



To: Walter Reed

From: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Donation Policy

Date: March 11, 2013

I received your inquiry through Cristina, and am aware of the \$10,000 bequest that was received by the City from the estate. The City Manager's Office has authority to accept monetary donations up to \$25,000. Copies of the relevant resolutions are attached. Please call me with any questions.

Hernandez, Cristina

From: Leen, Craig
Sent: Monday, March 11, 2013 10:35 AM
To: Hernandez, Cristina
Subject: FW: Donation Policy
Attachments: Donation Policy (2011).pdf; Donation Policy.pdf

Please place this email in the opinion file, along with the attached policies.

Craig E. Leen
City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Monday, March 11, 2013 10:35 AM
To: Reed, Walter
Cc: 'bthornton@coralgables.com'
Subject: Donation Policy

Walt,

I received your inquiry through Cristina, and am aware of the \$10,000 bequest that was received by the City from the estate. The City Manager's Office has authority to accept monetary donations up to \$25,000. Copies of the relevant resolutions are attached. Please call me with any questions.

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CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2011-148

**RESOLUTION AMENDING RESOLUTION NO. 2010-58 BY
REMOVING THE CREATION OF THE ARTS ADVISORY
PANEL FROM THE DONATION POLICY.**

WHEREAS, Resolution No. 2010-58, adopted by the City Commission on March 23, 2010 (the "Prior Resolution"), amended and restated the donation policy whereby the Cultural Development Board reviews donations to the City; and

WHEREAS, the Prior Resolution provided for assistance by a panel of Coral Gables art experts and others, thereby creating an arts advisory panel to report to the Cultural Development Board; and

WHEREAS, it is preferable to separate the provisions in the Prior Resolution regarding establishment of the Arts Advisory Panel from the remainder of the Prior Resolution that establishes the City's donation policy; and

WHEREAS, on some occasions donations to the City reviewed by the Cultural Development Board have not been donations of art or other cultural value, which is the purview of the Cultural Development Board; and

WHEREAS, it is desirable to limit review of donations by the Cultural Development Board to those donations of artistic or cultural significance;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT THE FOLLOWING SHALL REPLACE AND SUPERSEDE RESOLUTION NO. 2010-58:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission approves that a donation policy is hereby established, which shall provide a procedure for the review and recommendation by the Cultural Development Board of non-monetary art and cultural donations, of the Historic Preservation Board for non-monetary historically significant donations other than art, and of the City Manager for monetary and other non-monetary donations not falling within the purview of the Cultural Development Board or Historic Preservation Board received by the City of Coral Gables, subject to the final approval of the City Commission as hereinafter set forth.

SECTION 3. That donations of art works, commemorative and/or memorial structures, furniture, furnishings and other objects of cultural significance that enhance the artistic heritage of the City and possess aesthetic characteristics that contribute positively to the quality of public places, lands and buildings, as well as items of historical significance and other donations benefitting the City are welcomed by the City.

SECTION 4. That all non-monetary donations to the City must be unrestricted as to their final use.

SECTION 5. That monetary donations either unrestricted, or restricted for specific uses are welcomed by the City, provided they are in concordance with the City donation policy and fulfill the legal requirements of the City; all cash donations shall be deposited in an appropriate trust fund or other fund approved by the Finance Director and all expenditures from monetary donations shall follow standard City procedures.

SECTION 6. That donation proposals, including monetary donations, shall be submitted for review and recommendation, as set forth herein:

- a. Donations of artistic and cultural value shall be submitted to the Cultural Development Board in order to ascertain the artistic and cultural value of proposed donations, as well as their placement or other artistic use;
- b. Donations of historical significance other than art shall be submitted to the Historical Preservation Board in order to ascertain the historical value of the proposed donations, as well as their placement or other use; and
- c. Monetary donations or other non-monetary donations shall be submitted to the Office of the City Manager to ascertain the value to the City, with the City Manager having authority to accept donations with a value of twenty-five thousand dollars or less.

SECTION 7. That prior to making a recommendation on a proposed donation, the Boards may request a report from the City staff as to the technical, structural and fabrication standards involved in the intended use of the donation, its installation cost, maintenance and insurance requirements, any public safety factors, potential liability, or legal or financial issues, as well as its provenance.

SECTION 8. That the Cultural Development Board may request assistance of the Arts Advisory Panel.

SECTION 9. That the Boards shall vote whether or not to recommend the acceptance of the donation to the City Commission, and the City Manager shall provide a recommendation to the City Commission as to the acceptance of other donations not within the purview of the Boards for items or donations over twenty-five thousand dollars (\$25,000.00) in value, with the final decision as to the acceptance of the donation resting with the City Commission

SECTION 10. That upon the final acceptance by the City Commission of a donation, a letter shall be directed to the donor by the City Manager expressing gratitude on behalf of the Commission, and those donors whose gifts are not accepted shall be so notified by letter from the City Manager.

SECTION 11. That the City will not be responsible for providing appraisal certificates or valuations on donations received.

SECTION 12. That the staff for the Cultural Development Board shall keep a permanent inventory of donations of art works and other cultural objects and staff for the Historic Preservation Board shall keep a permanent inventory of donations of items of historical significance other than art.

SECTION 13. That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINETEENTH DAY OF JULY, A.D., 2011.

(Moved: Kerdyk / Seconded: Quesada)

(Yeas: Cabrera, Kerdyk, Quesada, Anderson, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item; C-5)

APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-58

**RESOLUTION AMENDING RESOLUTION NO. 29040
REGARDING THE DONATION POLICY FOR THE
CITY OF CORAL GABLES.**

WHEREAS, Resolution No. 29040, adopted by the City Commission on March 29, 1996, established a donation policy whereby the Cultural Affairs Advisory Board (now the Cultural Development Board) would review donations to the City; and

WHEREAS, on some occasions donations to the City reviewed by the Cultural Development Board have not been donations of art or other cultural value, which is the purview of the Cultural Development Board; and

WHEREAS, it is desirable to limit review of donations by the Cultural Development Board to those donations of artistic or cultural significance;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT THE FOLLOWING SHALL REPLACE AND SUPERSEDE RESOLUTION NO. 29040:

SECTION 1. That a donation policy is hereby established, which shall provide a procedure for the review and recommendation by the Cultural Development Board of non-monetary art and cultural donations, of the Historic Preservation Board for non-monetary historically significant donations other than art, and of the City Manager for monetary and other non-monetary donations not falling within the purview of the Cultural Development Board or Historic Preservation Board received by the City of Coral Gables, subject to the final approval of the City Commission as hereinafter set forth.

SECTION 2. That donations of art works, commemorative and/or memorial structures, furniture, furnishings and other objects of cultural significance that enhance the artistic heritage of the City and possess aesthetic characteristics that contribute positively to the quality of public places, lands and buildings, as well as items of historical significance and other donations benefitting the City are welcomed by the City.

SECTION 3. That all non-monetary donations to the City must be unrestricted as to their final use.

SECTION 4. That monetary donations either unrestricted, or restricted for specific uses are welcomed by the City, provided they are in concordance with the City donation policy and fulfill the legal requirements of the City; all cash donations shall be deposited in an appropriate trust fund or other fund approved by the Finance Director and all expenditures from monetary donations shall follow standard City procedures.

SECTION 5. That donation proposals, including monetary donations, shall be submitted for review and recommendation, as set forth herein:

- a. donations of artistic and cultural value shall be submitted to the Cultural Development Board in order to ascertain the artistic and cultural value of proposed donations, , as well as their placement or other artistic use;
- b. donations of historical significance other than art shall be submitted to the Historical Preservation Board in order to ascertain the historical value of the proposed donations, as well as their placement or other use; and
- c. monetary donations or other non-monetary donations shall be submitted to the Office of the City Manager to ascertain the value to the City, with the City Manager having authority to accept donations with a value of twenty-five thousand dollars or less.

SECTION 6. That prior to making a recommendation on a proposed donation, the Boards may request a report from the City staff as to the technical, structural and fabrication standards involved in the intended use of the donation, its installation cost, maintenance and insurance requirements, any public safety factors, potential liability, or legal or financial issues, as well as its provenance.

SECTION 7. That the Cultural Development Board may request assistance by a panel of Coral Gables art experts and others, as the need may arise, which shall report findings in writing to the Board; that the arts panel shall be designated by the Chairman of the Board, subject to the approval of the Board, and shall have, at minimum, representatives of the following professions: art museum or gallery administrator, art/architectural historian, public sector arts administrator, and one member of the Board, and shall meet at the call of the Chairman and serve without compensation.

SECTION 8. That the Boards shall vote whether or not to recommend the acceptance of the donation to the City Commission, and the City Manager shall provide a recommendation to the City Commission as to the acceptance of other donations not within the purview of the Boards for items or donations over twentyfive thousand dollars (\$25,000.00) in value, with the final decision as to the acceptance of the donation resting with the City Commission.

SECTION 9. That upon the final acceptance by the City Commission of a donation, a letter shall be directed to the donor by the City Manager expressing gratitude on behalf of the Commission, and those donors whose gifts are not accepted shall be so notified by letter from the City Manager.

SECTION 10. That the City will not be responsible for providing appraisal certificates or valuations on donations received.

SECTION 11. That the staff for the Cultural Development Board shall keep a permanent inventory of donations of art works and other cultural objects and staff for the Historic Preservation Board shall keep a permanent inventory of donations of items of historical significance other than art.

SECTION 12. That this resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF MARCH, A.D., 2010.

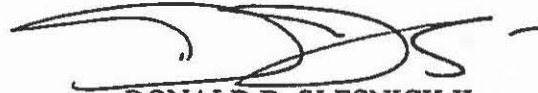
(Moved: Withers / Seconded: Kerdyk)

(Yeas: Kerdyk, Withers, Anderson, Cabrera, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: C-6)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY