



AGENDA

Finance Committee

Monday

June 26, 2023

6:45 PM

| Village Hall | 21 W. Washington Street | 440-247-5050

This is a public meeting and all are welcome to attend.

In-person meetings are held at Village Hall.

Committee: Rogoff, Corkran, DeBernardo

Agenda Items

1. Donation Policy
2. Cemetery Markers
3. Miscellaneous
4. Adjournment

6-6-2023

**ORDINANCE 2023
INTRODUCED BY:**

**AN ORDINANCE
OF THE VILLAGE OF CHAGRIN FALLS TO ESTABLISH
A DONATION POLICY.**

WHEREAS, the Council desires to establish policies regarding donations offered to the Village, in order for the donors and Village officials to be able to determine when and the circumstances under which donations will be approved and received by the Village.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

Section 1. The Council for the Village of Chagrin Falls does hereby adopt a Donation Policy as more fully set forth in the policy attached hereto and made a part hereof as **Exhibit "A"**.

Section 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

Section 4. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: _____, 2023

Angela DeBernardo, Council President

Submitted to the Mayor for
his approval on this

_____ day of _____, 2023

Approved by the Mayor

Mayor William Tomko

ORDINANCE 2023
INTRODUCED BY:

I hereby certify that Ordinance No. 2023-___ was duly enacted on the _____ day of _____, 2023, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

Angela Gergye, Clerk of Council

**ORDINANCE 2023
INTRODUCED BY:**

EXHIBIT “A”

DONATION POLICY

I. PURPOSE.

This Donation Policy applies to all solicited and unsolicited donations to the Village of Chagrin Falls (“Village”). This policy and the guidelines shall govern the acceptance of gifts by the Village and provide guidance to prospective donors when making a gift to the Village.

II. DEFINITIONS.

- (A) Donation: a contribution made to the Village without expectation of goods, services or significant benefit or recognition in return. Donations may be in the form of cash or in-kind contributions of products, services, investment securities, land with or without buildings and structures located thereon, or any combination thereof. A Donation may be unrestricted, where the donor has placed no limitation on its use, or restricted, where the donor has restricted its use to a specified purpose. Donations that, if accepted, would obligate the Village to enter into a service, procurement, or similar arrangement with a Donor, (but not including Donation Agreements where no service, procurement or similar arrangement must be incurred), shall not be considered a Donation. Grants to the Village from a local, county, state or federal agency are not subject to this policy.
- (B) Donation Agreement: An agreement between the Village and the Donor that details any restrictions on a Donation as well as the respective obligations of the Donor and the Village.
- (C) Donor: Any organization or individual who provides the Village with a Donation.
- (D) Established Fundraising: Donations extended to recurrent annual events, in-kind donations associated with annual events, or donations for the maintenance and upkeep~~ing~~ of donated materials by the original donor, such as, but not limited to, Memorial Day events, preplanned programs, and similar programs previously approved by Council.
- (E) Fundraising: Any activity conducted with the intent of generating Donations to the Village. Fundraising activities may include, but are not limited to, promoting an endowment program, program adoption or pledge drives, and contacting individuals, companies, foundations, or other entities with a request for a Donation to the Village.
- (F) Restricted Donation. A Donation that can only be used by the Village for a special purpose specified by the Donor, or a Donation specifically designated for a particular purpose, use, or location.
- (G) Supported Fundraising: Any Fundraising that has the support or approval of the Village, as evidenced by legislative approval enacted by the Village Council.

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III. GENERAL PROVISIONS.

- (A) The Village welcomes unrestricted Donations as well as Restricted Donations that enhance Village services, reduce costs that the Village would incur in the absence of the Donation, or that otherwise provide a benefit to the Village.
- (B) The Village may decline any Donation without comment or cause.
- (C) Prior to starting any Supported Fundraising, as defined in Section II (G), of this Policy, Village Council approval shall first be required.
- (D) The Council President shall refer any Donation requests that require approval by the Village, or any proposed Supported Fundraising to the appropriate Council committee(s) to review the proposed Donation or Fundraising.
- (E) Donors shall not expect, nor shall the Village grant, any extra consideration to the Donor in relation to Village procurement, regulatory matters, or any other business, services, or operations of the Village.
- (F) No Village Council Member, Commissioner, Board Member, employee, or volunteer shall solicit Donations in excess of \$500 in money or in-kind services for any Supported Fundraising unless the Council for the Village of Chagrin Falls has approved a Fundraising plan for the Supported Fundraising. Before any Fundraising plan for a Supported Fundraising is approved by the Village, the proponents of the Fundraising plan shall submit a proposed Fundraising plan providing the information requested on the Fundraising Plan form attached hereto and made a part hereof as **Exhibit "A"**, or such amended form approved by the Chief Administrative Officer of the Village.
- (G) Donations must be directly related to providing goods or services to the public or for another valid public purpose.

IV. GUIDELINES FOR CONSIDERING WHETHER TO RECEIVE RESTRICTED AND UNRESTRICTED DONATIONS.

In determining whether to accept a Donation, the Chief Administrative Officer, or Village Council, as the case may be, shall consider the following criteria:

- (A) Is the Donation permitted under applicable ethics laws, rules, and regulations.
- (B) Does a Restricted Donation conflict with Village priorities, policies, programs, or ordinances.
- (C) Does the Donation in any way invoke future consideration, influence, or perceive to influence the day-to-day operations of the Village.
- (D) Does the Donation require long term maintenance and will the Village be able to fund any future maintenance, repair or replacement associated with the purchase, acquisition, or construction of a facility or program.

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- (E) Is the Donation financially feasible based on the cost of the proposed Donation or project implementation, including installation and ongoing maintenance.
- (F) Does the Donation create any public safety or security issues or a potential danger to public health and safety.

V. ACCEPTANCE OF REAL ESTATE DONATIONS.

- (A) Gifts of real estate may include developed or undeveloped property or gifts subject to a life interest or reversionary right. Whenever Donations are made of non-residential property, a Phase I Environmental Assessment shall be required, and the results of the Phase I Assessment must first be approved by the Village Law Director. In addition, the Village Council shall approve all Donations of real estate and in the case of non-residential property, shall approve the environmental condition of the property before the Donation will be accepted. The cost of any environmental impact assessment shall be paid for by the Donor.
- (B) The Village shall obtain a Title Insurance Commitment the cost of which shall be determined between the Donor and the Village. The Village Law Director shall approve the condition of title before a Donation of real property will be accepted. The Donor must provide the Village with all available documents related to the condition of the property upon written request of the Village before a Donation of real property will be accepted.
- (C) In considering whether to accept a Donation of real property, the Village Council shall consider the following criteria:
 - (1) Is the property free from adverse environmental conditions.
 - (2) Is the property marketable and is the title acceptable to the Law Director.
 - (3) Does the Village have a use for the real property and is it accessible and useable by Village residents or the Village government.
 - (4) Are there any restrictions, reservations, easements, or other limitations associated with the use or sale of the property.
 - (5) Are there any carrying costs associated with the property other than insurance, such as storage fees, liens, mortgages, or other carrying costs.
 - (6) The Village may accept royalties from oil, gas, and other mineral interests when the gift is separated from ownership of the real property. The right to receive the royalties shall not include liabilities or other considerations that make receiving the gift inappropriate.
 - (7) The Village will not stipulate the value of any real property donated to the Village and it shall be the obligation of the Donor to determine such value for tax purposes. The Village will file IRS Form 8282, or its future equivalent, in the event of future sale or exchange of donated real property made within three (3) years from the date of the gift for any property that the Village determines to have a value of \$5,000 or more, or such other requirements hereafter established by the U.S. Congress in amending the Internal Revenue Code.
 - (8) The donated property cannot negatively affect public access or Village Services.

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- (9) The property must be located within the Village, or any area outside the Village that is serviced by a Village supplied sewer and/or water service.

VI. PROCEDURES.

- (A) The Village Chief Administrative Officer may accept or reject unrestricted Donations of \$10,000 or less in cash. The Village Council shall approve or reject Donations of cash of more than \$10,000 in accordance with the guidelines set forth in this Donation Policy. The Chief Administrative Officer and Council may decline any Donation which in their discretion does not comply with this Donation Policy. Any Donation declined by the Chief Administrative Officer may be appealed to the Village Council for reconsideration.
- (B) The Village Council will determine appropriate recognition for a Donation at the time the Donation is accepted, taking into consideration the nature and value of the Donation. The name of a Donor, but no company logos, trademarks or the like, may be permitted on a sign, flyer or other materials related to the program or activity supported by the Donations. The agreed upon form of recognition shall be identified in the Donor receipt or in any Donation Agreement that only the Village Council shall approve when reviewing whether to accept or decline a Donation.
- (C) Established Fundraising for existing Village Donation programs shall not require Village Council approval unless in the opinion of the Chief Administrative Officer and/or Village Council the methods or targets of the Fundraising change in a material way.

VII. PROHIBITIONS.

- (A) No Village employee shall receive under any pretense, or seek, ask, or share in any fee, reward or other reimbursement or gratuity for the performance of official duties.
- (B) This prohibition shall apply equally to the receipt or solicitation by the employee's spouse, child, parent, parent-in-law, brother, sister, grandparent, or grandchild.
- (C) Whenever any gift, gratuity or Donation is offered to a Village employee and the Village employee cannot determine if acceptance would be prohibited or permitted, the employee shall submit the proposal through their Department Head to the Chief Administrative Officer who may consult with the Village Law Director. The proposal must include a description of the gift, the name of the Donor, when the gift will be received, and an explanation of the proposed disposition of the gift. The decision of the Chief Administrative Officer as to whether the gift is permitted or prohibited shall be final. Approval from the Village Council shall be required whenever any ~~gift~~ is offered to a Department Head, the Chief Administrative officer, or an elected official.

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- (D) The prohibitions above shall not apply to solicitation or acceptance of anything of value from an existing friend or relative unrelated to any employee duties or Village business and based on a pre-existing personal or family relationship.

VIII. MISCELLANEOUS.

- (A) This Donation Policy shall not be construed to create any right for an individual or organization to make a Donation to the Village or to make a public improvement on Village property.
- (B) The Village reserves the right to deny any Donation if, upon review, acceptance of the Donation is determined to be not in the best interest of the Village.
- (C) The Village, in accepting any Donation, shall not be obligated to maintain, repair, or replace any program, facility or service created, maintained, or enhanced by the Donation.
- (D) The Village shall not establish the value of any Donation, unless required to do so by law.