CITY OF SAN DIEGO, CALIFORNIA

COUNCIL POLICY

CURRENT

SUBJECT: CITY RECEIPT OF DONATIONS
POLICY NO.: 100-02
EFFECTIVE DATE: August 1, 1994

BACKGROUND:

From time to time, private individuals and agencies make donations to the City for general or specific purposes. General unwritten procedures exist for receiving gifts, but specific policies and procedures have not heretofore been written. The program of seeking community contributions for the Community Concourse highlighted the desirability of written policies and procedures.

PURPOSE:

To formalize the conditions and procedures to be followed by the City in accepting donations.

DEFINITIONS:

Donation - A contribution to the City which may consist of a cash grant, real property (land), or an in-kind contribution (any item or object other than cash or real property which would serve a useful purpose in the provision of City Services).

Unrestricted Donation - A donation to the City without any limitation being placed upon its use.

Restricted Donation - A donation to the City for a specified purpose.

Works of Art - Includes, but is not limited to, physical art that may be an integral part of a public site or building, or that may be integrated with the work of other design professionals. Public works of art may be permanent, fixed, temporary or portable. Examples of public works of art include:

1. Sculpture which may be made of any material or combination of materials: may be free standing, wall-supported or suspended, kinetic, electronic, or mechanical.

2. Murals and paintings which may be made of any material or variety of materials with or without collage and which may be made with traditional or non-traditional means.

3. Earthworks, neon, glass, organic materials (for example fiber, clay, or wood), mosaics, photographs, prints, literary arts, calligraphy, any combination of media forms (for example sound, film, holographic, video, or computer systems), or hybrids of any media.

POLICY:

1. Real property donations shall be reviewed and a legal opinion rendered thereto by the City Attorney before acceptance by the City. The City Council shall be responsible for the acceptance of all real property donations.

2. Unrestricted personal property donations, except for works of art, do not require City Council approval for acceptance. Cash donations are a revenue to the General Fund and may be made

directly to the City Treasurer. In-kind donations may be made directly to the using department. All donations of $250 or greater are to be reported to the Endowment Officer. It will be the Endowment Officer's responsibility to insure that proper City officials are informed of the donations; that the donation is acknowledged; that timely reports are made; and that suitable recognition is afforded the donor.

3. Single restricted personal property donations may be made to the City for specific purposes. Such donations may be restricted for city-wide projects such as: Centre City, Mission Bay recreation facilities, Balboa Park development, or the San Diego-Yokohama Friendship Commission. They may also be restricted to projects on City property which would benefit only limited groups, such as a community park or recreation center facility, improvements and landscaping in median strips, or shuffleboard courts. These donations may be cash or in-kind contributions. The City will review the conditions of the restrictive donations and determine if the benefits to be derived warrant the acceptance of the donations. Responsibility for such review and acceptance is as follows:

   a. The City Council shall be responsible for accepting all restricted donations which:

      (1) Create an immediate or initial City expenditure of $5,000 or more which has not been included in the approved City budget. This pertains both to a direct outlay of City funds or to the use of City forces and materials.

      (2) Create an annual City maintenance obligation of $5,000 or more which has not been included in the approved City budget.

      (3) Materially affect or change any aspect of City operations.

   b. City departments or their appointed agents such as Community Recreation Councils, shall be responsible for accepting those restricted donations not covered by item 3a.

      Accepted cash donations will be deposited in the appropriate fund for future expenditure on the restricted purpose. Unaccepted donations will be returned to the donor.

   c. Restricted donations of works of art are addressed under item 5 of this policy.

4. Multiple restricted donations are cash donations made to the City for a special purpose or project by more than one individual or agency. The City Council shall be responsible for accepting all such donations. All accepted multiple donations restricted to the same purpose or project will be limited by the following:

   a. Uniform conditions will apply to all donations.

   b. A limited time will be established for accepting these donations.

   c. A complete release must be granted upon acceptance by the City if the donor desires benefit of Federal income tax deduction.

d. The City will maintain detailed trust records.

Upon acceptance of multiple restricted cash donations by the City, the donations will be deposited in the appropriate fund for future expenditures on the specified project.

5. Donations of works of art

a. Any time a donation of a work of art is proposed for the City of San Diego, the City agency or department (if applicable) that operates or maintains the site of the proposed work of art shall consult the Commission for Arts and Culture regarding the procedures for its review and acceptance by the City. Upon learning of the prospective donation of a work of art, the Commission shall also meet with the donor.

b. Under the guidance of the Commission for Arts and Culture, prospective donors and the department head of the particular City department or agency that operates and maintains the proposed site of the work of art (if applicable) shall meet and prepare written and visual documents for review by the Commission. The required documents are listed and described in "Guidelines for the Donation of Works of Art to the City of San Diego" available from the Commission. The Commission shall be responsible for assisting in the process of obtaining these guidelines, assembling materials, and submitting them for review.

c. If a City department or agency has jurisdiction over the proposed site of the work of art, the department or agency head shall:

(1) Inform the Commission of the relationship of any advisory boards to the department or agency.

(2) Refer proposals for donations of works of art to the advisory board which shall in turn make recommendations to the department or agency head.

(3) Convey the department or advisory board's recommendations to the Commission in writing.

d. The Commission, with the aid of an advisory board made up of practicing artists and other professionals associated with the arts, shall review donation proposals and determine whether they will recommend to accept or reject the donation. The Commission may attach conditions to its recommendations for acceptance or rejection of donations. Proposals shall be reviewed according to criteria outlined in "Guidelines for the Donation of Works of Art to the City of San Diego," which are on file with the City Clerk's Office as document RR-284389-2.

e. If a specific site is recommended for placement of the donated work of art, either by donor or the department or agency under whose management the site belongs, the Commission shall review the site recommendation according to the criteria outlined in "Guidelines for the Donation of Works of Art to the City of San Diego." If the proposed property falls under the jurisdiction of a specific City department or agency,

the Commission and the department or agency must reach an agreement regarding the installation and placement of the work of art on the specific site.

f. Upon reviewing the donation proposal, the Commission shall recommend either acceptance, with or without conditions, or rejection of donations of works of art to the City Council.

g. If the City chooses to accept donations of works of art, the donation shall be accompanied by a legal instrument of conveyance of title. Any conditions the City or donor places on a donation of a work of art shall be stated in writing and attached to the legal conveyance of title.

h. Once the City accepts the donation of a work of art and becomes its legal owner, the Commission shall coordinate all processes relating to the installation, maintenance, removal, or relocation of works of art in City-owned public places. If a specific City department or agency operates and maintains the site of the work of art, the Commission shall consult with the department or agency head to discuss the financial and practical responsibilities of its upkeep.

i. Works of art loaned to the City for temporary exhibition (up to one year) and gifts of state shall not be subject to the review process outlined above.

6. All donations shall become City property upon formal acceptance by the City Council or appropriate City department.

HISTORY:

Adopted by Resolution R-178999 02/18/1964
Amended by Resolution R-216051 05/26/1976
Amended by Resolution R-223033 03/12/1979
Amended by Resolution R-283002 11/15/1993
Amended by Resolution R-284389 08/01/1994