

ORDINANCE NO. 780

AN ORDINANCE OF THE UNIVERSITY PLACE CITY COUNCIL AMENDING SECTION 4.40.240 OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO DONATIONS AND CREATING A NEW CHAPTER 4.42 RELATING TO DONATIONS AND SPONSORSHIPS

WHEREAS, the City of University Place (the "City") is an optional code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, pursuant to RCW 35.21.100, municipalities are required to accept via ordinance money or property donated, devised, or bequeathed to it; and

WHEREAS, the City has both been approached by and itself approaches private citizens, business groups, or other private organizations desiring to sponsor community events, functions and amenities for public purposes; and

WHEREAS, the City Council desires to pass this ordinance to establish the policies and procedures of the City regarding donations and sponsorships.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 4.40.240 of the University Place Municipal Code entitled "Donations and gifts to University Place fund," is amended to read as follows:

4.40.240 Donations and gifts to University Place fund.

A. Purpose. This special revenue fund is established to receive donations of cash ~~designed for specific purposes identified by the donor.~~ The purpose of this fund is to provide for deposit and financial administration, including project accounting, of monetary donations to the city and expenditure thereof. ~~The donations and gifts to University Place fund are only to be used for donations, which have a specified purpose other than endowments greater than \$25,000 maintained in accordance with a formal trust agreement.~~ Donations and gifts, which the city receives, that are not to be expended in any specified manner may be deposited into the general fund's private contributions revenue account. This fund does not intend to substitute for city policies and processes in place regarding donations of real property.

B. Revenue Sources. Cash contributions from various sources, including interest earnings.

C. Fund Administration and Procedures. ~~The city manager or his or her designee is hereby authorized to accept on behalf of the city all monetary donations and gifts to the city. The city manager may decline to accept a donation or gift if such donation or gift is not consistent with the policies, plans, goals, or ordinances of the city or if acceptance of same is contrary to law. All donations and gifts accepted by the city shall be deposited in the fund and assigned to an appropriate project within the fund or, if necessary, a new project shall be established within the fund by the city treasurer or his or her designee. The city council may, through a resolution, establish project-based accounts in support of a particular community interest group. The city treasurer or his or her designee will establish and implement written procedures for the administration of the fund.~~

Section 2. The new University Place Municipal Code Chapter 4.42 is hereby adopted as set forth in Exhibit A.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the

correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

PASSED BY THE CITY COUNCIL ON MARCH 4, 2024.

Javier H. Figueroa, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 03/06/24

Effective Date: 03/11/24

4.42 DONATIONS & SPONSORSHIPS

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4.42.010 Purpose.

The purpose of this Chapter is to establish criteria by which the City may accept donations or sponsorships that further the City's mission by providing monetary or in-kind support for the City's programs or services and to address the City's sponsorship of events. The City permits private sponsorship of government programs or services in limited circumstances as a means to generate funds for improving or expanding those programs and services. This Chapter also establishes criteria by which the City may aid in producing events or functions which serve a community event through sponsorships. The City of University Place exercises sole discretion over sponsorships and donations according to the terms of this chapter.

4.42.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Director" refers to the Finance Director.

"Donation" refers to any money or property, real or personal, donated, devised or bequeathed, with or without restriction, to the City of University Place. 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.

4.42.030 Policy.

It is the policy of the City of University Place ("City") that:

1. Sponsorship agreements will exist only in accordance with the criteria and procedures set forth in this policy.
2. Sponsorships must support the mission and policies of the City.
3. Whenever possible, sponsorships should be linked to specific activities, events, programs, or publications.
4. The City will neither seek nor accept sponsors that manufacture products or take positions inconsistent with local, state, or federal law or with City policies, positions, or resolutions.
5. The establishment of a sponsorship agreement shall not constitute an endorsement by the City of the sponsor's organization, products, services, positions, or statements.
6. The City may accept, deny or refuse any sponsorship or donation at its sole discretion.

4.42.040 Acceptance of donations.

1. *Monetary Donations under \$10,000.* The City Manager or designee is authorized to accept any monetary donation under \$10,000 to the City, and to carry out the terms or conditions of the donation if such terms and conditions are within the powers granted to the City by law and this chapter.

2. *Donations of Real Property or Monetary Donations Exceeding \$10,000.* Any monetary donation of \$10,000 or greater, or any donation of real property, shall be approved by the City Council before acceptance. Upon such approval by the City Council, the City Manager or designee is authorized to accept such donation to the City, and to carry out the terms or conditions of the donation if such terms and conditions are within the powers granted to the City by law and this chapter.

3. *Nonmonetary Donations Directly Supporting City Events or Community Activities.* The City Manager or designee is authorized to accept nonmonetary donations that support specific City events and other community activities.

4. *Other Nonmonetary Donations.* The City Manager will assess the utility to the City and value of nonmonetary donations offered to the City (other than in subsection (3) of this section).

a. If the estimated value of the donation is less than \$10,000, the City Manager or designee is authorized to accept such donations.

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

c. Upon such approval by the City Council, the City Manager or designee is authorized to accept such donation to the City, and to carry out the terms or conditions of the donation if such terms and conditions are within the powers granted to the City by law and this chapter.

5. *Referral to Council.* Nothing contained within this section shall preclude the City Manager from referring to the City Council the decision whether to accept a donation which would otherwise be within the City Manager's authority to accept if, in the discretion of the City Manager, circumstances warrant the City Council to take action on the acceptance.

4.42.050 Procedure for acceptance of donation.

All donations shall be offered in writing to the City and directed to the City Manager or designee. If a donation is not approved or accepted by the City, such donation shall be immediately returned by the City 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.

4.42.060 Funds and accounting.

The 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. The Director is authorized to establish project-based accounts in support of events or other community activities.

4.42.070 Limitations.

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. The City may decline to accept any donation that is inconsistent with the policies, plans, goals, any other ordinance of the City or for any reason.

B. In the event a donor has indicated a desire for a particular use of a donation by the City, or has placed conditions upon the donation, the City shall consider such desired use or condition. If the City Manager or City Council determines that the desired use or condition is acceptable and is consistent with

the policies, plans, goals or ordinances of the City, such donation may be accepted with the desired use or condition attached. Any donation to the City that is accompanied with any contingency, term, or condition on the use by the City of such donation that is inconsistent with this chapter or contrary to law shall be declined by the City. Unless explicitly acknowledged in writing by the City at the time of acceptance of the donation, the City is not obligated to comply with any condition or particular use. If a donor has not specified a particular desired use or has not attached any conditions to the donation and/or the City has not accepted such use or conditions, the donation may be used for any municipal purpose.

C. The City Manager shall dispose of any property donated in accordance with any terms and conditions of said donation. If the donation is without conditions, the City shall dispose of the property in the manner deemed most appropriate under the laws, policies, goals and plans of the City; provided, that the City Manager shall refer to the City Council the matter of use or disposition of real property.

4.42.080 Naming Rights.

Donors may receive certain naming rights on projects for which any donation matches or exceeds a threshold determined by the City Council of the total budgeted cost for the designated area benefiting from the donation and which may be necessary to bring a project to conclusion or enhance the design of a project. All donations involving a request for naming rights shall be submitted to the City Council for review and acceptance, including the proposed name to be applied to the project(s).

4.42.090 Sponsorships.

Where donations or sponsorship of a community event or program will require special recognition, corporate or organized sponsors may be recognized by the use of the company name or logos on certain event banners, signage and advertising. Signs and literature at all special events and programs shall be at the discretion of the City Manager or designee. The size, scale and location of corporate logos and names should not dominate the facilities or area. Sponsor logos or names shall not be displayed in such a manner that would, in any way, suggest the endorsement of the City or any employee or representative of the City.

4.42.100 Special Privileges.

Making a donation or entering into a sponsorship agreement shall not allow, permit, enable, impose, oblige, or entitle a sponsor or donor to any special privileges or convey any special status other than those stated in this chapter. Special privileges may include, but are not necessarily limited to, City recognition, allowing certain displays at special events, or receipt of plaques.

4.42.110 City Sponsorship of Third-Party Events

In its sole discretion and subject to applicable law, the City of University Place may also sponsor events put on by third parties.

A. *Benefits of City Sponsorship.* Event sponsors may be offered, in exchange for City sponsorship, the following benefits:

1. Use of a facility without charge or at reduced cost;
2. Promotion and publicity by the City.
3. Issuance of a special events permit at no or reduced charge.
4. The City will not make financial contributions to events, unless it can be demonstrated that the contribution will benefit the community as a whole, and it does not violate the State Constitution or other laws.

B. *Criteria governing co-sponsorship.* Co-sponsored programs and events must be evaluated on the following criteria:

1. They should be consistent with the City's economic, social, or recreational goals.

2. They should be free and open to the public.
3. They should demonstrate community pride and involvement.
4. They should not have a religious or political purpose.
5. Whether there are any factors on the part of the proposed sponsor that could affect public confidence in or perception of the City's impartiality; or interfere with the delivery of City services or operations; or which the City finds unacceptable, including, but not limited to, current or potential conflicts of interest, policies or positions between the sponsor and the City, including its employees, officials, or affiliates; or has the potential to tarnish the City's standing among its citizens; or otherwise affect or impair the City's performance of its roles, duties and functions.
6. The organization wishing to co-sponsor an event or program must be able to demonstrate that sponsorship will benefit the City of University Place and its residents.

C. *Process.* Any outside group seeking sponsorship may make application to the City. Such sponsorship should take the form of a written agreement, to be approved by the City Council. At a minimum, such agreement will require that the group adhere to all relevant City policies, acknowledge the City as a co-sponsor in all materials and announcements about the event, and provide access to the public at no charge to the event. Where facilities owned in whole or in part by the City are utilized, such written agreements should also include provisions for insurance, clean-up, and other provisions incidental to the outside group's use of the facility.