

ORDINANCE NO. 529

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEE CAVE REGARDING THE ACCEPTANCE OF DONATIONS TO THE CITY OF BEE CAVE

WHEREAS, the City of Bee Cave is a home rule municipality, which has codified its regulations and enforcement; and

WHEREAS, the City of Bee Cave is committed to fiscal responsibility and believes that a policy regarding donations to the City is necessary; and

WHEREAS, the City of Bee Cave and the City Council desire to establish a policy for the City to accept donations including monetary gifts, equipment, land, buildings, or any other tangible item; and

WHEREAS, this policy will streamline the donation process; and

WHEREAS, the City Council of the City of Bee Cave finds that it is in the best interest of the welfare of the citizens of Bee Cave, Texas, to adopt a poly regarding donations to the City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Article 2.06 of the City of Bee Cave Code of Ordinances is hereby amended of by adding Division III, which shall read as follows:

Division III – Donations and Fund Raising

Section 2.06.40 – Donations

(1) Definitions:

The term “donation” includes all monetary and non-monetary gifts, bequests, equipment, land, buildings, tangible or intangible assets, or any other asset with any level of market value. The term is not intended to include dedications which are part of the normal development process.¹

The term “donor” shall mean the person, firm, or corporation submitting any item of value to the City or economic development board with the intent to transfer full ownership over to the City or economic development board.

(2) Donation Coordinator Duties and Responsibilities:

- a. The City Manager or his designee is hereby authorized to accept donations, gifts, and bequests from individuals, firms, or companies, for the general use of the City as well as for specific purposes. Monetary**

¹ *Official Comment:* An example of the exclusion would be the acceptance of a road dedication for a subdivision development. Such dedications and acceptances are regulated by the City’s Uniform Development Code and are not intended to fall under this article.

contributions shall be deposited in a separate general fund account in accordance with established city policies and procedures of the City and shall be subject to regular city audit and budgetary procedures.

- b. The City Manager may create such policies and rules as deemed necessary to implement and manage donations made to the City and to the Economic Development Board. The City Manager shall create a donation form which all donating individuals must utilize when donating to the City or economic development board.**
- c. The City Manager shall designate a donation coordinator who shall be authorized to accept donations for the general use of the City or economic development board or for a requested specific purpose. The donation coordinator shall fall under the organizational structure and control of the economic development board as well as the City Manager.**
- d. All donations must be submitted to the donation coordinator or the City Manager.**
- e. Under the direction of the City Manager, the donation coordinator may accept any donations made to the City or economic development board. All acceptances must be made in writing and only by an authorized individual.**
- f. The City Manager may decline to accept any donations and may also seek, at his or her discretion, City Council or economic development board's approval of the donation prior to acceptance.**
- g. Under the direction of the City Manager, the donation coordinator will review and evaluate all offers of donations to determine that the proposed donation:**
 - i. is consistent with the City's or board's purposes and mission;**
 - ii. that the City or board is legally able to utilize the donation; and**
 - iii. that the donation is not in conflict with any City ordinance, or state or federal law.**
- h. Under the direction of the City Manager, the donation coordinator shall submit all monetary donations to the finance director for deposit or inventory. The finance director shall deposit any monetary donations into the separate general fund for city donations and a separate general account for the economic development board, depending on the entity to which the donation was made.**
- i. For non-monetary donations, the donation coordinator shall take inventory of the non-monetary assets and submit the inventory and possession of the asset to the City Manager.**

- j. Except for easements, all donations of real property made to the City must be accepted only by the City Council. Except for easements, all donations of real property made to the Development Corporation must be accepted only by the economic development board.**
- k. All donations to the City over \$50,000.00 in value must be accepted by the City Council. All donations to the economic development board over \$50,000.00 in value must be accepted by the economic development board.**
- l. Donations made by the City to the economic development board do not fall under this article. Donations made by the economic development board to the City as part of a project do not fall under this article.**
- m. All donations accepted by the City will become the irrevocable property of the City to be used at its discretion for any lawful purpose. All donations accepted by the economic development board will become the irrevocable property of the board to be used at its discretion for any lawful purpose consistent with the purposes of the board.**
- n. In cases where restrictions are placed upon the use of donations, the donor must specify in writing all such instructions as to the desired use of these donations prior to acceptance. Any such restrictions on the use of the donation must be consistent with the City's or economic development board's purposes and mission.**
- o. All donations other than monetary gifts must include a statement of estimated value by the donor.**
- p. All donations presented for Council acceptance must include a fiscal impact statement of any accompanying future budgetary considerations including personnel, ongoing maintenance, health, safety, or environmental issues.**
- q. All accepted donations will be disbursed or used in accordance with all City or economic development board rules, regulations, and other administrative policies.**
- r. Proposed donations to the City shall not be used by any City department until formal acceptance by the City and submission to the Finance Department for incorporation into the City's financial and other recordkeeping systems.**
- s. Donations to the City and economic development board should generally be encouraged, however, persons and businesses should not expect any reward, reciprocal benefit, or influence.**
- t. A City official, employee, or department shall not solicit, accept, or agree to any donation to the City that:**

- i. reasonably tends to influence or reward official conduct in a *quid pro quo* manner; or
- ii. the City official, employee, or department knows is intended to influence or reward the discharge of official duties in a manner other than the normal execution of duties.²

(3) Confidentiality of Donations:

- a. The donation coordinator shall keep all amounts, and information regarding each donor confidential to the extent allowed by law. The donation coordinator shall not distribute information relating to a donation or a donor to any City or economic development board employee or official except the City Manager, finance director, or the City Council or economic development board.
- b. Donations may be made anonymously.
- c. All information regarding donations and the donor shall be kept within the custody of the donation coordinator. Except for the City Manager and finance director, the donation coordinator shall not distribute any information regarding any donations to any city or economic development board employee or official.
- d. The donation coordinator may provide information regarding a donation to the City Council or economic development board as part of the consideration for acceptance.

(4) Records Management:

- a. The donation coordinator shall keep records of all donations made, whether anonymous or not.
- b. The donation coordinator is the custodian of such donation records.

(5) Employee and Department Isolation:

² *Official Comment:* In order to avoid the appearance of any impropriety, information regarding donations, the amounts, the assets, and the donor are generally to be isolated from any departments which have any decision-making authority, such as permits, planning and development, building and code enforcement, etc. This isolation of information is to help ensure that donations do not influence regular official decision making on a day-to-day basis. This isolation, however, is not intended to prevent the city manager, finance director, the economic development board or the city council from being informed or having the necessary information needed to determine if an acceptance is appropriate.

- a. **Employees of the City or the economic development board may not inquire with the donation coordinator whether any donation has been made or any specific donor has made a donation.**
- b. **Employees may inquire with the donation coordinator as to the total value of donations which have been accepted by the City or economic development board over a given time period. However, employees cannot obtain individual donation or donor information.**

**II.
CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

**III.
SEVERABILITY**

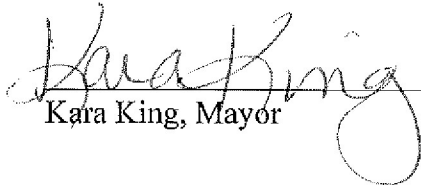
That it is hereby declared to be the intention of the City Council of the City of Bee Cave that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

**IV.
PROPER NOTICE AND MEETING**


It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

DULY PASSED AND APPROVED, on the 27th day of February, 2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

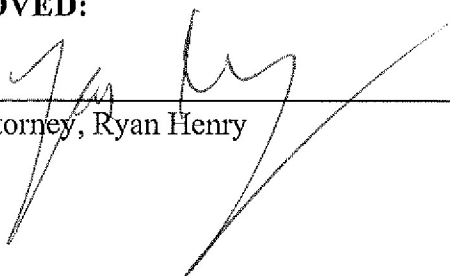
CITY OF BEE CAVE, TEXAS


Kara King, Mayor

ATTEST:


City Secretary, Kaylynn Holloway

APPROVED:


City Attorney, Ryan Henry