

ORDINANCE NO. 19-21

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 3: Finance, adding Chapter 3.09 entitled Donations and Acceptance of Interests in Real Property.

WHEREAS, RCW 35.21.100 provides that every city and town by ordinance may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may expend or use it for any municipal purpose; and

WHEREAS, a delegation of authority from City Council to the City Manager for acceptance of certain restricted and unrestricted donations will increase efficiency, and is consistent with other thresholds established for purchasing and execution of certain agreements; and

WHEREAS, many jurisdictions place limits on the size or type of gift a city official can accept without City Council approval, especially gifts of real property; and

WHEREAS, certain donations could subject the City to potential liability or future costs or responsibilities, and therefore should only be accepted if those factors are analyzed and addressed; and

WHEREAS, while it is reasonable to allow the City Manager to accept limited donations on behalf of the City, acceptance of larger donations and those involving real property require action by the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Title 3 of the Richland Municipal Code is hereby amended to add a new Chapter 3.09 entitled Donations and Acceptance of Interests in Real Property.

**Title 3
FINANCE**

Chapters:

- 3.04 Purchasing**
- 3.06 Sale or Lease of City Real Property**
- 3.08 Disposition of City-Owned Personal Property**
- 3.09 Donations and Acceptance of Interests in Real Property**
- 3.10 Latecomer Agreements**
- 3.12 Local Improvements**
- 3.16 Contractors' Bonds**

- 3.20 Depositories
- 3.24 Funds
- 3.26 Utility Deposit System
- 3.27 Utility Budget Payment Plan
- 3.28 Utility Services Liens
- 3.29 Utility Low Income Program
- 3.30 Utility Billing and Collection
- 3.31 Acquisition of Public Utility Easements
- 3.32 Rewards for Information
- 3.34 Drug Investigation Fund for Seizure Proceeds
- 3.35 Disposition of Forfeited or Abandoned Firearms

Chapter 3.09

DONATIONS AND ACCEPTANCE OF INTERESTS IN REAL PROPERTY

Sections:

3.09.010 Purpose

3.09.020 Definitions

3.09.030 Donations of Money and Personal

3.09.040 Acceptance of ownership of or interest in real property.

3.09.050 Acknowledgment of donations and transparency.

3.09.010 Purpose.

Consistent with RCW 35.21.100, which provides that the city council may accept donations of money or property by ordinance, this chapter delegates city council authority to the city manager to accept such donations in circumstances with minimal risk and long-term obligation, and reserves the city council's authority in all other circumstances.

3.09.020 Definitions.

A. "Donation" means any money or personal property that is donated, devised, or bequeathed to the city.

B. "Restricted donation" means a donation that is given with any restriction or condition on the use of the money or property.

C. "Unrestricted donation" means a donation that is given without restriction or condition.

3.09.030 Donations of money and personal property.

A. Unrestricted donations.

1. The city manager is authorized to accept unrestricted donations valued at twenty thousand dollars or less per donor, per calendar year.

2. The finance director must deposit accepted unrestricted donations of money into the general fund.

B. Restricted donations.

1. The city manager is authorized to accept restricted donations valued at ten thousand dollars or less per donor, per calendar year, that support an established city program, including, but not limited to: recreation programs, park facilities, library materials, public art, and maintenance of city facilities.

2. All other restricted donations may only be accepted by action of the city council.

3. The finance director must deposit restricted donations of money into the fund most appropriate to carry out the restrictions or conditions of the donation.

4. The city must make best efforts to use or dispose of any money or personal property in accordance with the donor's restrictions or conditions.

5. Restrictions or conditions on a donation are not binding upon the city unless accepted in writing by the respective receiving authority (city manager or city council).

3.09.040 Acceptance of ownership of or interest in real property.

A. The city may accept ownership of or an interest in real property, including a lease or other instrument transferring anything less than a fee simple interest, only if approved by action of the city council, such as by ordinance or council-approved contract, or as a condition of plat approval.

B. No other action by any city employee or agent may constitute the city's acceptance of any interest in real property.

3.09.050 Acknowledgment of donations and transparency.

A. For each donation, the finance director will communicate to the donor a written acknowledgment of acceptance and appreciation on behalf of the city.

B. The finance director will maintain a continuous list of all donations accepted by the city, and will submit to the city council at the end of each year a list of all donations accepted by the city during the previous calendar year.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 17th day of August, 2021.



Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Date Published: August 22, 2021