

Requested by: City Manager
Prepared by: City Manager and City Clerk

ORDINANCE NO. 2016-06

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, TO ADD ARTICLE IX, DONATIONS; AUTHORIZING THE ACCEPTANCE OF DONATIONS FOR ANY PUBLIC PURPOSE; CREATING A PROCEDURE FOR THE CITY TO ACCEPT DONATIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on occasion, items and/or funding has been donated to the City; and

WHEREAS, the City desires to establish a procedure for the acceptance of donations; and

WHEREAS, city council wishes to provide certain authorization to the city manager and department directors for these donations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. There is hereby created a new Article IX, Chapter 2, Administration, of the City of Venice Code of Ordinances, entitled "Donations."

SECTION 3. Chapter 2, Administration, Article IX, Donations is hereby added to read as follows:

Chapter 2
ADMINISTRATION
Article IX. Donations

Sec. 2-416. Purpose.

The purpose of this article is to authorize and specify policies and procedures for the acceptance of donations for any public purpose.

Sec. 2-417 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Department director means the director of any city department or his designee.

Donation is defined as any monetary or nonmonetary gift, grant, device, or bequest to the City. A monetary donation includes cash, a check, money order or other negotiable instrument. A nonmonetary donation includes real or personal property.

Sec. 2- 418. Funds - accounting.

The finance department is responsible for the deposit and financial administration of any donation to the City. If necessary, the finance department shall track the proposed use of any such donation and shall maintain separate records of accounts showing receipt and disbursements. The finance director may establish rules and regulations for the accounting and administration of donations, consistent with this article, as deemed necessary by the director and subject to approval by the city manager.

Sec. 2-419. Acceptance – donor’s desired use of conditions.

The city has the discretion to accept or decline any proposed donation, whether conditioned or not, subject to the provisions of this article. In the event a department director has reason to believe a donation could cause or result in an appearance of impropriety, the department director shall consult with the city manager 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 city, state or federal law, or otherwise create an impairment, liability, cost, or condition determined to not serve the city’s best interest, in which case the city shall ask that the condition(s) be removed or decline the donation.

Sec. 2-420. Acceptance of monetary donations.

(a) Donations under \$5,000. The city manager or department director, subject to approval by the city manager, are hereby authorized to accept monetary donations 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 be approved by city council subject to review and recommendation by the city manager.

(c) Council notification. On an annual basis staff shall notify city council of all donations accepted during the past year.

Sec. 2-421. Acceptance of non-monetary donations.

(a) Donations of personal property valued at \$5 to \$5,000. All donations of personal property with a current value greater than \$5 and less than \$5,000 may be accepted by any department director (with approval of the city manager or his designee) or the city manager. If the personal property could require future maintenance or repair (e.g. office equipment), the department director 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. For conditioned donations, the department director should provide the city manager with an assessment of long-term impacts, such as significant operation and maintenance or capital costs.

(b) Donations of personal property valued over \$5,000. All donations of personal property with a current value over \$5,000 must be approved by city council, subject to review and recommendation by the city manager. If the personal property could require future maintenance or repair, the department director 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. For conditioned donations, the department director should provide the city manager with an assessment of long-term impacts, such as significant operation and maintenance or capital costs.

(c) Donations of real property. All donations of real property, whether conditioned or unconditioned, must be approved by city council subject to review and recommendation by the city manager.

Sec. 2-422. Donations of art.

Notwithstanding anything in this Chapter to the contrary, donations of art will be in accordance with the city's public art policy.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 6. This Ordinance shall take effect immediately upon approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 12TH DAY OF APRIL 2016.

First Reading: April 12, 2016

Final Reading: April 26, 2016

Adoption: April 26, 2016

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

Approved as to form:

David Persson, City Attorney