

## ORDINANCE NO. 2618

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL TEXAS, REGULATING THE ACCEPTANCE OF DONATIONS TO THE CITY OF TERRELL BY ADDING CHAPTER 25: DONATIONS TO SECTION 1, GENERAL PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF TERRELL, TEXAS

**WHEREAS**, the City of Terrell Texas, shall accept donations to be applied to City services and to assist in the operation of City government; and

**WHEREAS**, the City of Terrell benefits from this generosity and the City Council wishes to encourage citizen involvement in government and recognize their generosity; and

**WHEREAS**, the City Council hereby adopts an Ordinance to allow donations to the City and to instruct staff on the proper disposition of donated funds.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL TEXAS; THAT**

**Chapter 25 Donations be added to Section 1, General Provisions of the Code of Ordinances of the City of Terrell, Texas:**

- 25.1 Purpose.
- 25.2 Definitions.
- 25.3 Funds – Accounting.
- 25.4 Acceptance of donations in general – Donor’s desired use or conditions.
- 25.5 Acceptance of monetary donations.
- 25.6 Acceptance of nonmonetary donations.

#### **25.1 Purpose**

The purpose of this chapter is to authorize the acceptance of donations to the City of Terrell for any public purpose,

#### **25.2 Definitions**

“**Department head**” includes the head of any City department or their designee.

“**Donation**” is defined as any monetary or nonmonetary gift, grant, devise or bequest to the City of Terrell Texas. A monetary donation includes cash, check, money order or other negotiable instrument. A nonmonetary donation includes real or personal property. In the event of a stock donation, since a government entity is not legally able to own stock, such a donation would be liquidated and turned into cash or another liquid asset and treated as a monetary donation.

“**City Manager**” means the City Manager of the City of Terrell Texas or their designee.

### **25.3 Funds – Accounting**

The City Manager is responsible for the deposit and financial administration of any donation to the City. If necessary, the City Manager shall track the proposed use of any such donation and shall maintain separate records of accounts showing receipts and disbursements. The City Manager may establish further rules and regulations for the accounting and administration of donations, consistent with this chapter, as deemed necessary by the City Manager.

### **25.4 Acceptance of donations in general – Donor’s desired use or conditions.**

The City has the discretion to accept or decline any proposed donation, whether conditioned or not, subject to the provisions of this chapter. In the event a department head has reason to believe a donation could cause or result in an appearance of impropriety, the department head shall consult with the City Attorney prior to accepting the donation. Conditioned donations shall be assigned to a project or existing fund consistent with the donor’s desired use, as long as such condition(s) do not conflict with the Ordinances or Charter of the City of Terrell, state or federal law, in which case the City shall ask that the condition(s) be removed or decline the donation.

### **25.5 Acceptance of monetary donations.**

A. Donations **Under \$5,000**. The City Manager or department heads are hereby authorized to accept any monetary donation of less than \$5,000 on behalf of the City and shall deposit such monies with the finance department.

B. Donations **Greater than \$5,000**. Donations of any amount greater than \$5,000 must first be approved by the City Council so that the City can evaluate any policy implications associated with the donation.

C. **Conditioned Donations**. In the event that a monetary donation is conditioned or donated for a specific purpose, prior to acceptance, the City Manager, department heads or City Council (depending on who is accepting the donation under subsections A and B of this section) should consider the long-term impacts of the donation, particularly where there could be significant future or ongoing operations and maintenance or capital costs associated with the donation. Where the proposed donation is conditioned on the contribution to a City program, purpose or activity that has not first been approved by City Council, the City Manager or department heads shall defer to the City Council for any such decisions.

D. **City Council Notification**. Staff should notify the City Council of all accepted donations so that the donor’s generosity can be officially acknowledged by the City Council.

## **25.6 Acceptance of Nonmonetary Donations.**

**A. Donations of Personal Property Valued at \$5.00 to \$5,000.** All donations of personal property with a current value greater than \$5.00 and less than \$5,000 may be accepted by the Mayor or the City Manager or department heads, except as follows. In the event of a donation of personal property which could require future maintenance or repair (e.g., office equipment), the department head should first assess all related future costs and submit the assessment of expenses to the City Manager for approval prior to acceptance of the donation. In addition, if a conditioned donation could have long-term impacts, such as significant operations and maintenance or capital costs, the department head or City Manager shall consult with the City Council prior to accepting the donation.

**B. Donation of Personal Property Valued at Over \$5,000.** All donations of personal property with a current value of \$5,000 or more must first be approved by the City Council. If the personal property could require future maintenance or repair, the City Manager should first assess all related future costs and submit the assessment of expenses to the City Council for approval. For conditioned donations, the City Manager should also provide the City Council with an assessment of long-term impacts, such as significant operations and maintenance or capital costs.

**C. Donations of Real Property.** All donations of real property, whether conditioned or unconditioned, must first be approved and accepted by the City Council by resolution.

### **Section 2**

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

### **Section 3**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted without such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

**PASSED AND APPROVED** on first reading this the 18th day of November, 2014.

**PASSED AND ADOPTED** on second reading this the 2nd day of December, 2014.

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Hal Richards, Mayor

ATTEST:

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John Rounsavall, City Secretary

APPROVED AS TO FORM:

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Mary Gayle Ramsey, City Attorney