



ORDINANCE NO. #O18-12-06

ORDINANCE AMENDING TITLE 3 OF THE VILLAGE CODE TO ADD NEW CHAPTER 3.60
TO ESTABLISH PROCEDURES FOR DONATIONS TO THE VILLAGE

ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF CARY THIS 4TH DAY OF DECEMBER, 2018

Published in pamphlet form by
authority of the Mayor and
Board of Trustees of the Village
of Cary, McHenry County, Illinois
this 4th day of December, 2018

WHEREAS, the Village of Cary (“Village”) has the lawful authority to receive and accept donations made to the Village to benefit its residents and taxpayers of the Village; and

WHEREAS, the Mayor and Board of Trustees find it is in the best interests of the Village and its residents to promote and allow for such funding sources as may facilitate the general operations of the Village and welfare of the citizenry by implementing clear procedures to establish reasonable, ethical and transparent standards and procedures for the approval and acceptance of donations by the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Cary as follows:

SECTION 1: **Recitals.** The foregoing recitals are incorporated into this Ordinance as the finding of the Mayor and Board of Trustees of the Village of Cary.

SECTION 2: **Donations.** That Title 3 of the Village Code of the Village of Cary entitled “Revenue and Finance” is hereby amended to add a new Chapter 3.60 entitled “Donations”, said new Chapter 3.60 to be added at the end of the provisions of Title 3, immediately following the provisions of current Chapter 3.56, said new Chapter 3.60 and provisions therein related to and governing donations to the Village, to read in its entirety as follows:

“CHAPTER 3.60. – DONATIONS.

Sec. 3.60.010. - Purpose.

To establish a formal process for acceptance and documentation of donations made to the Village. This is intended to provide guidance when individuals, community groups or businesses wish to make donations to the Village. The Village Administrator shall have the authority to promulgate further rules or guidelines regarding donations in accordance with this Chapter.

Sec. 3.60.020. - Type of Donation.

Donations may be in the form of cash, real or personal property and may be designated for a particular purpose or use or undesignated. Offers of donations of cash or items may be accepted if consistent with the provisions of this Chapter and approved by the Village Board of Trustees.

Sec. 3.60.030. - Consistency with Village Interests.

Designated donations may only be accepted when their purpose is lawful and consistent with the Village’s goals and objectives and in the best interest of the Village. The Village will consider the public trust and comply with all applicable laws when accepting donations.

Sec. 3.60.040. - Acceptance of Undesignated Donations of Cash or Tangible Items.

All undesignated donations to the Village, including donations to employees related to the Village, shall be submitted to the Village Administrator for consideration for acceptance. The Village Administrator shall review every donation and determine if the benefits to be derived warrant acceptance of the donation and submit a recommendation to the Village Board of Trustees regarding acceptance.

Sec. 3.60.050 - Acceptance of Designated Donations of Cash or Tangible Items.

The Village Administrator will review the conditions of any designated donation and determine if the benefits to be derived warrant acceptance of the donation and submit a recommendation to the Board of Trustees regarding acceptance. Criteria for the evaluation include, but are not limited to:

- A. Consideration of an immediate or initial expenditure is required in order to accept the donation; and/or
- B. The potential and extent of the Village’s obligation to maintain, match, or supplement the donation.

Sec. 3.60.060. - Acknowledgement of Donations.

- A. A written verification or receipt of a donation is to be completed by the Village Administrator’s Office for all donations provided to the Village.

- B. Acknowledgement of any donation should be in writing and a copy of the written acknowledgement should be forwarded to donors or donating entity.
- C. This documentation, including the donor names, if any, and donation amounts may be subject to disclosure pursuant to the Illinois Freedom of Information Act.

Sec. 3.60.070. - Donations.

Donations will be considered by the Village and shall be subject to the requirements set forth in this Chapter.

- A. If a donor or donors wish to keep their personal information private, the donation, whether designated or undesignated, can be offered through another lawful entity. Examples of such entities would be a charitable entity such as The Community Foundation for McHenry County or by or through a trust or financial institution.
- B. Private donations will only be considered when the donor is anonymous to all members of the Village Board or when the donor has identified themselves to every member of the Village Board.

Sec. 3.60.080 - Declined Donations.

The Village reserves the right to decline any donation if, upon review, acceptance of the donation offer is determined, in the sole discretion of the Village, to not be in the best interests of the Village.

Sec. 3.60.090 - Distribution of Donations.

- A. Tangible items will be distributed to appropriate Village departments for use or, at the discretion of the Department Director or Village Administrator, disposed of in an appropriate manner according to this policy.
- B. Designated donations of cash will be deposited into the appropriate revenue account for the designated Village department.
- C. Undesignated donations will be deposited into the appropriate Village fund at the direction of the Village Board of Trustees.

Sec. 3.60.100 - Dissemination of Information.

A copy of the written confirmation for an accepted donation is to be forwarded for information to the Board of Trustees by the Village Administrator's Office.

Sec. 3.60.110 - Acceptance of Gifts:

- A. All Village officials and employees should comply with Chapter 2.82 of the Village Code regarding ethics' requirements and standards as they relate to the receipt of gifts.

- B. Village officials and employees should be objective and fair in dealing with the public and persons or firms doing business with the Village and shall not solicit or accept gifts or gratuities for the performance of their Village responsibilities.
- C. No Village officials or employees shall directly or indirectly solicit, accept, or attempt to accept any money, fee, credit, gift, gratuity, object of value, or compensation of any kind which the officer or employee knows, or has reason to know is being offered:
 1. For the purpose of improperly obtaining or rewarding favorable treatment;
 2. To influence the official or employee in the discharge of official duties or;
 3. In consideration of having exercised official powers or performed official duties.”

SECTION 3: **Savings Provision.** If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is determined in a final order by a court of competent jurisdiction to be invalid such final order shall not affect, impair, invalidate, or nullify any other provision of this Ordinance, which other provisions shall remain and continue in full force and effect.

SECTION 4: **Repeal of Conflicts.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED THIS 4TH DAY OF DECEMBER, 2018

AYES: Kraus, McAlpine, Covelli, Cosler, Betz, Weinhammer

NAYS: None


ABSTAIN: None

ABSENT: None

APPROVED THIS 4TH DAY OF DECEMBER, 2018


 Mark Kownick, Mayor

ATTEST:


 Susan Greene, Deputy Village Clerk