

RESOLUTION No. 23-203

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, ADOPTING THE CITY OF DORAL “DONATION ACCEPTANCE POLICY”; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (“City”) is grateful for generous supporters that provide donations to help fulfill the City’s mission and vision on behalf of the community; and

WHEREAS, the City recognizes that donations from individuals, organizations, and businesses can provide valuable support for municipal programs and services; and

WHEREAS, the City seeks to ensure that all donations are accepted and administered in a transparent and consistent manner; and

WHEREAS, a clear and comprehensive donations policy will help to promote public trust and confidence in the City's donation acceptance process; and

WHEREAS, the proposed Donation Acceptance Policy outlines the City's approach to accepting and managing donations, including guidelines for donation acceptance and acknowledgement; and

WHEREAS, the policy also establishes procedures for the administration of donations, including reporting requirements and guidelines for the use of donated funds;

WHEREAS, by adopting this policy, the City seeks to effectively manage and utilize donations to benefit the community; and

WHEREAS, for the foregoing reasons, the City Council wishes to adopt the Donation Acceptance Policy, attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval. The Donation Acceptance Policy, in substantially the form attached hereto as Exhibit "A", which is incorporated herein and made part hereof, is hereby approved.

Section 3. Authorization. The City Manager is hereby authorized to implement and enforce the Donation Acceptance Policy and to make such non-material changes to same, subject to approval as to form and legal sufficiency by the City Attorney, as may be needed to appropriately implement and enforce said policy.

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such other action as may be necessary to implement the purpose and provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Pineyro who moved its adoption.

The motion was seconded by Vice Mayor Puig-Corve and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Oscar Puig-Corve	Yes
Councilwoman Digna Cabral	Yes
Councilman Rafael Pineyro	Yes
Councilwoman Maureen Porras	Yes

PASSED AND ADOPTED this 8 day of November, 2023.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
CITY ATTORNEY

EXHIBIT “A”



City of Doral

Donation Acceptance Policy

1 INTRODUCTION

1.1 PURPOSE

The purpose of the policy is to provide guidelines for the solicitation, acceptance, and administration of Donations received by the City of Doral. This policy provides guidance when individuals, community groups, and businesses wish to make Donations to the City. The City Council, at its discretion, may grant variances to this policy. This policy does not pertain to sponsorships for City facilities or events, to grants from public and private agencies, or to gifts given to individual City staff or officials.

1.2 DEFINITIONS

The following terms have these respective definitions:

- "Agreement" as used herein shall mean a written contract between the donor and City outlining the terms and conditions of the Donation, including without limitation the type and purpose of the Donation and any restrictions associated therewith. A sample Agreement is attached hereto for reference, the final terms of which shall depend on the proposed Donation and restrictions associated therewith.
- "Donation" as used herein shall mean a cash (monetary) or in-kind (goods, services, and/or real property or use thereof) contribution by an individual, organization, and/or business without restrictions or with general restrictions specified by the donor or outlined in an Agreement, when applicable. Donation as such term is used herein is not to be considered a grant, which is a sum of money given by a government or organization for a specific purpose and with specific requirements or expectations for how the money will be utilized. Donations may be given for a particular purpose or to support a specific cause or organization without specific requirements, while grants are often awarded for specific projects or programs with defined objectives or guidelines and require compliance with reporting and accountability requirements. Grants shall be governed by the City's Grant Policies and Procedures Manual.
- "Ongoing Cost" as used herein refers to the anticipated annual expenses that the City reasonably expects to incur throughout the duration of a Donation. These Ongoing Costs may include, but are not limited to, the cost of maintenance, management, storage, and insurance.

2 ACCEPTANCE OF DONATIONS

2.1 AUTHORITY TO ACCEPT

The City Manager and City Manager's designee(s), including Directors where applicable pursuant to this policy, have the authority to create, solicit, and distribute Donation requests; assess Agreements; and accept and deposit Donation funds in accordance with this policy. Authorized City staff will comply and adhere to City policies and seek consultation with appropriate other City staff (e.g. City Attorney, Finance Department) as needed. Based on the value of the Donation offered as outlined below, appropriate City

staff shall review every Donation and determine if the benefits to be derived warrant acceptance. The following points list the threshold amounts for Donation acceptance.

- Donations valued at \$1,000 or less may be accepted by the Director of the receiving department provided acceptance of the Donation would not result in any Ongoing Costs. Notwithstanding the foregoing, the City Manager may elect to have Donations that fall within this threshold approved by the City Council at his/her discretion.
- Donations to the City valued between \$1,000 and \$30,000, or those that would result in Ongoing Costs up to \$30,000 per fiscal year, shall require the City Manager or designee's approval and may also require an Agreement if the Donation is of such a nature that an Agreement is necessary, as determined in the City Manager's and/or City Attorney's discretion. Notwithstanding the foregoing, the City Manager may elect to have the Donations that fall within this threshold approved by the City Council at his/her discretion.
- Donations to the City valued greater than \$30,000 or those that would result in Ongoing Costs in excess of \$30,000 per fiscal year may only be accepted with City Council approval and must be accompanied by an Agreement.

Notwithstanding any language to the contrary herein, any Donation wherein the donor requests an acknowledgment or donor recognition that is permanent in nature (i.e., a physical plaque, signage, or walls) shall require City Council approval.

In determining the value of an in-kind Donation, a reasonable determination of fair market value should be assessed. Fair market value is the price that the item or service would sell for on the open market between a willing buyer and a willing seller. Staff may assess value by various means including, as applicable, by researching the cost of similar items or services available in the market. The City does not provide legal, accounting, tax or other such advice. Each donor is responsible for ensuring the proposed Donation meets and furthers their financial and estate planning goals. As such, each donor is encouraged to meet with a professional advisor before making any Donation to the City.

2.2 GUIDELINES

Donations may only be accepted when they have a purpose consistent with the City's goals and objectives and are in the best interest of the City of Doral. The City reserves the right to accept or reject a Donation at any time that the City, in its sole and absolute discretion, determines is not in the City's best interests. The City may decline any donation without comment or cause. Donations are voluntary and will be considered on an individual, case-by-case basis. The City does not endorse, validate, or certify the products, services, or ideas of any donor, regardless of the value of the Donation.

All Donations must comply with applicable state and federal law, City policies, ordinances, and resolutions. Donations that the City deems to be unsuitable or contrary to the community standards of appropriateness are prohibited, including without limitation the following:

- Offensive or inappropriate Donations that include explicit, offensive, or discriminatory content;
- Counterfeit or illegal good Donations;

- Religious or political Donations that may be seen as imposing or divisive;

All Donations shall be used for official City business, and not for political activities or personal business. Upon the City's acceptance of a Donation, an Agreement, if applicable, shall be between the City of Doral and the donor. A donor may restrict a Donation for a particular City department, location, or purpose, but may not designate a certain City official who may use the Donation. Agreements shall not limit the City's ability to seek other donors, and donors shall not commit the City to any financial or operational obligation beyond the terms of any applicable Agreement.

Donors shall be transparent and inform the City if they have any pending planning, permit, or procurement applications, or if they intend to file any such applications. Additionally, any potential donors must disclose if they are currently in litigation against the City or if they are in violation of any existing agreements with the City. Failure to disclose this information or any other relevant details may result in disqualification from the pending application and/or ineligibility to enter into future contracts with the City.

2.3 SOLICITATION OF DONATIONS

No City employee shall directly or indirectly solicit, seek, or accept anything of value in return for being influenced in the performance of an official act; influenced to commit, aid in committing, collude, or allow fraud; or be induced to perform or fail to perform an act in violation of the employee's official duty or the City's rules, regulations, or policies. To eliminate risk to City employees and to manage any possible conflicts regarding solicitations of Donations to the City, no City employee shall engage in any solicitation of Donations or enter into an Agreement on behalf of the City unless expressly authorized by the City Council or the City Manager.

No City staff may solicit or apply for Donations without City Manager approval. Donations may be solicited by various means, including but not limited to fundraising events, crowdfunding, a request for proposals, or may engage a third-party vendor to aid in the solicitation of potential donors. After completion of the solicitation process, the results of the solicitation, including the recommended donor(s), shall be presented to the City Manager or City Council, as applicable, for review and approval.

3 DONATION ACKNOWLEDGEMENT

The City may, at its sole discretion, acknowledge a Donation by a limited public recognition in a form and manner determined by the City Manager or City Council, as applicable. The City will ensure public interest will remain protected and any recognition display guidelines will be assessed and updated in accordance with City policy. Acknowledgements shall not be in perpetuity and the City is under no obligation to replace stolen, vandalized, irreparably damaged, or destroyed displays of acknowledgment.

Acknowledgements shall not be perceived as advertising or commercializing the character of an asset or location and/or create a feeling of proprietary interest or sponsorship. Displays must not advertise promotions or endorsements. The City will not accept Donations that are conditional upon endorsement or imply their products, services, or ideas are sanctioned by the City. The City will not extend or offer accrued advantages in exchange for a Donation.

4 PAYMENTS, TRACKING, AND MANAGEMENT

4.1 PAYMENT PROCESS

Cash Donations shall be paid at once in full and shall be non-refundable unless otherwise stated in a written Agreement. All cash Donations must be deposited in an appropriate City fund approved by the Finance Department, based upon conditions and limitations, if any, stipulated by the donor.

Upon written acceptance, Donations become the property of the City of Doral and subject to the laws, policies, and procedures that govern the City. Cash Donations shall become municipal funds upon written acceptance and deposit thereof. Accordingly, all expenditures of such funds must be by standard City procedures.

4.2 TRACKING AND MANAGEMENT

Each department collecting Donations shall properly track and manage Donations received and designated for use by such department on an annual basis. Undesignated Donations for City-wide general use shall be tracked by the Department of Procurement and Asset Management. Upon acceptance, the applicable City staff must document contribution details. At a minimum, details shall include:

- Name and contact information of donor (unless donor wishes to remain anonymous).
- Value, allocation, and benefit received, if applicable.
- Estimate of Ongoing Costs.
- If in-kind, description of goods or services.
- If designated for specific use, information concerning such restrictions.

Unless otherwise explicitly provided in an Agreement, the City shall not be responsible for the maintenance or repair of an in-kind Donation and hereby disclaims any liability in connection therewith.