

Attachment 'A'

**RESOLUTION NO. 26-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND AUTHORIZING RETURN OF A DONATION FOR THE OPERATION AND MAINTENANCE OF A COMMUNITY SWIMMING POOL IN THE CITY OF WHEATLAND**

WHEREAS, Mr. David Creps made a generous donation of \$1,000,000 (one million dollars) to the City of Wheatland in July 2019 for the purpose of maintaining and operating a community swimming pool and operating an aquatic recreational program at the swimming pool; and

WHEREAS, the City of Wheatland and David Creps entered into an agreement ("Agreement"), dated July 3, 2019 (attached to this resolution as **Exhibit 'A'**), which provided the terms for the use of the donated funds; and

WHEREAS, Section 1(a) of the Agreement provided that the City would place the donated funds into a separate fund, including the principal and interest or other investment earnings, to be used by the City to maintain and operate a community swimming pool in the City, and to operate an aquatic recreational program for the swimming pool; and

WHEREAS, Section 1(b) of the Agreement further provided that the swimming pool would be constructed and begin operations within seven (7) years of the effective date of the Agreement, or the donated funds plus any earnings thereon would be returned by the City to the David Creps Revocable Trust, dated May 10, 2005, as amended; and

WHEREAS, the City of Wheatland has made diligent efforts to try to identify possible sources of funding for construction of a community swimming pool; and

WHEREAS, the City of Wheatland has been unable to secure the necessary funding for the construction of a community swimming pool in accordance with the terms of the Agreement; and

WHEREAS, the City of Wheatland has determined that the inability to secure funding for the construction of the community swimming pool precludes the City from using the donation for the purposes specified above and, pursuant to Section 3(c) of the Agreement, has determined to terminate the Agreement and return the funds to the David Creps Revocable Trust, dated May 10, 2005.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheatland as follows:

1. The donation of \$1,000,000 (one million dollars) from David Creps for the operation and maintenance of a community swimming pool in the City of Wheatland, and operation of an aquatic recreational program (plus interest earned on those funds) is authorized to be returned to the David Creps Revocable Trust, dated May 10, 2005, as amended, as per the terms of the Agreement between the City of Wheatland and David Creps, dated July 3, 2019.
2. The Wheatland City Council wishes to express its sincere appreciation to David Creps for his generous donation to the City of Wheatland.

The foregoing resolution was adopted by the City Council of the City of Wheatland at a regular meeting held on the 24th day of February 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

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Robert Coe, Mayor

ATTEST:

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Josie Camacho, City Clerk