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**CITY OF FIRCREST  
ORDINANCE NO. 1633**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST,  
WASHINGTON, ADDING CHAPTER 3.50 TO THE FIRCREST MUNICIPAL  
CODE PROVIDING FOR THE ACCEPTANCE OF DONATIONS.**

**WHEREAS**, RCW 35.21.100 requires 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**, the City has not delegated its authority to accept donations on behalf of the City; and

**WHEREAS**, the City has a need for a general ordinance to establish a policy and means for the receipt of and the accounting for donations to the City. Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

**Section 1.** A new chapter is hereby added to the Fircrest Municipal Code Title 3 Finance to be known as Chapter 3.5 and reads as follows:

“ACCEPTANCE OF DONATIONS TO THE CITY

Sections:

- 3.50.010 Purpose.
- 3.50.020 Definitions.
- 3.50.030 Administration.
- 3.50.040 Accounting.
- 3.50.050 Accounts Established.
- 3.50.060 Acceptance of donations in general
- 3.50.070 Acceptance of monetary donations.
- 3.50.080 Acceptance of nonmonetary donations.

3.50.010 Purpose.

The purpose of this chapter is to authorize the acceptance of donations for any public purpose, pursuant to RCW 35.21.100, and to specify policies and procedures for doing so.

3.50.020 Definitions.

“Donation” is defined as any monetary or nonmonetary gift, grant, devise or bequest to the city of Fircrest. A monetary donation includes cash or a check, money order or other negotiable instrument. A nonmonetary donation includes real or personal property. In the event of a stock donation, since a government entity is not legally able to own stock, such a donation would be liquidated and turned into cash or another liquid asset, and treated as a monetary donation prior to acceptance by the City.

“City Manager” means the City Manager of the City of Fircrest, or his or her designee.

3.50.030 Administration.

1 The City Manager shall have the responsibility for the administration of all donations to the City  
2 and may issue procedures to implement this ordinance.

3 3.50.040 Accounting.

4 The City of Fircrest Finance Department is responsible for providing for the deposit and financial  
5 administration of any donation to the city. If necessary, the Finance Department shall track the  
6 proposed use of any such donation and shall maintain separate records of accounts showing  
7 receipts and disbursements. The Finance Director may establish further rules and regulations for  
8 the accounting and administration of donations, consistent with this chapter, as deemed necessary  
9 by the director.

10 3.50.050 Accounts established.

11 There are hereby established special accounts, to be designated “contributions and donations  
12 from nongovernmental sources.” The purpose of these accounts is to provide for the deposit of  
13 monetary donations, and for accounting for nonmonetary donations to the City.

14 3.50.060 Acceptance of donations in general.

15 The City has the discretion to accept or decline any proposed donation, whether conditioned or  
16 not, subject to the provisions of this chapter. In the event the City Manager has reason to believe  
17 a donation could cause or result in an appearance of impropriety, the City Manager shall consult  
18 with the City Attorney prior to accepting the donation. Conditioned donations shall be assigned  
19 to a project or existing fund consistent with the donor’s desired use, as long as such condition(s)  
20 do not conflict with city, state or federal law, in which case the city shall ask that the condition(s)  
21 be removed or decline the donation.

22 3.50.070 Acceptance of monetary donations.

23 A. The City Manager is hereby authorized to approve on behalf of the City all monetary  
24 donations to the City of Fircrest. All monetary donations approved by the City shall be  
25 deposited into the appropriate account as established in this chapter. In the event that a  
26 monetary donation is conditioned or donated for a special purpose, prior to acceptance, the  
27 City Manager, should consider the long-term impacts of the donation, particularly where  
28 there could be significant future or ongoing operations and maintenance or capital costs  
29 associated with the donation. In addition, if a donation could have long-term impacts, such  
30 as significant operations and maintenance or capital costs, the City Manager shall consult  
31 with the City Council prior to accepting the donation.

B. The City Manager, at his/her discretion, is authorized to refuse any monetary donation.

C. If a donor has not specified a particular desired use, the donation may be used for any  
municipal purpose.

D. Council Notification. Staff should notify Council of all accepted donations over \$5,000 so  
that the donor’s generosity can be officially acknowledged by Council.

3.50.080 Acceptance of nonmonetary donations.

A. All donations of personal property may be accepted by the City Manager, after assessment  
of required future maintenance or repair. In addition, if a donation could have long-term  
impacts, such as significant operations and maintenance or capital costs, the City Manager  
shall consult with the City Council prior to accepting the donation.

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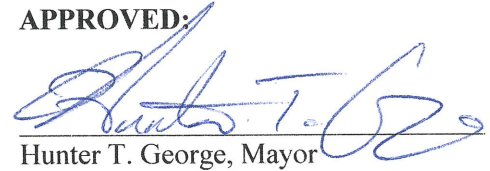
B. Donations of Real Property. All donations of real property, whether conditioned or unconditioned, must first be approved by the city council by resolution.”

**Section 6. Severability:** If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this sentence.

**Section 7. Publication and Effective Date:** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after such publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a regular meeting thereof this 12th day of February 2019.


**APPROVED:**

  
Hunter T. George, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael B. Smith, City Attorney

**DATE OF PUBLICATION:**

**EFFECTIVE DATE:**