

## **ORDINANCE 25-09**

### **AN ORDINANCE ENACTING CHAPTER 3.58 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO DONATIONS AND SPONSORSHIPS.**

#### **PREAMBLE**

Pursuant to this ordinance, the City may accept donations and seek sponsors that further the City's mission by providing monetary or in-kind support for the City in a manner that respects the nature of City property and services. Donations or sponsorships that are aesthetically displeasing, politically or religiously oriented, or are inconsistent with the City's properties and services, or are otherwise inappropriate for, or offensive to, the community, may harm the public's trust. Therefore, the City will only accept donations and permit sponsorship of certain City property, facilities, events, activities, programs, and services in limited circumstances and pursuant to the standards and purposes set forth herein.

Whenever possible, sponsorships should be linked to a specific City facility or service. The City will neither seek nor accept sponsors that manufacture or provide services or products or take positions that are inconsistent with local, state or federal law or with City policies, positions or resolutions. Acceptance of a donation or the establishment of a sponsorship is not intended to and does not constitute an endorsement by the City of the donor or sponsor, its organization, products or services.

This ordinance sets the standards, guidelines and approval criteria for solicitation, consideration and acceptance of donations and sponsorships. This ordinance is designed to protect the mission, image and values of the City, to protect the image and value of its facilities and services, to protect the City from risk and to uphold the City's stewardship role to safeguard City assets, programs and interests. No donation or sponsorship shall be approved that will compromise or damage the public trust or conflict with or compromise the City's reputation, mission, image, values or aesthetic interests. Sponsorship agreements must conform to all ordinances established by the City prior to and during the life of the agreement.

It is the City's express intent that its acceptance of donations and sponsorships as set forth herein does not act as the creation of a nontraditional public forum for public discourse and debate. Rather, the City's purpose and intent is to secure additional means of generating revenue to support the City in its efforts to develop, maintain, improve, support, market and sustain its assets, facilities and programs. In furtherance of that objective, the City retains the right to make distinctions in access on the basis of subject matter and speaker identity without regard to viewpoint. The City's purpose is to limit donations and sponsorships to a nonpublic forum compatible with the intended purposes of the City's property and programs and according to the terms of this chapter and with any administrative policy developed or amended by the Mayor through executive order.

The City Council has thus determined that it is in the best interest of the City's residents to adopt this ordinance to establish the process to accept donations and to solicit sponsorships that further the City's mission and benefit the community.

NOW THEREFORE, BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this ordinance is to enact chapter 3.58 of the Murray City Municipal Code relating to donations and sponsorships.

*Section 2. Enact chapter 3.58.* Chapter 3.58 of the Murray City Municipal Code shall be enacted as follows:

## **Chapter 3.58 DONATIONS AND SPONSORSHIPS**

### **3.58.010 Purpose.**

The purpose of this chapter is to establish criteria by which the City may accept donations or sponsorships that further the City's mission by providing monetary or in-kind support for the City's programs or services. The City accepts donations and permits private sponsorship of limited programs or services to generate funds for improving or expanding those programs and services. The City exercises sole discretion over donations and sponsorships as set forth and according to the terms of this chapter.

### **3.58.020 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

“Director” means the Finance and Administrative Services Director.

“Donation” means any monetary or nonmonetary gift, devise, or bequest to the City. A monetary donation includes cash or a check, money order, or any other negotiable instrument. A nonmonetary donation includes any real or personal property, goods, or services. As used in this chapter, “donation” does not refer to any money or property, real or personal, that may be reasonably classified as a grant.

“Sponsorship” means a financial or in-kind support from a person, business or organization for a specific property, facility, event, activity, program, or service in return for certain benefits.

### **3.58.030 Guiding Principles.**

A. Donations and sponsorships will be accepted only in accordance with the criteria and procedures set forth in this chapter.

- B. Donations and sponsorships must support the mission and policies of the City.
- C. Whenever possible, donations or sponsorships should be linked to a specific property, facility, event, activity, program, or service.
- D. The City will neither seek nor accept donations or sponsorships from donors or sponsors that manufacture products or take positions that are inconsistent with local, State, or Federal law or with City policies, positions, or resolutions.
- E. The acceptance of a donation or a sponsorship shall not constitute an endorsement by the City of the donor's or sponsor's organization, products, services, positions, or statements.
- F. The City may accept, deny or refuse any donation or sponsorship in its sole discretion as limited by the intent and purposes of this chapter.

### **3.58.040 Donations.**

#### **A. Acceptance of Donations.**

- 1. **Donations of Real Property or Monetary Donations Exceeding \$100,000.** Monetary donations exceeding \$100,000 or any donation of real property, shall be approved by the City Council before acceptance. Upon such approval by the City Council, the Director or designee is authorized to accept such donation to the City, and to carry out the terms or conditions of the donation if such terms and conditions are within the powers granted to the City by law and this chapter.
- 2. **Monetary Donations Up To \$100,000.** The Mayor is hereby authorized to accept donations up to \$100,000 or less, increase department revenues and appropriations accordingly and execute related agreements as long as departments do not require additional funding for ongoing maintenance costs or future replacement costs. Unspent appropriations that are authorized and funded by donations from prior fiscal year shall be carried forward. The Finance Director shall report as part of the periodic financial report the acceptance of any donations under the Mayor's authority.
- 3. **Nonmonetary Donations Directly Supporting City Events or Community Activities.** The Director or designee is authorized to accept nonmonetary donations that support specific City events and other community activities.
- 4. **Other Nonmonetary Donations.** The Director or designee will assess the utility to the City and value of other nonmonetary donations offered to the City. The Director or designee is authorized to accept such donation to the City, and to carry out the terms or conditions of the donation if such terms and conditions are within the powers granted to the City by law and this chapter.

#### **B. Procedure for acceptance of donations.**

1. All donations shall be offered in writing to the City. The Director or appropriate staff will review the acceptability of any donation and determine if the benefits to the City are appropriate and acceptable under all City ordinances and policies and applicable federal and state law.

2. At a minimum, evaluation criteria shall include:

- a. consideration of any immediate or initial expenditure to accept the donation,
- b. the potential and extent of the City's obligation to maintain the donation,
- c. the community benefit received from the donation, and
- d. the appropriateness of the donation when considered in relation to the intent and purpose of this chapter.

C. Use of Donations. Donations shall be designated as either Designated or Undesignated. Designated donations are those that the donor specifically designates for a particular purpose, use, or location. Undesignated donations are donated for an unspecified purpose, use, or location.

D. Donations not approved. The City may accept or decline any donation as set forth herein. If a donation is not approved or accepted by the City, such donation shall be immediately returned by the City to the private citizen, business group, or private organization attempting to make such donation in a manner that properly documents the return of such donation.

E. Limitations.

1. Limitation on Acceptance of Donations. The City may accept and use donations only for purposes related to those powers granted or implied to the City by law. The City may decline to accept any donation that is inconsistent with the policies, plans, goals, any other ordinance of the City.

2. In the event a donor has indicated a desire for a particular use of a donation by the City, or has placed conditions upon the donation, the City shall consider such desired use or condition. If the Mayor or City Council determines that the desired use or condition is acceptable and is consistent with the policies, plans, goals or ordinances of the City, such donation may be accepted with the desired use or condition attached. Any donation to the City that is accompanied with any contingency, term, or condition on the use by the City of such donation that is inconsistent with this chapter or contrary to law shall be declined by the City. If a donor has not specified a particular desired use or has not attached any conditions to the donation and/or the City has not accepted such use or conditions, the donation may be used for any municipal purpose.

3. The Mayor or designee shall dispose of any property donated in accordance with any terms and conditions of said donation. If the donation is without conditions, the City shall dispose of the property in the manner deemed most appropriate under the laws, policies, goals and plans of the City. The Mayor shall refer to the City Council the matter of disposition of a significant parcel of real property.

### **3.58.050 Sponsorships.**

Where sponsorship of a community event or program will require special recognition, corporate or organized sponsors may be recognized by the use of the company name or logos on certain event banners, signage and advertising. Signs and literature at all special events and programs shall be at the discretion of the Mayor or designee and appropriate staff. The size, scale and location of corporate logos and names should not dominate the facilities or area. Sponsor logos or names shall not be displayed in such a manner that would, in any way, suggest the endorsement of the City or any employee or representative of the City.

### **3.58.060 Naming rights.**

Offers of sponsorship that involve naming rights for any City facilities, shall require the approval of the City Council. The Mayor shall have the authority to approve sponsorships for naming rights of designated portions of City facilities, such as naming rights for a specific room, or fixture within a City facility. Sponsors may receive certain naming rights on projects for which any donation matches or exceeds a threshold determined by the Mayor in consultation with the Director and appropriate Department Head and staff.

### **3.58.070 Special privileges.**

Making a donation or entering into a sponsorship agreement shall not allow, permit, enable, impose, oblige, or entitle a sponsor or donor to any special privileges or convey any special status other than those stated in this chapter or in policies developed by the Mayor pursuant to 3.58.080. Special privileges may include, but are not necessarily limited to, City recognition, allowing certain displays at special events, or receipt of plaques.

### **3.58.080 Policies and procedures.**

The Mayor is authorized to develop policies, procedures, and forms as necessary to effectuate the purpose of this chapter.

*Section 3. Effective date. This Ordinance shall take effect upon first publication.*

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 18<sup>th</sup> day of March, 2025.



MURRAY CITY MUNICIPAL COUNCIL

A handwritten signature of Pam Cotter.

Pam Cotter, Chair

ATTEST:

A handwritten signature of Brooke Smith.

Brooke Smith, City Recorder

Transmitted to the Office of the Mayor of Murray City on this 20<sup>th</sup> day of March, 2025.

MAYOR'S ACTION: Approved

DATED this 20<sup>th</sup> day of March, 2025

A handwritten signature of Brett A. Hales.

Brett A. Hales, Mayor

ATTEST:

A handwritten signature of Brooke Smith.

Brooke Smith, City Recorder

#### CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the 20<sup>th</sup> day of March, 2025.

A handwritten signature of Brooke Smith.

Brooke Smith, City Recorder