

District of West Vancouver
POLICY

Title: Donations to the District
Division: Parks, Culture & Community Services
Policy Number: 0125
File Number: 0282-20-0125

1. Purpose

- 1.1. The purpose of the Donations to the District Policy is to establish guidance for the District of West Vancouver (“District”) to facilitate and support opportunities for Donations that align with the District’s priorities, programs and services; and to provide criteria and guidelines for accepting, expending and administering Donations governed by the rules and definitions of the Canada Revenue Agency.

2. Scope

- 2.1. This policy shall apply to all District divisions, committees of Council and advisory boards which are subject to the policies of District Council.
- 2.2. This policy does not apply to the West Vancouver Memorial Library and the West Vancouver Police Department.
- 2.3. This policy does not apply where there are existing District policies in place governing specific donations:
 - a) Public Art and Municipal Art Collection Policy 02-70-213 (2005)
 - b) Tribute Bench Policy 02-70-210 (2004)
 - c) Sponsorships, Partnerships and Naming Rights Policy 02-30-378 (2017)
- 2.4. Further, this policy does not apply to the following:
 - a) Donations between the District and committees of Council, advisory boards, foundations and not-for-profit societies which have terms of references or legal agreements with the District regarding Donations.
 - b) Community Amenity Contributions
 - c) volunteer time

3. Definitions

- 3.1. **CAO** is the Chief Administrative Officer of the District of West Vancouver.
- 3.2. **Charitable Tax Receipt** means a receipt issued for income tax purposes in compliance with Canada Revenue Agency regulations.
- 3.3. **Community Amenity Contributions** means facilities or funds to be used for enhancing the attractiveness of a project or a neighbourhood or provided to meet a range of social, cultural, recreational and infrastructure needs of the community,

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- which an applicant or developer agrees to fund as part of a process seeking to intensify the use of a parcel of land.
- 3.4. **DFS** is the Director of Financial Services of the District of West Vancouver.
 - 3.5. **District** is the District of West Vancouver.
 - 3.6. **Donation** means money, goods, services or other consideration given to the District with no expectation of reciprocal provision of goods and services to the donor, other than recognition mutually agreed, but excludes Community Amenity Contributions. Donations do not constitute a business relationship since no reciprocal consideration exists. Donations are given voluntarily and without compensation or non-monetary consideration such as advertising, promotion, production or services.
 - 3.7. **Donor Recognition** refers to the acknowledgement and expression of thanks issued for a Donation.
 - 3.8. **Fair Market Value** is the price an item would bring on an open and free market between a willing buyer and seller who are operating independently of each other.
 - 3.9. **Framework** is the Framework for Evaluating Community Group Proposals for New, Upgraded or Enhanced Facilities, Infrastructure and Equipment which was approved by District of West Vancouver Council on July 10, 2017.
 - 3.10. **Letter of Understanding** is an agreement between the donor and the District outlining the use of the Donation and the obligations of the District and donor in that respect.
 - 3.11. **Non-qualifying Donee** means an organization that is not qualified to issue tax deductible receipts as per the CRA.
 - 3.12. **Qualified Donee** means an organization that is qualified to issue tax deductible receipts as per the CRA.
 - 3.13. **Restricted Donation** is a Donation that is for specific purposes.
 - 3.14. **Unrestricted Donation** is a Donation with no limitations on the use of the Donation.

4. Policy Statement

- 4.1. The District seeks to support philanthropy and revenue generation through encouraging and accepting meaningful and practical Donations where these Donations directly benefit the community and align with District priorities, strategic plans and programs and services.
- 4.2. The District seeks to enhance the profile of District partners, societies, boards and committees of Council to support their efforts in obtaining Donations to sustain and enhance District programs and services.
- 4.3. This policy provides a framework to guide decisions or recommendations related to the acceptance, expenditure and administration of Donations to the District.
- 4.4. While benefits are recognized, donated items at times may pose some challenges for the District. For example, the acceptance (or refusal) of certain items may have political or budgetary implications.

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- 4.5.** The District will not solicit or accept Donations from potential donors who:
- a) Represent reputational risk to the District, for example: individuals and organizations who are known to be involved in activities that contravene laws, District bylaws or values, or are in litigation with the District. The District's values, reputation and integrity must not be impugned through association with the potential donor.
 - b) Are a bidder, proponent or applicant to procurement, concurrent to the procurement solicitation and award process. Potential donors are required to advise the CAO if a Donation to the District is concurrent with a procurement process in which the donor, or the donor's organization or company is involved.
- 4.6.** Donations need to meet the following criteria to be approved:
- a) In general, the donor or Donation should cover appraisal, installation and recognition costs associated with the Donation. District staff can use discretion to waive this requirement subject to individual spending authority and adequate approved budget funding.
 - b) No advantage is to accrue to the donor or to any person not dealing at arm's length to the donor as a result of the Donation.
 - c) Donations cannot confer a personal benefit to any District employee.
 - d) There should be no conflict of interest or appearance of conflict of interest in accepting Donations.
- 4.7.** Restricted Donations have additional criteria to meet as follows:
- a) Restricted Donations are only to be accepted if the District has, in its sole discretion, the capacity to meet initial and ongoing costs and obligations associated with a Restricted Donation.
 - b) Donations of a non-monetary nature require a determination of Fair Market Value ("FMV") for the purposes of recording the transaction and to issue a Charitable Tax Receipt under Canada Revenue Agency ("CRA") regulations.
 - c) Restricted Donations require a mutually agreed-upon Letter of Understanding prior to acceptance of the Restricted Donation. The Letter of Understanding will include at a minimum the following considerations:
 - i) the donated item is the exclusive property of the District;
 - ii) the use of the Donation, initial general location and timeframe that it will be maintained and by whom;
 - iii) the District has no obligation to replace the donated item and the conditions upon which the District may dispose of the donated item;
 - iv) acknowledgement and recognition agreed upon;
 - v) communication protocols; and
 - vi) reporting requirements.
- 4.8.** Donations for projects being considered through the Framework for Evaluating Community Group Proposals for New, Upgraded or Enhanced Facilities, Infrastructure and Equipment must meet the criteria for accepting donations under

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this policy. Projects considered through the Framework that have their own legal agreement covering the use of Donations do not require a Letter of Understanding.

- 4.9.** The following conditions apply to acceptance of a Donation:
- a) Donations may be accepted without review by Council if the Donation is in compliance with this policy. Donations that require a variation of this policy may be presented to Council for a decision on acceptance.
 - b) Donations of \$75,000 or more will be presented to Council for a decision on acceptance.
 - c) If appropriate, and if in any case the Donation is valued at \$75,000 or more, when a Donation is declined, the DFS shall advise the donor in writing of the reason.
 - d) The District has no obligation to accept any Donation proposed by a donor.
- 4.10.** The District is committed to the highest standards of donor stewardship and accountability.

The District will take the necessary steps to maintain the privacy of donors and obtain specific permission to release information and recognize donors.

- a) The District will ensure that donors receive a formal letter of acknowledgement and gratitude.
- b) The District will issue charitable tax receipts in accordance with CRA regulations.
- c) The District will maintain accounting records for Donations received and expended in accordance with the District's Five-Year Financial Plan.
- d) In the case of Restricted Donations, records sufficient to confirm that the District's decisions with respect to the Restricted Donation comply with the applicable Letter of Understanding.


5. Related Procedure

- 5.1. Donations to the District Procedure 0126

6. Approval

Approved by	<input type="checkbox"/> CAO	<input checked="" type="checkbox"/> Mayor and Council
Approval date	2019/12/02	
Council minutes eDocs # (Council Policies only)	3965991	
Council report eDocs # (Council Policies only)	3945128	

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Signature	
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7. Additional Information

Category	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Administrative
Related procedure	<input checked="" type="checkbox"/> Yes (0282-20-0126)	<input type="checkbox"/> No
Date of last review	n/a	