ORDINANCE NO. 657

A ORDINANCE of the City Council of the City of Lakewood, relating to the acceptance of donations, devises or bequests to the City of Lakewood; and providing for other matters properly relating thereto.

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

WHEREAS, pursuant to Chapter 35A.11 RCW, the City Council may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, the City has been and may continue to be approached by private citizens, business groups, or other private organizations desiring to make donations to the City for public purposes; and

WHEREAS, the City Council desires to adopt this ordinance to establish the policies and procedures of the City to accept money or non-monetary donations, devises, or bequests.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1. A new chapter 1.51 Lakewood Municipal Code is created encaptioned "Acceptance of Donations."

Section 2. A new Section 1.51.010 LMC encaptioned "Definitions" is created to read as follows:

As used in this chapter, the term "donation" refers to any money or property, real or personal, donated, devised or bequeathed, with or without restriction, to the City of Lakewood. 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.

Section 3. A new Section 1.51.020 LMC encaptioned "Acceptance of Donations," is created to read as follows:

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

1. Monetary Donations under $5,000. The City Manager or designee is authorized to accept any monetary donation under $5,000 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. If no terms or conditions are attached to the donation, or such terms or conditions cannot be fulfilled or performed by the City, the City may expend or use the same for any public purpose consistent with this chapter.

2. Monetary Donations of $5,000 or Greater. Any monetary donation of $5,000 or greater 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 monetary 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. If no terms or conditions are attached to the donation, or such terms or conditions cannot be fulfilled or performed by the City, the City may expend or use the same for any public purpose consistent with this chapter.

3. Non-Monetary Donations Directly Supporting City Events or Community Activities. The City Manager or designee is authorized to accept non-monetary donations that support specific city events and other community activities.

4. Other Non-Monetary Donations. The City Manager will assess the utility to the City and value of non-monetary donations offered to the City (other than in subpart 3. above).

    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 non-monetary donation upon approval by the City Council.

Section 4. A new Section 1.51.030 LMC encaptioned "Procedure for Acceptance of Donation," is created to read as follows:

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 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 by the City.

Section 5. A new Section 1.51.040 LMC encaptioned "Funds and Accounting," is created to read as follows:

The Assistant City Manager/Administrative Services 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.

Section 6 Severability: If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 7. Effective Date. This ordinance shall be in full force and effect thirty (30) days after publication of the ordinance summary.

PASSED by the City Council on this 6th day of February, 2017.

CITY OF LAKEWOOD

Don Anderson

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney MK