



## AGENDA REPORT

**Meeting Date:** April 6, 2010  
**Item Number:** G-6  
**To:** Honorable Mayor and City Council  
**From:** Mahdi Aluzri, Assistant City Manager  
**Subject:** RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DELEGATING THE CITY MANAGER TO ACCEPT OR REJECT GIFTS, BEQUESTS AND DEVISES ON BEHALF OF THE CITY  
**Attachments:** 1. Resolution

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### **RECOMMENDATION**

Staff recommends that the City Council adopt the resolution delegating to the City Manager the authority to accept or reject gifts and donations to the City that do not exceed \$10,000 in value.

### **INTRODUCTION**

Government Code Section 37354 provides that the City Council may accept or reject donations, gifts, including gifts of cash or other valuable property. From time to time, staff receives such offers from members of the community and other organizations for either a specific purpose or to be used for public purposes in general. Current practice, as well as Government Code Section 37354, requires the offer to be placed on the formal agenda for City Council's consideration and approval before the gift could be accepted. Staff discussed the possibility of streamlining the process with the City Council Audit Committee (Council members Krasne and Brien) and they agreed that smaller donations up to \$10,000 could be delegated to the City Manager provided a report on what has been accepted or rejected is submitted to the City Council on a regular basis.

### **DISCUSSION**

In order to facilitate the process for smaller donations which are more often offered, staff is proposing that the City Manager be authorized to accept or reject the donation on behalf of the City. As part of that process, staff will provide to the City Council, on regular basis, detailed reports on all donations accepted or rejected by the City Manager.

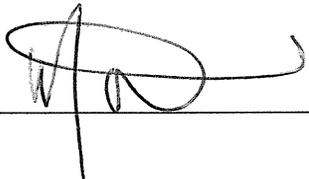
Criteria for accepting donations are set forth in the proposed resolution and are as follows:

- The donation is for a designated purchase consistent with existing City policy, program, or a department goal.
- The restrictions on use, disposal or retention of the donation make it practical to accept.
- Acceptance does not create a real or perceived conflict of interest.
- Acceptance will not result in the need for added cost or impact the City's budget.
- Acceptance will not result in the purchase of additional items to make the donated item useful.

**FISCAL IMPACT**

No fiscal impact other than the benefit of the value of the donation.

  
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Scott G. Miller  
Finance Approval

  
\_\_\_\_\_  
Mahdi Aluzri  
Approved By

RESOLUTION NO. 10 - \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DELEGATING THE CITY MANAGER TO ACCEPT OR REJECT GIFTS, BEQUESTS AND DEVISES ON BEHALF OF THE CITY

The City Council of the City of Beverly Hills hereby resolves as follows:

Section 1. Government Code Section 37354 provides that "[t]he legislative body may accept or reject any gift, bequest, or devise made to or for the city, or to or for any of its officers in their official capacity or in trust for any public purpose. It may hold and dispose of the property and the income and increase from the property for such uses as are prescribed in the terms of the gift, bequest, or devise."

Section 2. The City of Beverly Hills ("City") desires to delegate the task of accepting or rejecting small gifts of money or other items of value to the City Manager as set forth in this Resolution.

Section 3. The City Council hereby delegates to the City Manager the authority to accept or reject offers of donations of gifts, including gifts of personal property or real property by will, money, equipment or in-kind contributions made to any City Department or the City in general up to Ten Thousand Dollars (\$10,000).

Section 4. The City Manager shall use the following criteria in determining whether the Donations may be accepted on behalf of the City:

A. The donation of the item or funds for a designated purchase is consistent with existing City policy, program outcomes and City or department goals.

B. The restrictions on the use of the item or funds make it practical to accept.

C. The restrictions on the disposal or retention of the item or funds make it practical to accept.

D. The acceptance of the item or funds does not create a conflict of interest or perceived conflict of interest for the City or its employees.

E. The acceptance of the item will not result in an unacceptable increase to the City's budget.

F. The acceptance of the item will not result in the purchase of additional items to make the donated item useful.

Section 5. If the donors do not prescribe any limitations or uses on monetary donations, the City Manager shall deposit such funds in the General Fund of the City.

Section 6. The City Manager may refer any offer of a donation to the City Council for its determination on whether the donation is to be accepted or rejected.

Section 7. The City Manager or his designee is authorized to promulgate rules and regulations regarding the procedures for the acceptance of donations.

Section 8. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and the City Clerk's certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

CITY OF BEVERLY HILLS  
A municipal corporation

\_\_\_\_\_  
JIMMY DELSHAD  
Mayor of the City of  
Beverly Hills, California

ATTEST:

\_\_\_\_\_  
(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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JEFFREY KOLIN  
City Manager

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SCOTT G. MILLER  
Director of Administrative Services/CFO