Mayor's Office: Council Agenda Item Request Form

This form and supporting documents (if applicable) are due the Wednesday before the COW meeting by noon.

Date Received	
(office use)	

		
Date of Request	11/15/17	
Requesting Staff Member	Kim Barnett	
Requested Council Date	11/21/17	
Topic/Discussion Title	Discussion and approval of changes to policy 1006 Donation of Property or Funds to Salt Lake County	
Description	Changes are being proposed to policy 1006 to provide greater clarity and efficiency to gifts received by SLCo. Major changes include: Definitions: "Gift" is substituted with the word "donation" to clear up any confusion regarding this policy and gifts to county employees/officers. Donation is defined as anything of value whereas to qualify as a gift, the item had to be valued at \$500 or more. Added more definitions. Acceptance: The mayor's authority to accept money or securities is raised to \$5,000.00 total aggregate from a single donor in a calendar year. Mayoral authority to accept personal property valued at a total aggregate of \$1,000.00 per year. All remaining donations must be accepted by council. Clarified that acceptance authority is not budgetary or appropriations authority. Processing: Declaration of donation necessary for monetary donations exceeding \$5,000.00, and for all nonmonetary donations. Exceptions and process established for instances where donor refuses to provide the declaration, or where donation is through an outside employer's payroll contribution program. Exclusions: Gifts to employees, grants and donation from other governmental entities, sponsorships, and donations covered by federal law not subject to this policy.	
Requested Action ¹	Discussion/Direction	
Presenter(s)	Kim Barnett, Associate Deputy Mayor and David Johnson, District Attorney's Office	
Time Needed ²	10 minutes	

¹ What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

² Assumed to be 10 minutes unless otherwise specified.

Time Sensitive ³	
Specific Time(s) ⁴	
Contact Name & Phone	Kim 8-7007
Please attach the supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting.	Attached is the updated draft policy and the red-lined version.

Mayor or Designee approval:

³ Urgency that the topic to scheduled on the requested date.
⁴ If important to schedule at a specific time, list a few preferred times.

SALT LAKE COUNTY COUNTY-WIDE POLICY

ON

DONATION OF PROPERTY OR FUNDS TO SALT LAKE COUNTY

Purpose -

To provide a method for the County to receive donations of property, cash, or equivalent from various sources. To ensure that donations of property, cash or equivalent are properly recorded and accounted. To define the procedures by which donations can be received.

1.0 Definitions

- 1.1. Donation any item contributed to the county by a donor, including but not limited to, a building or structure, an endowment, a public improvement, land, materials, money, or negotiable securities, except items considered art and which are not intended to be an acquired or deaccessioned part of the Salt Lake County art collection (see P & P 1003 and 1004). Donation does not include grants received through normal business processes.
- 1.2. Donor An individual or organization that makes a donation to the county, including but not limited to a trust, estate, firm, partnership, joint venture, club, company, joint stock company, corporation, limited liability company, association, society, or any other group of individuals acting together, whether mutual, cooperative, fraternal, nonprofit, or otherwise.
- 1.3. Devise a donation of real property made through a will.
- 1.4. Bequest a donation of personal property, money, or negotiable securities made through a will.
- 1.5 Legacy a donation of personal property, money, or negotiable securities made through a will; interchangeable with "bequest."
- 1.6 Employer Charity Program any program where the donor is an employer that provides for its employees to contribute a specified percentage of the employee's pay to the county as a donation.
- 1.7 Personal Property is all tangible goods of any value and excludes money, securities, and real property.
- 1.8 Real Property is the possession of, claim to, or right to possession of land, including minerals and improvements.
- 1.9 Nonmonetary donation are donations consisting of personal property and real property, and excludes money and securities.

2.0 Authority for Accepting Donations

- 2.1 The Salt Lake County Mayor or designee, or independent elected official, may accept donations of money or negotiable securities to Salt Lake County from a donor where the aggregate amount donated by the donor is equal to or less than \$5,000.00 within the calendar year.
- 2.2 The Salt Lake County Mayor or designee, or independent elected official, may accept donations of personal property to Salt Lake County from a donor where the aggregate amount, as valued by the donor, of the donor's donation(s) is equal to or less than \$1,000.00 within the calendar year.
 - 2.1.1 Authority to accept donations under this Policy is not authority to budget or appropriate. The elected official, department head, or division director receiving donation(s) shall ensure that funds are lawfully budgeted and appropriated by the County Council before using the funds for any purpose.
- 2.3 The authority to accept individual donations of money or negotiable securities from a single donor to Salt Lake County where the aggregate amount donated by the donor exceeds \$5,000.00 within the calendar year shall rest with the County Council.
- 2.4 The authority to accept individual donations of personal property from a single donor to Salt Lake County where the aggregate amount of the donation, as valued by the donor, exceeds \$1,000.00 within the calendar year shall rest with the County Council.
- 2.5 The authority to accept all donations of real property to Salt Lake County shall rest with the County Council.

3.0 Testamentary Donations

- 3.1 When a donation is a devise, bequest, or legacy, the elected office, department or division to *which* the donation is made shall obtain from the probate court a certified copy of the will under which the donation is made and a certified copy of the letters testamentary issued to the personal representative of the estate. The copies shall be submitted to the County Council, along with a statement, signed by the personal representative to the estate, that the donation is tendered to the elected office, department, or division of Salt Lake County according to the terms of the will.
- 3.2 The head of the elected office, department, or division that is the recipient of the devise, bequest, or legacy shall complete the "Declaration of Devise, Bequest, or Legacy" form and submit it to the County Council along with the documents required in this policy.

Processing All Donations

- 4.1 Donations must comply with all applicable County and State laws.
- 4.2 The process of acquiring donations will be initiated by the appropriate Elected Office, Department, or Division to which the donation has been offered.
 - 4.2.1 In the event the donation(s) is of a general nature, and not specifically identified to any individual Elected Official, Department, or Division, the necessary paperwork outlined in this Policy shall be completed by the Auditor's Office.

- 4.3 A full explanation, in writing, of the donation and donor shall be prepared and forwarded to the County Council.
- 4.4 The explanation shall include a description of the donation(s), its value in cash or the value provided by the donor for non-monetary donations, life expectancy, and purpose for which the donation will be used.
- 4.5 For any individual donation money or negotiable securities that exceeds \$5,000.00, and for all nonmonetary donations, a signed statement from the donor ("DECLARATION OF DONATION," see attached copy) indicating their willingness to donate and any restrictions for county use of the donation shall accompany the explanation. Any financial restrictions identified by the donor shall be reviewed by the Auditor for establishment of appropriate accounting procedures to comply with the donor's restrictions.
 - 4.5.1 The estimated value of nonmonetary donation(s) shall be established by the donor and included on the "DECLARATION OF DONATION" form (see attached copy). The County Council shall make no judgment as to the value of the donation.
 - 4.5.2 In the event that the donor is unable or unwilling to complete a Declaration of Donation form, the division may present evidence and documentation showing the efforts the division has made to obtain the completed form. All documentation will be accompanied with a letter from the Director explaining why the form was not obtained. All donations lacking the Declaration of Donation form must be presented to the Salt Lake County Council, who will make final judgment on acceptance of the donation.
 - 4.5.3 Donations received from an employer charity program do not require the Declaration of Donation form. A division acquiring a donation from an employer charity program will prepare a letter documenting such a donation, providing the employer name, the amount donated, and the date the donation is received, and provide it to the accepting authority pursuant to this policy.
 - 4.5.4 Where completed, the donor shall be provided with a signed copy of the "DECLARATION OF DONATION" form.
- 4.8 A decision by the County Council to accept or reject a donation shall be made in an official meeting.
- 4.9 If accepted the agency initiating the request to accept the donation(s) shall prepare the necessary property inventory forms, where applicable. Upon completion, such forms shall be forwarded to the County Auditor's Office for inclusion in the fixed asset account.
- 4.10 Except where the donation is anonymous, the agency acquiring the donation shall provide the donor an acknowledgement of the donation in writing.

5.0 Budgeting and Use of Donations

5.1 In a manner consistent with Utah Code and Salt Lake County Ordinance, all donations of monies or negotiable securities must be included in the county budget.

- 5.2 The elected official, department head or division director receiving the donation(s) shall be responsible for following the procedures outlined in section 2.11 of the Salt Lake County Mayor's Finance Accounting Procedures Manual, relative to accounting for the property.
- 5.3 The county shall make no representation or guarantee as to the tax implications of any donation made to the county.

6.0 Exclusions

- 6.1 This policy applies only to donations to Salt Lake County; it does not apply to:
 - 6.1.1 gifts to officers or employees of Salt Lake County;
 - 6.1.2 donations, including grants, from another governmental entities;
 - 6.1.3 sponsorship, naming rights, or other similar arrangements concerning county owned property; or
 - 6.1.4 donations governed by state or federal law.

APPROVED AND ADOPTED in Salt La	ke City, Salt Lake County, Utah, this	day of
, 2017.		
	SALT LAKE COUNTY COUNCIL	
ATTEST:	By:Steve DeBry, Chair	
Sherrie Swensen, Salt Lake County Clerk		
Date:		

Digitally signed by David Johnson Reason: Approved as to form.

Date: 2017.11.15 08:16:47 -07'00'

DECLARATION OF DONATION

l,	, irrevoc	cably give, and where app	propriate
transfer, title to the property described below to Salt	Lake County to	become permanent property	y of Salt
Lake County and to be administered in accordance w	ith its establishe	ed policies. I assign and tra	nsfer all
rights, including any copyrights that I possess on these			strictions
or conditions except those noted below under "Other	provisions or res	trictions."	
Description of donation:			
			
Value (estimated by the donor):			
Date of transfer of title and delivery:			
Other provisions or restrictions:			
	·		
Department/Division Director or Elected Official	Donor		
Date:	Address:		
Salt Lake County hereby accepts the above donation u of Donation form, but makes no judgment as to the va			claration
SALT LAKE COUNTY COL	JNCIL:		
	Chair	Date	
ATTEST:			
, County Clerk or			
Deputy County Clerk			

DECLARATION OF DEVISE, BEQUEST OR LEGACY

Description of devise, bequest or legacy:		
Value, in dollars (estimated by personal replacement of appraiser, if ap	plicable:	praiser):
Date of transfer in title/delivery of donation	n:	
Any pertinent provisions or restrictions upo	on County's use of the devi	
Elect	Signed:ed Official or Department/I	Division Director
	Date:	
ACCEPTANO	CE/NON-ACCEPTANCE	
Salt Lake County hereby (accepts) (decline made under the conditions specified within Salt Lake County makes no judgment as to	the Declaration of Devise,	Bequest or Legacy Form.
	SALT LAKE COUNTY	COUNCIL
	By Chair	Date
ATTEST:		
, County Clerk or Deputy County Clerk		

SALT LAKE COUNTY COUNTY-WIDE POLICY ON

[GIFTS] DONATION OF PROPERTY OR FUNDS TO SALT LAKE COUNTY

Purpose -

To provide a method for the County to receive gifts of property, cash, or equivalent from various sources. To [insure] ensure that [donated-gifts] donations of property, cash or equivalent are properly recorded and accounted. To define the procedures by which [gifts] donations can be received.

1.0 Definitions

- 1.1. [Property] Donation any [tangible] item contributed to the county by [having] a [value of \$500 or more and a useful life expectancy of one year or more and which is not real property. Includes both real and personal property]donor, including but not limited to, a building or structure, an endowment, a public improvement, land, materials, money, or negotiable securities, except items considered art and which are not intended to be an acquired or deaccessioned part of the Salt Lake County art collection (see P & P 1003 and 1004). Donation does not include grants received through normal business processes.
- 1.2. [Gift—any item of property, cash or equivalent having a value of \$500 or more, which is not considered art and which is not intended to be an acquired or deaccessioned part of the Salt Lake County art collection (see P & P 1003 and 1004). Gift does not include grants received through normal business processes.] Donor An individual or organization that makes a donation to the county, including but not limited to a trust, estate, firm, partnership, joint venture, club, company, joint stock company, corporation, limited liability company, association, society, or any other group of individuals acting together, whether mutual, cooperative, fraternal, nonprofit, or otherwise.
- 1.3 Devise a [gift] of real property made through a will.
- 1.4 Bequest a [gift] donation of personal property, money, or negotiable securities made through a will. ["Personal Property" includes money.]
- 1.5 Legacy a [gift] of personal property, money, or negotiable securities made through a will; interchangeable with "bequest." [-]
- 1.6 Employer Charity Program any program where the donor is an employer that provides for its employees to contribute a specified percentage of the employee's pay to the county as a donation.
- 1.7 Personal Property is all tangible goods of any value and excludes money, securities, and real property.
- 1.8 Real Property is the possession of, claim to, or right to possession of land, including minerals and improvements.
- 1.9 Nonmonetary donation are donations consisting of personal property and real property, and excludes money and securities.

2.0 Authority [and Process] for Accepting Donations

- 2.1 [Acquisition must comply with all applicable County and State laws.] The Salt Lake County
 Mayor or designee, or independent elected official, may accept donations of money or
 negotiable securities to Salt Lake County from a donor where the aggregate amount
 donated by the donor is equal to or less than \$5,000.00 within the calendar year.
- 2.2 [The final authority to accept individual gifts valued over \$1000 shall rest with the County Council.] The Salt Lake County Mayor or designee, or independent elected official, may accept donations of personal property to Salt Lake County from a donor where the aggregate amount, as valued by the donor, of the donor's donation(s) is equal to or less than \$1,000.00 within the calendar year.
 - 2.1.1 Authority to accept donations under this Policy is not authority to budget or appropriate. The elected official, department head, or division director receiving donation(s) shall ensure that funds are lawfully budgeted and appropriated by the County Council before using the funds for any purpose.
- 2.3 [The estimated value of the gift(s) shall be established by the donor and included on the "DECLARATION OF GIFT" form (see attached copy). The County Council shall make no judgment as to the value of the gift.] The authority to accept individual donations of money or negotiable securities from a single donor to Salt Lake County where the aggregate amount donated by the donor exceeds \$5,000.00 within the calendar year shall rest with the County Council.
- 2.4 The authority to accept individual donations of personal property from a single donor to Salt Lake County where the aggregate amount of the donation, as valued by the donor, exceeds \$1,000.00 within the calendar year shall rest with the County Council. [The process of acquiring gifts is to be initiated by the appropriate Elected Office, Department or Division to which the gift has been offered.
 - 2.4.1—A full justification in writing shall be prepared and forwarded to the County Council.
 - 2.4.2 The justification shall include a description of the gift(s), its value, life expectancy, and purpose for which it will be used.
 - 2.4.3 A signed statement from the donor ("DECLARATION OF GIFT", see attached copy) indicating their willingness to donate the gift(s) and any restrictions for its use shall accompany the justification. Any financial restrictions identified by the donor shall be reviewed by the Auditor for establishment of appropriate accounting procedures to comply with the donor's restrictions.
 - 2.4.4 The donor shall be provided with a signed copy of the "DECLARATION OF GIFT" form.
 - 2.4.5 When a gift is a devise, bequest or legacy, the elected office, department or division to which the gift is made shall obtain from the probate court a certified copy of the will under which the gift is made and a certified copy of the letters testamentary issued to the personal representative of the estate. The copies shall be

- submitted to the County Council, along with a statement, signed by the personal representative to the estate, that the gift is tendered to the elected office, department or division of Salt-Lake County according to the terms of the will.
- 2.4.6 The head of the elected office, department or division that is the recipient of the devise, bequest or legacy shall complete the "Declaration of Devise, Bequest or Legacy" form and submit it to the County Council along with the documents listed in 2.4.5.]
- 2.5 [In the event the gift(s) is of a general nature, and not specifically identified to any individual Elected Official, Department or Division, the necessary paperwork outlined in 2.4, above, shall be completed by the Auditor's Office.] The authority to accept all donations of real property to Salt Lake County shall rest with the County Council.
- [2.6 The County Council shall make a decision in an official meeting as to the acceptance or non-acceptance of the gift.]
- [2.7 If accepted by the County-Council the agency initiating the request to accept the gift(s) shall prepare the necessary property inventory forms, where applicable. Upon completion, such forms shall be forwarded to the County-Auditor's Office for inclusion in the fixed asset account.]
- [2.8 Where applicable, the elected official, department head or division director receiving the gift(s) shall be responsible for following the procedures outlined in the Salt Lake County Fixed Asset Policy and Procedures Manual relative to accounting for the property.]
- [2.9 This policy applies only to gifts to Salt Lake County, not to officers or employees of Salt Lake County.]

3.0 Testamentary Donations

- When a donation is a devise, bequest, or legacy, the elected office, department or division to which the donation is made shall obtain from the probate court a certified copy of the will under which the donation is made and a certified copy of the letters testamentary issued to the personal representative of the estate. The copies shall be submitted to the County Council, along with a statement, signed by the personal representative to the estate, that the donation is tendered to the elected office, department, or division of Salt Lake County according to the terms of the will.
- 3.2 The head of the elected office, department, or division that is the recipient of the devise, bequest, or legacy shall complete the "Declaration of Devise, Bequest, or Legacy" form and submit it to the County Council along with the documents required in this policy.

Processing All Donations

- 4.1 Donations must comply with all applicable County and State laws.
- 4.2 The process of acquiring donations will be initiated by the appropriate Elected Office,

 Department, or Division to which the donation has been offered.

- 4.2.1 In the event the donation(s) is of a general nature, and not specifically identified to any individual Elected Official, Department, or Division, the necessary paperwork outlined in this Policy shall be completed by the Auditor's Office.
- 4.3 A full explanation, in writing, of the donation and donor shall be prepared and forwarded to the County Council.
- 4.4 The explanation shall include a description of the donation(s), its value in cash or the value provided by the donor for non-monetary donations, life expectancy, and purpose for which the donation will be used.
- 4.5 For any individual donation money or negotiable securities that exceeds \$5,000.00, and for all nonmonetary donations, a signed statement from the donor ("DECLARATION OF DONATION," see attached copy) indicating their willingness to donate and any restrictions for county use of the donation shall accompany the explanation. Any financial restrictions identified by the donor shall be reviewed by the Auditor for establishment of appropriate accounting procedures to comply with the donor's restrictions.
 - 4.5.1 The estimated value of nonmonetary donation(s) shall be established by the donor and included on the "DECLARATION OF DONATION" form (see attached copy). The County Council shall make no judgment as to the value of the donation.
 - 4.5.2 In the event that the donor is unable or unwilling to complete a Declaration of Donation form, the division may present evidence and documentation showing the efforts the division has made to obtain the completed form. All documentation will be accompanied with a letter from the Director explaining why the form was not obtained. All donations lacking the Declaration of Donation form must be presented to the Salt Lake County Council, who will make final judgment on acceptance of the donation.
 - 4.5.3 Donations received from an employer charity program do not require the Declaration of Donation form. A division acquiring a donation from an employer charity program will prepare a letter documenting such a donation, providing the employer name, the amount donated, and the date the donation is received, and provide it to the accepting authority pursuant to this policy.
 - 4.5.4 Where completed, the donor shall be provided with a signed copy of the "DECLARATION OF DONATION" form.
- 4.8 A decision by the County Council to accept or reject a donation shall be made in an official meeting.
- 4.9 If accepted the agency initiating the request to accept the donation(s) shall prepare the necessary property inventory forms, where applicable. Upon completion, such forms shall be forwarded to the County Auditor's Office for inclusion in the fixed asset account.
- 4.10 Except where the donation is anonymous, the agency acquiring the donation shall provide the donor an acknowledgement of the donation in writing.

<u>5.0</u> Budgeting and Use of Donations

		1006		
	<u>5.1</u>	In a manner consistent with Utah Code and Salt Lake County Ordinance, all donations of		
	_	monies or negotiable securities must be included in the county budget.		
	<u>5.2</u>	The elected official, department head or division director receiving the donation(s) shall be responsible for following the procedures outlined in section 2.11 of the Salt Lake County Mayor's Finance Accounting Procedures Manual, relative to accounting for the property.		
	<u>5.3</u>	The county shall make no representation or guarantee as to the tax implications of any donation made to the county.		
<u>6.0</u>				
6.1 This policy applies only to donations to Salt Lake County; it does not apply to:				
		6.1.1 gifts to officers or employees of Salt Lake County;		
		6.1.2 donations, including grants, from another governmental entities;		
		6.1.3 sponsorship, naming rights, or other similar arrangements concerning county owned property; or		
		6.1.4 donations governed by state or federal law.		
	APP	ROVED AND ADOPTED in Salt Lake City, Salt Lake County, Utah, this day of		
		, 2017.		
		SALT LAKE COUNTY COUNCIL		
		Ву:		
		By: Steve DeBry, Chair		
ATTE	ST:			
				
Sherri	e Swer	sen, Salt Lake County Clerk		

Date: _____

DECLARATION OF [GIFT] DONATION [(OVER \$1,000)]

Ι,	, irrevocably	give, and where appropriate
transfer, title to the property described below to Sal	t Lake County to bec	ome permanent property of Sal
Lake County and to be administered in accordance rights, including any copyrights that I possess of	with its established p	olicies. I assign and transfer al
restrictions or conditions except those noted below u	nder "Other provision	io Sait Lake County, without is or restrictions."[-]
Description of gift:		
Value (estimated by the donor):		
Date of transfer of title and delivery:	100	
Other provisions or restrictions:		
——————————————————————————————————————		
Department/Division Director or Elected Official	Donor	
Date:	A ddroos	
Date.	Address	
Salt Lake County hereby accepts the above [gift] don	nation under the cond	itions specified within this
Declaration of Gift form, but makes no judgment as t		
	CALTIAVECO	LDITY COLDICII
	SALILAKECO	UNTY COUNCIL:
	Chair	Data
	Chair	Date
ATTEST:		
[Sherrie Swensen], County Cler	k	

[DECLARATION OF GIFT (LESS THAN \$1,000)

<u>I, </u>	, irrevocably give, and where appropriate	
ransfer, title to the property described below to Salt Lake County to become permanent property of S		
Lake County and to be administered in accordance v	with its established policies. Lassian and transfer all	
rights, including any copyrights that I possess on these properties to Salt Lake County, without restrictions or conditions except those noted below under "Other provisions or restrictions".		
Description of gift:		
112		
Value (estimated by the donor):		
	····	
Date of transfer of title and delivery:		
Other provisions or restrictions:		
Department/Division Director or Elected Official		
Department/Division Director of Elected Official	— Donor	
Date:	Address:	
Date.	Address:	
Salt Lake County hereby accepts the above gift unde	r the conditions specified within this Declaration of	
Gift form, but makes no judgment as to the value of the	ha aift	
one form, out makes no judgment as to the varie of the	ile griti	
	SALT LAKE COUNTY MAYOR	
	SALI BARE COOK FAMALOR	
	Mayor Ben McAdams, Mayor Date	
	or Designee]	

1006 **DECLARATION OF DEVISE, BEQUEST OR LEGACY** Description of devise, bequest or legacy: Value, in dollars (estimated by personal representative, or qualified appraiser): Name and qualifications of appraiser, if applicable: Date of transfer in title/delivery of gift: Any pertinent provisions or restrictions upon County's use of the devise, bequest or legacy: Signed: Elected Official or Department/Division Director ACCEPTANCE/NON-ACCEPTANCE Salt Lake County hereby (accepts) (declines) the above devise, bequest or legacy. Acceptance is made under the conditions specified within the Declaration of Devise, Bequest or Legacy Form. Salt Lake County makes no judgment as to the value of devise, bequest or legacy. SALT LAKE COUNTY COUNCIL Chair Date ATTEST:

[Sherrie Swensen]______, County Clerk or

Deputy County Clerk