



Shepherdstown Donation Review and Acceptance Policy

I. Purpose and Policy

This policy establishes a process for acceptance and documentation of donations made to the Town of Shepherdstown. The policy establishes guidance for situations where individuals, community groups, and businesses wish to make donations to the Town, including when donors expect to be able to claim Federal Tax benefits related to the donations. This policy applies to all donations accepted by the Town Council after the effective date of this policy. The policy may be amended or repealed, in whole or in part, by the Town Council.

II. Definitions

“Donation.” Donations are any tangible or intangible asset, in whatever condition, or service that the Town is prepared to accept pursuant to the Donation Review and Acceptance Policy and related administrative guidelines. Donations are synonymous with “gifts” for purposes of this policy.

“Donor” means an individual or legal entity who make a donation to the Town.

III. Consistence with Town Interests and Goals

The Town of Shepherdstown may accept a donation when it is in the best interest of the Town, when acceptance of the donated item or service is consistent with the goals and objectives of the Town, and when the Town has a valid use for the donated item or service. The Town must always consider public trust and comply with all applicable laws when accepting donations.

IV. Guidelines / Standards for Accepting Donations

The Town shall use the following criteria to evaluate whether to accept any donation:

- 1) Donations must be in the best interests of the Town and community.
- 2) Donations must be consistent with such Town policies as: the Town Comprehensive Plan, Historic District guidelines, parks and recreation plans or designs, and must not be in conflict with any Town policy or ordinance or other laws.
- 3) Preference will be given to donations that have historical or cultural relevance.
- 4) Donations of real property or related items must reflect the character and be consistent with the intended surroundings and complement the aesthetics of the proposed site.

- 5) Donated property and items must not substantially interfere with the intended current or future planned use of the land or facility where it is proposed to be located.
- 6) Donations should not create additional workload for the Town without creating a net benefit for the Town.
- 7) The terms of a donation may not restrict the Town's authority in any way unless approved by the Town Council.
- 8) Donated property and items shall become the sole property of the Town unless determined otherwise by the Town Council.
- 9) Donations shall be irrevocable and otherwise final upon receipt by the Town.
- 10) The Town may choose to relocate, remove, or dispose of any donated item at any time, with or without notice to the donor.

V. Costs Related to Donations and Donated Items

The Town Council will consider the short and long-term costs of any donated property, item, or service, including such costs as for installation, maintenance, and operation. The costs to install, operate, repair, and/or maintain a mechanical and/or electric system proposed for use in conjunction with a donation shall be identified prior to acceptance by the Town Council.

VI. Committee Review and Public Input

When considering donations that may affect the immediate surroundings, the Town Council may request (but is not required to) that the Town Planning Commission, Finance Committee, Parks and Recreation Committee, and/or others review the proposed donation. The Town Council may request public comment on any proposed donation, including by convening a Public Hearing to obtain community input on such issues as: impact on view sheds, safety concerns, potential for noise generation, compatibility with the aesthetic features of parks or park plans or public lands in general.

VII. Recognition of Donors

The Town shall recognize all donors in a manner appropriate to the level and nature of the donation as determined by the Town Council. For donations of a capital nature (such as facilities), the recognition may be in the form of signage, plaques, markings, or other means the Town shall deem appropriate. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community. The appearance of traditional commercial advertising shall be avoided.

VIII. Donations Valued at Less than \$5,000

The Town Administrator shall be authorized to accept or reject offers of donated money or equipment valued at up to \$5,000 per donation. The Administrator shall follow the principles of the Town Donation Policy to determine whether to accept any donation. Donations of equipment and other items will be evaluated for usefulness and potential replacement costs. The money donated will be expended for general purposes within a specific department or specified purposes, if agreed with the donor, as one-time supplements to the department's operating budget.

IX. Procedures

Potential Donors must submit a Town Donation Application Form with detailed information about the proposed donation. The Town Administrator and Town Council may meet with prospective donors to discuss proposed donations. Such meetings should ensure both the donor and the Town have a full understanding of the proposed donations and the Town's procedures for reviewing and accepting donated items. The Town Administrator and Town Council may request additional information including but not limited to: scaled drawings, artists' renderings, or other documents to better illustrate the exact nature of the proposed donation. The Town may choose to consult with other agencies or organizations in the review process.