



MONROE CITY COUNCIL

Agenda Bill No. 19-173

SUBJECT:	Ordinance No. 016/2019, Amending MMC 3.40, Donations of Property to the City; Final Reading
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
08/13/2019	Parks & Recreation	Mike Farrell	Mike Farrell	Consent Agenda #13

Discussion: 07/23/2019, 08/13/2019; Legislative Affairs Committee: 06/11/2019
First Reading: 07/23/2019
Attachments: 1. Ordinance No. 016/2019, Amending MMC 3.40 Donations of Property to the City

REQUESTED ACTION: Move to adopt Ordinance No. 016/2019, amending MMC Chapter 3.40, Donations of Property to City; providing for severability; and establishing an effective date.

NOTE: *First reading of Ordinance No. 016/2019 was accepted on July 23, 2019; and there have been no changes since that time.*

POLICY CONSIDERATIONS

The City's Municipal Code Chapter 3.40, Donations of Property to City, Section 3.40.030, Acceptance, sets criteria for approval of monetary and non-monetary donations with value thresholds of up to five thousand dollars and donations valued at higher than five thousand dollars, but is silent in setting any policy for: types of donations, consistency with City interests, acceptance of undesignated donations, designated donations, acceptance of memorial tree and bench donations, acknowledgement, declined donations and distribution of donations.

DESCRIPTION/BACKGROUND

On July 23, 2019, the City Council adopted a City Donation Acceptance Policy through the approval of Resolution No. 015/2019; the purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City of Monroe. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapters 2.52 MMC, Code of Ethics, and 3.40 MMC, Donations of Property to City.

Amendments have been proposed to MMC Chapter 3.40, Donations of Property to the City, to reference the proposed City Donation Acceptance Policy and clarify how donation values are to be estimated and any applicable reports to Council.

First reading of Ordinance No. 016/2019 was accepted on July 23, 2019; and there have been no changes since that time. Staff is requesting adoption of the proposed code regulation amendments on August 13, 2019.

FISCAL IMPACTS

None.

TIME CONSTRAINTS

Staff have received two recent inquiries regarding an undesignated donation and a memorial public art idea. Staff would like direction on the new policy and code revision prior to further consideration of these recent inquiries.

ALTERNATIVES TO REQUESTED ACTION

- Do not adopt Ordinance No. 016/2019; and provide direction to the Mayor and City Staff to areas of concern.

**CITY OF MONROE
ORDINANCE NO. 016/2019**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING MMC CHAPTER 3.40,
DONATIONS OF PROPERTY TO CITY; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE

WHEREAS, the City does not have a formal process for acceptance and documentation of donations made to the City of Monroe; and

WHEREAS, the City's Public Art Policy, adopted March 15, 2016, does not have a formal process to make memorial public art considerations; and

WHEREAS, the Monroe City Council desires development of a donation acceptance policy and revising the City's Public Art Policy to include a section for Memorial Public Art Considerations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Monroe Municipal Code (MMC) 3.40, Donations of Property to City. Monroe Municipal Code Chapter 3.40, Revenue and Finance - Donations of Property to the City, is hereby amended as follows:

**Chapter 3.40
DONATIONS OF PROPERTY TO CITY**

Sections:

- 3.40.010 Administration.
- 3.40.020 Use.
- 3.40.030 Acceptance.
- 3.40.040 Quarterly report.

3.40.010 Administration.

The mayor or the mayor's designee shall have the responsibility for the administration of all donations to the city **in accordance with the city of Monroe donations acceptance policy.**

3.40.020 Use.

~~((In the event a donor has indicated a desire for a particular use by the city of a donation, such donation shall, to the extent reasonably feasible, be used consistent with the donor's desired use. If a donor has not specified a particular desired use, the donation may be used for any municipal purpose.))~~ **The use of designated and undesignated donations shall be determined in accordance with the city of Monroe donations acceptance policy.**

3.40.030 Acceptance.

All monetary and nonmonetary donations with a current value of up to five thousand dollars may be approved and accepted for the city by the mayor. All donations with a value greater than five thousand dollars must be approved by the city council before acceptance. ((The mayor)) **A subject matter expert** shall estimate the value of any nonmonetary donation not supported by a bona fide appraisal for purposes of compliance with this section **and in accordance with the city of Monroe donations acceptance policy.**

3.40.040 Quarterly report.

The mayor **or mayor's designee** shall provide the city council with a quarterly report listing the nature and value of any and all donations which were approved and accepted by the mayor in accordance with this chapter during the calendar year preceding the report.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2019.

1st Reading: July 23, 2019
Adoption: August 13, 2019
Published: August 16, 2019
Effective: August 21, 2019

CITY OF MONROE, WASHINGTON:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Adkisson, MMC, City Clerk

J. Zachary Lell, City Attorney