

ORDINANCE NO. 2019 - 05

AN ORDINANCE REGULATING DONATIONS OF PUBLIC FUNDS, SERVICES AND/OR FACILITIES OWNED BY THE CITY OF FRONTENAC, KANSAS, BY MEANS OF A DONATION POLICY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FRONTENAC, KANSAS:

SECTION ONE. Policy.

Occasionally, the City is asked to donate public funds or services and/or facilities that are normally provided for a fee to organizations or groups. To achieve the City's purpose of promoting its relationship with the community, promoting the public health, safety, morals, security, prosperity and contentment of the City's residents and to promote the social and economic welfare of the City, it shall be the policy of the City to make these donations only under the following conditions or circumstances:

1. Donations will only be made to community organizations. An organization is a community organization if it:
 - (a) is a governmental agency or a charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and
 - (b) makes its principal place of business within the City limits; or
 - (c) the organization's membership consists of 33% or more of City residents; or
 - (d) the organization carries out activities that the City Council determines further a public purpose for the City.
2. Donations will only be made for purposes deemed to further a public purpose, as determined by the full discretion of the City Council, which may include, but is not limited to:
 - (a) promoting the public health, safety, morals, security, prosperity and contentment of all or a substantial number of the residents of the City;
 - (b) promoting the economic welfare of the City;
 - (c) promoting the social welfare of all or a substantial number of residents of the City.
3. Subject to the limitations in subsections A.1 and A.2 above, it shall be the policy of the City that donations of the City's facilities or services free of charge will be

available to all community organizations regardless of their religious nature. This open access policy is in effect to ensure that the benefits of the City's public facilities flow generally to community organizations. By donating the City's facilities or service to community organizations, the City does not undertake to endorse the organization, nor does it promote their views or ideals.

4. In-kind donations under \$100.00 fitting the criteria outlined above may be approved by the City Administrator. Requests for in-kind donations under \$100.00 must be made in writing to the City Clerk and approved by the City Administrator.

SECTION TWO. Procedure.

1. Requests for donations in excess of \$100.00 must be made in writing to the City Clerk. Applicants have the burden of defining the role of their organization and how it qualifies for a donation under sections A.1 and A.2 of this policy.
2. The City Clerk shall review the application to determine the organization's status as a community organization and that a public purpose would be served by the donation. The City Clerk shall then make a recommendation of approval or denial to the City Council.
3. A request for a gift should be submitted in writing on an application form provided by the City at least 45 days prior to presentation of request to the governing body.
4. Any gift requested shall be made to a sponsoring organization instead of to an individual.
5. A sponsoring organization must match the City's gift for the benefit of an individual.
6. All gifts are contingent upon the intended recipient(s) coming back to the governing body and making a report of how the gift was utilized.
7. Copies of receipts to City which show the purpose and amount of the expenditure are required.
8. The City Council may, by a $\frac{3}{4}$ majority vote of its members present and voting, approve a donation of public funds upon a finding that a public purpose will be served by the donation.
9. Approvals, made pursuant to this policy, for the donation of the use of facilities, which are normally provided for a fee, are specific to the applicant requesting the donation and may not be assigned or transferred in any way.

SECTION THREE. Exemptions.

As the City of Frontenac, Kansas, provides within its annual budget amounts to be allocated to the support of Frontenac Homecoming and Festa Italiana, any city contribution to these organizations shall be exempt from the above stated policy and procedures.

SECTION FOUR. Effective Date.

This Ordinance shall take effect upon its adoption and publication in the City's designated newspaper for legal publications.

ADOPTED AND APPROVED by the Governing Body of Frontenac, Kansas, on this 15th day of April, 2019.

Linda K. Grilz, Mayor

(SEAL)
ATTEST:

Terri Kutz, City Clerk