

**AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, RELATING TO THE ACCEPTANCE OF DONATIONS, DEVISES OR BEQUESTS TO THE CITY OF MILLWOOD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington, is a non-charter 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 (the "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, pursuant to RCW 35A.11.040, the City is authorized to accept money or property donated, devised, or bequeathed to the City by adopting an ordinance regarding the same; and

WHEREAS, the 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, BE IT ORDAINED THE CITY COUNCIL OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, as follows:

**Section 1: DEFINITION**

As used in this Ordinance, the term "donation" refers to any money or property, real or personal, donated, devised or bequeathed, with or without restriction, to the City of Millwood. As used in this Ordinance, the term "donation" does not refer to any money or property, real or personal, that may be reasonably classified as a grant.

**Section 2: ACCEPTANCE OF DONATIONS**

- A. Limitation on Acceptance of Donations. The City may accept and use donations only for purposes related to the City's parks or those powers granted to the City pursuant to chapter 35A.67 RCW. 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 ordinance 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.
- B. Monetary Donations under \$500. The Mayor is authorized to accept any monetary donation under \$500 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 ordinance. 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 ordinance.
- C. Monetary Donations of \$500 or Greater. Any monetary donation of \$500 or greater shall be approved by the Council before acceptance. Upon such approval by the Council, the Mayor 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 ordinance. 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 ordinance.

D. Non-Monetary Donations. The Mayor is authorized to determine the appropriateness, usefulness, and value to the City of all non-monetary donations and to recommend to the Council the retention, improvement, return to donor, transfer, trade, sale, donation to other agency, or other disposition of such non-monetary donation.

**Section 3: PROCEDURE FOR ACCEPTANCE OF DONATION**

All donations shall be offered in writing to the City and directed to the Mayor. 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. Upon acceptance of any donation, the City shall transmit or otherwise complete and provide the donor a Donation Acceptance Form in substantially similar form to the document attached hereto as Exhibit "A" and incorporated herein by this reference. Once a donation is made to the City, it shall become the property of the City.

**Section 4: FUNDS AND ACCOUNTING**

The Treasurer is authorized and directed to establish such funds and accounting procedures as may be necessary to carry out the terms of this ordinance, in accordance with all applicable laws of the State of Washington and requirements of the Office of the State Auditor.

**Section 5: RATIFICATION**

All actions not inconsistent with the provisions of this ordinance heretofore taken by the Council, City, and/or City officials or employees are hereby in all respects ratified, approved, and confirmed.

**Section 6: SEVERABILITY**

If any one or more of the provisions of this ordinance shall be declared by any court of competent jurisdiction to be contrary to law, such declaration shall in no way affect the validity of the remaining provisions of this ordinance and the same shall remain in full force and effect.

**Section 7: EFFECTIVE DATE**

This ordinance shall be in full force and effect five days after publication of this ordinance or a summary of this ordinance in the official newspaper of the City required by law.

PASSED by the City Council this 9<sup>th</sup> day of May, 2011.

CITY OF MILLWOOD,  
Spokane County, Washington

  
\_\_\_\_\_  
Daniel N. Mork, Mayor

Attest:

  
\_\_\_\_\_  
Tom Richardson, Clerk

STATE OF WASHINGTON)  
:  
County of Spokane )

Tom Richardson, being first duly sworn on oath deposes and says:

I am the Clerk of the City of Millwood, Washington and the forgoing ordinance entitled "AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, RELATING TO THE ACCEPTANCE OF DONATIONS, DEVICES OR BEQUESTS TO THE CITY OF MILLWOOD; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO." is the true and correct copy of the City of Millwood's Ordinance numbered 416 and that the same was posted and published according to law.

Tom Richardson  
Tom Richardson



V P Peterson  
NOTARY PUBLIC for the State of WA  
V P PETERSON  
[Print name]  
My appointment expires: 5-7-2014

Exhibit A



**DONATION ACCEPTANCE FORM**

Donation from:

Donation to:

\_\_\_\_\_  
Name/Organization

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Phone

\_\_\_\_\_  
The City of Millwood will make all reasonable efforts to fulfill the specific purpose(s) for this donation, but if the specified donation purposes are not feasible, the City may expend or use the same for purposes related to the City's parks or those powers granted to the City pursuant to chapter 35A.67 RCW.

Description, intended use, and estimated value of proposed donation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----For Department Use-----

\_\_\_\_\_  
Mayor/Date

\_\_\_\_\_  
Approve

\_\_\_\_\_  
Not Approve

\_\_\_\_\_  
Department Head/Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_