



Policy No.: A09 – Donation Policy
Date Enacted: June 27, 2023
Amended By:

Subject

This Policy sets out the guidelines and considerations related to Donations.

Purpose

The purpose of this Policy is to provide guidance related to Donations while ensuring that the Municipality's corporate image, assets, interests, and revenue-generating opportunities are safeguarded.

Scope

This Policy shall apply to all relationships between the Municipality and External Parties who wish to make a Donation. This Policy excludes relationships which are the subject of the A09 – Sponsorship, Naming Rights and Advertising Policy and A09 – Recognition Policy.

Definitions

1. The following words shall have the following meanings:
 - a) **Acknowledgment** means the installation of a small plaque or marker to acknowledge a Donation, usually installed pursuant to a Program.
 - b) **Conflict of Interest** means any interest or relationship that would result in the disqualification of a member of Council in accordance with the Municipal Conflict of Interest Act or a policy of the Municipality.
 - c) **Council** means the Council of the Municipality.
 - d) **Donation** means cash, goods, services, or other in-kind contributions provided by an External Party to the Municipality without a reciprocal benefit expected, required or provided from the Municipality.

- e) **External Party** means a person, group, corporation or organization external to the Municipality and, for greater clarity:
 - i) includes employees of the Municipality and members of Council; but
 - ii) does not include committees established by Council nor the Municipality's local boards, as defined in section 1(1) of the Municipal Act, 2001, except the Uptown Leamington Business Improvement Area Board of Management.
- f) **Fee** means the relevant fee set within the Municipality's Fees and Charges By-law as may be in effect from time to time.
- g) **Municipality** means The Corporation of the Municipality of Leamington.
- h) **Municipal Facility** means real or personal property of the Municipality, whether all or part thereof, including, but not limited to, buildings, structures, parks, vehicles, and equipment.
- i) **Program** means a municipally administered program wherein the Donation is set by a Fee and the Donation is specifically directed toward the purchase of a Municipal Facility.

Policy

Guiding Principles for Donations

- 2. Donations shall:
 - a) be compatible with, complementary to, and reflective of the Municipality's vision, mission and values;
 - b) not conflict with any municipal program objectives, by-laws, administrative procedures and requirements, and operating policies or procedures;
 - c) not confer any personal benefit or create a Conflict of Interest in connection with any member of Council or employee of the Municipality;
 - d) not confer a personal benefit or advantage upon the External Party or any person not dealing at arm's length to the External Party as a result of the Donation; and
 - e) not interfere with or be contrary to any existing contractual obligations.

Specific Criteria Related to Donations

3. Donations shall:
 - a) be free and clear of all encumbrances;
 - b) be free of onerous conditions and restrictions that limit opportunities to utilize the Donation in the best interests of the Municipality;
 - c) not place an undue burden upon the Municipality to meet the initial and ongoing costs and obligations associated with the Donation; and
 - d) if necessary, include an external appraisal by an independent arm's length qualified appraiser or other third-party supporting documentation to substantiate the fair market value of the Donation.

Specific Criteria Related to External Parties

4. The External Party, and if the External Party is a corporation, any officer or director of the corporation, shall not be:
 - a) charged with or have been found guilty of a criminal offence; or
 - b) be involved in activities that are contrary to the values of the Municipality, that may represent a reputational risk to the Municipality.

Review and Approval

5. The review for compliance with this Policy shall be undertaken by the Manager of Communications and Public Relations.
6. Unless such authority has been delegated, Council shall approve all Donations.

Acknowledgements

7. Acknowledgements may be affixed to a Municipal Facility.

Revenue

8. Donations to the Program or toward a specific Municipal Facility shall be directed to the relevant department.
9. All other Donations shall be directed to the General Government department.

References and Related Policies

- Code of Conduct – Members of Council and Local Boards
- Delegation of Powers and Duties By-law
- A09 – Sponsorship, Naming Rights and Advertising Policy
- A09 – Recognition Policy
- M00 – Visual Identity Standards Policy
- Visual Identity Guide

(Report COM-01-23)