced:
Adopted:
Posted:
Published:
Effective:

DRAFT