

## ORDINANCE NO. 1415

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DONATIONS MADE TO THE CITY; REVISING CHAPTER 3.52 OF THE GIG HARBOR MUNICIPAL CODE TO PROVIDE FOR ACCEPTANCE OF NONMONETARY DONATIONS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, RCW 35.21.100 provides that donations to the City be accepted by ordinance; and

WHEREAS, the City Council desires this ordinance to revise the procedure and means for the acceptance of donations to the City to provide for the acceptance of nonmonetary donations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.52 – Revised. Chapter 3.52 of the Gig Harbor Municipal Code is revised to read as follows:

### **Chapter 3.52 MONETARY DONATIONS**

#### **Sections:**

**3.52.010 Acceptance.**

**3.52.020 Use.**

**3.52.030 ~~Annual report.~~ Notice of acceptance**

#### **3.52.010 Acceptance.**

The ~~city administrator~~ Mayor is authorized to accept all monetary donations of \$20,000 or less and to carry out any conditions thereof in accordance with the city of Gig Harbor's monetary donations policy, if the terms or conditions are within the powers granted by law to the city. The ~~city administrator~~ Mayor may decline to accept a donation if such donation is not consistent with the policies, plans, goals or ordinances of the city, or if such donation imposes financial obligation upon the city, or if acceptance of same is contrary to law.

The Mayor is further authorized to accept nonmonetary donations and to carry out any conditions thereof in accordance with applicable City of Gig Harbor donations policies, if the terms or conditions are within the powers granted by law to the city. The Mayor may decline to accept a nonmonetary donation or may

reject the conditions for such donation before acceptance of the nonmonetary item if he/she deems such declination or rejection in the best interests of the City. If, in the determination of the City Administrator, the donation of a nonmonetary item will likely result in financial costs or obligation to the City in excess of five hundred dollars (\$500) in any given year, such nonmonetary donation must be considered and approved with the City Council.

The City is not obligated to accept any donation and may reject any or all donations. Further, the acceptance of a particular donation does not obligate the City to accept any subsequent donation. Should the City determine the need to dispose of a donated item, it shall be surplus according to City standard practice. The City may, but is not obligated to, notify the original donor so that owner may attempt to reclaim the item. The City is not obligated to repair or replace any lost, stolen, damaged, or destroyed donations and may dispose of donated items at any time.

### **3.52.020 Use.**

In the event a donor has indicated a desire for a particular use of a donation by the city, such donation shall, to the extent reasonably feasible, be used consistent with the donor's desired use. or has placed conditions upon the donation, the City shall consider such desired use or condition. If the Mayor or City Council determines that the desired use or condition is acceptable and is consistent with the policies, plans, goals or ordinances of the city, such donation may be accepted with the desired use or condition attached. Unless explicitly acknowledged in writing by the City at the time of acceptance of the donation, the City is not obligated to comply with any condition or particular use. If a donor has not specified a particular desired use or has not attached any conditions to the donation and/or the City has not accepted such use or conditions, the donation may be used for any municipal purpose.

### **3.52.030 Annual report Notice of acceptance.**

The City Council shall be notified of all accepted donations within 60 days of acceptance. The city administrator Mayor shall provide the city council shall be provided with an annual report listing the nature and value of any and all monetary donations which were approved and accepted by the city administrator Mayor in accordance with this chapter during the calendar year preceding the report.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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 ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor,  
this 13th day of May, 2019.


CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

  
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Molly M. Towsee, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

FILED WITH THE CITY CLERK: 04/12/19  
PASSED BY THE CITY COUNCIL: 05/13/19  
PUBLISHED: 05/23/19  
EFFECTIVE DATE: 05/28/19  
ORDINANCE NO: 1415