COUNCIL POLICY
TOWN OF LOS GATOS

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Approved:	Effective Date: 4/21/2008	Revised Date:

PURPOSE

The purpose of this policy is to effect Town donations and solicitations in a manner that complies with both the letter and spirit of California ethics laws and, within that that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.

SOLICITATION GUIDELINES

Targeted Solicitation

Targeted solicitation is defined as the direct petition or contact of specific individuals, companies, foundations or other entities initiated by the Town Council and other elected officials, Council advisory bodies, and Town employees herein called "Town Officials" for the purpose of receiving goods, services, or other contributions for the Town. Targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council-approved programs, projects, and services. Unless prior approval has been given by the Council, Town Officials shall not engage in targeted solicitation activities on behalf of the Town.

BROAD OUTREACH GUIDELINES

Broad Outreach

Broad outreach is defined as the process of informing a broad spectrum of individuals, companies, foundations, non-profit organizations, or other entities of donation opportunities through various communication vehicles, including but not limited to written, electronic, or internet-related publications, flyers, brochures, news releases, and television or radio announcements. Broad outreach is permitted by the Town Manager or designee subject to the guidelines provided in this policy.

The following broad outreach guidelines apply when communicating a Town need for goods, services, or other contributions:

- Broad outreach must relate to a Town Council-approved purpose, service, project, or program.

- Broad outreach for goods, services, or other contributions should be made by using a variety of communication methodologies to ensure outreach to the entire community.
- Donations shall not be made under the guise, pretense, or presumption of receiving official Town endorsement or approval of the donating party, product, project, or activity.

PROCEDURE FOR ESTABLISHING COUNCIL APPROVED TOWN NEEDS

The Council shall direct the Town Manager to develop a list of recommended Town needs for donation opportunities. Council consideration and approval of the list of Town needs may occur as part of the annual operating and capital budget development process and can be amended by Council at any time.

DONATION ACCEPTANCE GUIDELINES

All goods, services, or other contributions offered by individuals, companies, foundations, non-profit organizations, or other entities will be considered for acceptance or rejection, including items offered for donation that are identified on a Council approved list of needs. The acceptance of all donations to the Town will be based on the following guidelines.

- Purpose of the donation.
- Community or municipal need for the donation.
- Compatibility of the donation with Los Gatos Municipal Code, policies, programs, and other applicable laws.
- Timeliness of the donation as it relates to implementation.
- Level of benefit and financial impact to the Town.

All donations should be reviewed by the Town Manager or designee in advance of acceptance to ensure consistency with established policy guidelines.

AUTHORITY TO ACCEPT DONATIONS

The authority to accept all donations is based on the market value of the donation as reasonably determined.

Donations $25,000 and Under

The Town Manager or designee is authorized to accept or reject all minor donations that have a market value equal to or less than $25,000.

Donations over $25,000

The Town Council shall consider and accept or reject all major donations that have a market value greater than $25,000.

PROCEDURES FOR ACCEPTING MAJOR DONATIONS

For all major donations, a staff report, containing analysis based on the donation acceptance guidelines established in this policy, will be written to guide the Council when considering major donations. The report will also provide donation recognition alternatives for Council consideration should the donation be accepted. The Council will determine on a case by case basis if the donation should be accepted or rejected.

DONOR RECOGNITION GUIDELINES

Acceptance of donations shall be acknowledged by the Town. Donation recognition practices shall be implemented in a consistent manner and adhere to Town Municipal Code, all applicable laws, regulations, and policies. Recognition of donations will be determined by the Council or Town Manager and shall be consistent with acceptance requirements of this policy and the guidelines set forth below:

Donations accepted by the Town may be acknowledged through one or more of the forms of recognition as indicated below. Other forms of recognition may be approved by the Town Council via resolution if compelled by special circumstances which shall be specified in the resolution.

- Written and/or verbal recognition.
- Public recognition at Town Council meetings.
- Inclusion in Town public communication materials, such as electronic media and selected publications.
- Plaques.

Plaques may be used to commemorate donations accepted by the Town from persons, businesses, and organizations according to the following standards:

Plaques used for recognition purposes may be affixed to an appropriate Town facility, which includes, but is not limited to a building or any portion thereof, structure, equipment, furniture or natural asset. Plaques shall include the name(s) of the person(s) being recognized and applicable date, with standard wording limited to:

- The Town of Los Gatos recognizes and appreciates _____ [and his/her family] for [his/her/their] donation to [identify facility].

- The Town of Los Gatos recognizes and appreciates _____ [business or organization] for its donation to [identify facility].

- The Town of Los Gatos recognizes and appreciates _____ for [his/her/its] donation to [identify facility] in the name of _____.

- Or language acceptable to the Town Council.

The size of the plaque shall not exceed 8"x10," unless the number of donors exceeds the allowable space. For multiple donors, the names of the donors should be proportioned thereto, and the size of the plaque shall not exceed four (4) square feet. The location, materials, size and color of plaques shall be consistent with acceptance requirements of this policy or by Council on a case by case basis should special circumstances exist, which shall be specified in a resolution. Unless compelled by special circumstances and approved by the Town Council via resolution, Town facilities shall not be named after an individual, group, organization or business as a result of any donated good, service, or other contribution to the Town.

APPROVED AS TO FORM: _____
Town Attorney

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SOLICITATION AND DONATION POLICY FAQ

FREQUENTLY ASKED QUESTIONS

Q: What does the Solicitation and Donation policy do?

A: The policy does the following:

- Restricts Town officials from engaging in targeted solicitation of specific individuals, companies, businesses, foundations and other entities. (Town officials are defined as elected and appointed officials and employees)
- Establishes guidelines for the acceptance and recognition of donations and naming of Town facilities.

Q: What does "targeted solicitation" mean?

A: Targeted solicitation is defined as the direct petition of contact of specific individuals, companies, foundations, or other entities by Town officials for the purpose of receiving goods and services.

Q: Does this mean that the Town cannot apply for a grant?

A: No. The policy specifically states that targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council approved programs, projects, and services.

Q: Who can directly solicit for goods, services or other contributions on behalf of the Town?

A: Unless authorized by the Town Council, Town officials cannot engage in targeted solicitation activities on behalf of the Town. The Arts Commission is the only appointed body that has been authorized by the Town Council to engage in "targeted solicitation" and fundraise for the Music in the Park program.

Q: How does the policy change the way the Town communicates its donation needs to non-profit organizations/foundations and the general public?

A: Town officials may not directly petition individuals or other entities and request goods, services, or other contributions for the Town. Instead, officials may share an established list of Town needs with interested persons. The list of Town needs will be developed as part of the FY2008/09 budget process.

Q: If a member of the public or non-profit/foundation engages the Town in a conversation about donation opportunities, can Town officials share specific needs?

A: Yes. If members of the public or other entities engage the Town in a conversation about donation opportunities, Town officials may discuss specific service/equipment needs. Town officials should also advise the public about the list of Town needs established by the Council.

Q: Will all donations be accepted?

A: No. The acceptance of donations will be based on guidelines outlined in the policy.

Q: Who is responsible for accepting/evaluating donations?

A: Donations that have a market value of $25,000 or less will be considered by the Town Manager. Donations with a market value of over $25,000 will be considered by the Town Council. Major donations (those over $25,000) will be agendized for Council discussion and should be accompanied by a staff analysis along with recognition alternatives.

Q: How are donors recognized? Who determines the type of recognition given to donors?

A: Donors may be acknowledged through verbal or written recognition, public recognition at a Council meeting and/or inclusion in public information materials. Donors may also be recognized with a plaque. Recognition of donations will be determined by the Council or Town Manager and is consistent with the acceptance requirements outlined in the policy.

Q: Can Town facilities be named after an individual or organization?

A: Unless compelled by special circumstances, Town facilities shall not be named after an individual, group, organization, or business as a result of a donation to the Town.

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