
CITY OF LONG BEACH

DONATION POLICY

ADOPTED BY CITY COUNCIL RESOLUTION NO. 145/22

I. PURPOSE, AUTHORITY, AND SCOPE

Various stakeholders and supporters of the City of Long Beach (“City”) from time to time wish to support the City’s efforts and operations by making donations to the City. The purpose of this policy is to establish a process for acceptance and documentation of donations/gifts made to the City. Sponsorships and naming rights of City facilities, equipment, etc. are not covered by this policy.

Section 3 of the City’s Charter authorizes the City to accept donations “by gift, grant, bequest and devise, as well as hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for the erection of statues, monuments, public buildings or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by” the City.

Grants to the City from a local, state, or federal agency are not subject to this policy.

II. DEFINITIONS

Donation. “Donation” means a contribution made to the City without expectation of goods, services, or significant benefit or recognition in return. Donations may be in the form of money or in-kind contributions of products, services, investment securities, real property (land), or any combination thereof.

Unrestricted Donation. “Unrestricted Donation” means a donation that has no limitation on how it is utilized.

Restricted Donation. “Restricted Donation” means a donation upon which the donor places a limitation on how it may be used or one which the donor designates a special or specific purpose.

Donor. “Donor” means any organization, individual or legal entity which provides the City with a donation.

Fundraising. “Fundraising” means any activity conducted with the intent of generating donations to the City. Fundraising activities may include, but are not limited to, promoting endowment programs, program adoption or pledge drives, and contacting individuals, companies, foundations, or other entities with a request for a donation to the City. Unless otherwise authorized by statute or applicable law, the City is prohibited from fundraising for itself. Only private entities may engage in fundraising for the benefit of the City.

III. AUTHORITY TO APPROVE DONATIONS

All donations shall go through a City review process and may be given final acceptance only following a City Council vote. Only the City Council shall be authorized to accept or reject donations to the City. The City Council may accept or decline any donation at its sole discretion and in accordance with the parameters set forth in this policy.

IV. GENERAL DONATION PROVISIONS

The following general provisions shall apply to all donations:

1. The City reserves the right to decline any donation without comment or cause.
2. Donations shall not conflict with any provision of applicable local, State or federal law.
3. Donors shall not expect, nor shall the City 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. The City Council shall not approve any donation(s) that may be considered offensive, of morally questionable material or of any other concern, real or perceived, that may result in the loss of reputation, appearance of impropriety, or other negative impact on the City from accepting the donation or gift.
5. Donations may not be used for the personal financial gain of any City elected or appointed official, employee or volunteer.
6. The donation will not add to the City's long-term liabilities unless a net benefit is realized by the City. The net benefit of a donation should be considered when determining whether to accept a donation. Net benefit includes all lifecycle costs of ownership, including maintenance, repair, clean-up, administrative, and any potential liability or expenses that may be associated with the donation.
7. The City has no duty to return any donation as all donations are irrevocable and otherwise final upon receipt by the City. The City Council has the final authority to relocate, remove or dispose of any donation at any time, with or without notice to the donor.
8. Donations will receive recognition appropriate to the level and nature of the donation as determined by the City Council.

V. DONATION PROCEDURES

City Council Donation Notification and Approval. The City Council shall have the full and final authority to approve or reject all donations. A City Council Donation Notification will be prepared and presented to the City Council for consideration upon the City's receipt of a donation application which complies with this policy. The City Council Donation Notification is attached as Appendix-A of this policy. Upon receipt of the City Council Donation Notification, the City Council may request additional information as to the exact nature of the donation to better inform their decision.

Donor Recognition. All donations will receive appropriate recognition as determined by the City Council at the time the donation is accepted, taking into consideration the nature and level of the donation. The agreed upon form of recognition should be identified in the donor receipt or a donation agreement.

Receipt of Donation. The City will issue donor a Receipt of Donation upon acceptance of a donation. The receipt will be provided within 30 days of receiving the donation. In accordance with the Internal Revenue Code, the City does not provide an estimated value of in-kind donations; donors may refer to IRS Publication 561 for more information on valuing donated property. The Receipt of Donation is attached as Appendix-B of this Policy.

Donation Agreement. Before the acceptance of a restricted donation valued at more than \$500 or an unrestricted donation valued at more than \$5,000, the respective obligations of the donor and the City shall be set forth in a donation agreement. However, the City Council may elect to require donation agreements for donations valued at a lesser amount. A Donation Agreement template is attached as Appendix-C of this policy. The Corporation Counsel may, in its sole discretion, utilize the attached template or other appropriate donation agreement for any given donation.

Donation Record Retention. The City shall maintain records for the receipt of all donations and shall comply with all reporting requirements and regulations including, but not limited to, Article 3 of the New York State General Municipal Law and the reporting requirements of the New York State Office of the Comptroller.

**POLICY ADOPTION HISTORY:
RESOLUTION NOS. 145/22**

APPENDIX-A

CITY COUNCIL DONATION NOTIFICATION

This is to confirm that on _____ [*insert date*] the City of Long Beach received notification from _____ [*insert donor name and address*] of their intent to make a donation to the City. All donations are subject to the City's Donation Policy.

Details related to the donation are provided below:

Donor Name	
Organization <i>(If Applicable)</i>	
Item or Service To be Donated	
Approximate Cost or Worth	\$
Reason for Donation	
Cost to City <i>(If Applicable)</i>	
Anticipated Date of Donation	
Conflict of Interest Disclosure(s)	
Miscellaneous Information	
Donor Recognition Disclosure <i>(Describe if or how the donor will be recognized)</i>	

APPENDIX-B

RECEIPT OF DONATION

This form will act as confirmation that on _____ (Date application is received) the City of Long Beach received a donation application form from _____ (Insert Donor name or organization) who resides at _____ with the valuation of:

A monetary contribution of \$_____

A non-monetary contribution consisting of (*provide a description of the goods, services, property, etc.*):

If applicable, The City will publicly recognize donor by (*describe recognition*):

No goods or services were provided by the City of Long Beach in return for the donation.

The City of Long Beach greatly appreciates your donation,

Inna Reznik
City Comptroller
City of Long Beach

APPENDIX-C

DONATION AGREEMENT

The undersigned Donor wishes to make a donation to the City of Long Beach as described in more detail below.

Donor is (*check and complete all that apply*):

- Donating \$_____ in a lump sum
- Donating \$_____ in _____ (*monthly, quarterly, etc.*) payments of \$_____.
- Donating the following (*provide a description of the goods, services, property, etc.*):
- If checked the donation is restricted to the following uses:

The City will publicly recognize donor by (*describe recognition*):

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

	City of Long Beach	Donor
Primary Representative:		
Address:		
Phone:		
Email:		

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

1. The City will provide Donor with a donation receipt indicating the amount of the donation or estimated value of goods or services donated within 30 days of receiving the donation.
2. The Donor's contribution to the City will only be recognized publicly as described above.
3. Except as provided above, the City may use the donation in any manner at its sole discretion and the Donor has no right or obligation to control City's use of the donation.
4. The 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.
5. The Donor confirms that unless indicated otherwise above this donation is not made at the behest of a City Council Member or staff member.

Donor
(Authorized Representative)

City of Long Beach
(Authorized Representative)

Name

Name

Title

Title

Date

Date