

## **Donation Procedures for Members of Council**

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### **Application**

These procedures apply to all Members of Council when soliciting and/or facilitating donations to the City for community benefit. The procedures also apply to all City employees when supporting a Member's donation-related activities, including but not limited to providing concurrence, managing donations, and documentation and reporting requirements, as described in these procedures.

These procedures do not apply to the following:

- Skills or service provided through the City's Volunteer Program.
- Museum artefact donations of objects with possible historic value relevant to the City of Ottawa (Collections Management Policy).
- Funding or donations in-kind obtained from other levels of governments through normal transfers, payments or grant programs.
- Contributions from community organizations under the City's Community Partnership grant programs, where enhancements to community facilities are cost-shared and where the terms of the partnership are created through another Council-approved policy.
- Contributions required under Sections 37 and 41 of the Ontario *Planning Act*.

- Sponsorship and advertising agreements (Sponsorship Policy; Advertising using City Assets and Programs Policy).

In addition, these procedures do not apply to Members of Council in relation to the following:

- Donations and/or contributions to which formal statutory and/or policy processes and requirements apply (e.g., Community Benefits Charges).
- Direct donations for residents or specific groups outside of the corporation of the City of Ottawa (e.g., “social contracts” regarding tenant housing matters; provision of transit passes to future occupants of a development; etc.). That said, it is recommended that a Member consult with the Integrity Commissioner regarding the solicitation and/or facilitation of such donations and any obligations under the Code of Conduct for Members of Council.
- Donations and sponsorships for Member-organized community events and supporting benevolent events, to which the Community, Fundraising and Special Events Policy applies.

These procedures also do not apply to City employees when soliciting, considering, accepting, recognizing and administering donations to the City under the Donations to the City for Community Benefit Policy (i.e., donations to the City that are not solicited and/or facilitated by Members of Council).

## **Procedures description**

### **1. General requirements**

A Member of Council may solicit and/or facilitate donations to the City for community benefit in accordance with these procedures, subject to the following:

- A Member’s donation-related activities shall conform to the Code of Conduct for Members of Council. Where there is a discrepancy between these procedures and the Code of Conduct for Members of Council, the language of the Code of Conduct prevails. It is generally recommended that a Member consult with the Integrity Commissioner regarding any proposed solicitation and/or facilitation (including acceptance) of a donation in order to ensure the Member’s obligations under the Code of Conduct and relevant provisions of these procedures are met.
- Donations to the City must only be accepted at arm’s length from decision-making processes. Generally, if a Member has a current or foreseeable role in any decision-making process that involves the donor (e.g., forthcoming consideration of a matter at Committee or Council; providing Councillor concurrence to staff regarding a matter under staff’s delegated authority, etc.), the Member must not solicit and/or facilitate a donation from the donor without approval from the Integrity Commissioner, including any required Terms and

Conditions. Specific limitations and restrictions apply to planning and procurement decision-making processes, as set out in Section 2 of these procedures.

- All donations made to the City through a Member's solicitation and/or facilitation must be given unconditionally and voluntarily without any expectation of benefit. Donations to the City for community benefit are not to serve as an alternative to paying for fees, permits, programs, and/or services.
- A Member shall clearly communicate to the potential donor that any donation is completely voluntary. The Member shall not misrepresent the voluntary nature of the donation in any way.
- A Member may solicit and/or facilitate a donation with a total value of up to \$250,000. Council approval by way of resolution is required for a Member to solicit and/or facilitate a donation with a total value of more than \$250,000.
- Any formal solicitation of donations by a Member shall be in writing. A Member's solicitation of donations may be assisted by the guidelines provided in Appendix A. The outcome of a solicitation must not affect a potential donor's future interactions with the Member or with the City of Ottawa, including but not limited to any future assistance, approval, or award of a procurement call, regardless of whether a donation is made.
- Accepted donations solicited and/or facilitated by a Member shall be documented and disclosed in accordance with the documentation and reporting requirements in Section 6 of these procedures, including the use of the Memorandum of Understanding template provided in Appendix B.
- All donations to the City must comply with applicable federal and provincial statutes, municipal by-laws, the City's Accountability and Transparency Policy and the Code of Conduct for Members of Council. When a donor requests a receipt for tax purposes, departments shall also ensure compliance with the City of Ottawa Donation Receipt Policy and Canada Revenue Agency regulations relating to donations.
- Donations solicited and/or facilitated by a Member may be subject to administrative requirements related to the City's acceptance of donations, as described in the Donations to the City for Community Benefit Policy (e.g., HST implications, compliance with the Real Property Acquisition Policy, tax receipt requirements, etc.).

## **2. Limitations and restrictions**

### **General requirements**

The limitations and restrictions set out in Section 1 of the Donations to the City for Community Benefit Policy apply to donations solicited and/or facilitated by a Member of Council where those limitations and restrictions do not conflict with these procedures. This includes requirements that donations to the City must not:

- Imply endorsement of the donor or, if the donor is a company or commercial enterprise, imply endorsement of its products and services, or require the City to make statements or representations endorsing a product or service.
- Be accepted from individuals, groups, associations, corporations or other entities that are not in good standing with the municipality [i.e., in litigation with the City (not including Ontario Land Tribunal cases or challenges of tax assessments), defaulting on payments owed to the City, and/or currently in significant violation of a bylaw or regulation].
- Be accepted if they are deemed to have originated from unethical or unlawful activities as determined by the City.
- Be accepted from individuals, groups, associations, corporations or other entities that promote discriminatory practices against any individual or group based on gender, sexual orientation, religious or political affiliation, citizenship, age, race or ethnicity, record of offences, disability, income or family status.
- Be accepted if the donation creates real or perceived conflicts of interest, or violates the Code of Conduct for Members of Council or *Municipal Conflict of Interest Act*.

In addition, the following limitations and restrictions apply to Member solicitation and/or facilitation of donations to the City:

### **Lobbyist Registry**

A Member shall not solicit and/or facilitate a donation from a lobbyist or their clients or their employees with active registrations in the City's Lobbyist Registry without approval from the Integrity Commissioner, including any required Terms and Conditions.

### **Donations in relation to the planning process**

There is a blackout period in the City's planning process during which the discussion, solicitation and/or facilitation of donations by a Member of Council with a potential donor involved in the planning process is not permitted if the Member has a role in approving any outstanding planning matter related to the potential donor (e.g., consideration by Committee and/or Council).

The blackout period for the planning process commences when a potential donor submits an application for a pre-consultation, or an application for a planning approval.

The blackout period ends when a final decision has been rendered on the application by the Ontario Land Tribunal, or the appeal period has closed.

A Member shall consult with the General Manager of the Planning, Development and Building Services Department, or designate, to determine whether a potential donor has any outstanding planning application(s) and whether the Member will play a role in approving any outstanding planning matter related to the potential donor.

Despite the general prohibition on Member solicitation and/or facilitation during the blackout period, a Member may seek approval from the Integrity Commissioner, including any required Terms and Conditions, in order to solicit and/or facilitate a donation from a potential donor involved in the planning process if:

- The solicitation and/or facilitation involves a matter unrelated to the approval of any outstanding planning matter(s);
- The Member believes the proposed donation to be appropriate in the circumstances, which includes having regard for the blackout period and need for donations to be at arm's length from decision-making processes; and
- Any solicitation and/or facilitation undertaken by the Member with the Integrity Commissioner's approval is conducted separately from the statutory planning process undertaken by City staff.

A Member may solicit and/or facilitate a donation in accordance with these procedures following the blackout period in relation to specific matters arising from an approved planning application. That said, Members should be aware that a blackout period may still apply to such solicitation and/or facilitation if the potential donor has any other outstanding planning application(s).

### **Donations in relation to the procurement process**

The blackout period in the City's procurement process under Section 1 of the Donations to the City for Community Benefit Policy does not apply to donations to the City solicited and/or facilitated by a Member, provided the Member has no role in the procurement process. If a Member has any role in a procurement process that involves a potential donor, the blackout period under Section 1 of the Donations to the City for Community Benefit Policy shall apply and the Member shall seek approval from the Integrity Commissioner, including any required Terms and Conditions, for any proposed donation-related activities relating to that potential donor.

### **Election matters**

In the year of a regular election, a Member who is seeking re-election shall not solicit and/or facilitate donations in the time period between Nomination Day and Voting Day.

## **Member may consult**

A Member may consult with the City Clerk and City Solicitor, or their designate(s), regarding the applicability of any limitations and/or restrictions in relation to a proposed donation.

## **3. Accepting or declining a donation to the City**

### **Accepting a donation**

A Member shall receive staff concurrence, in writing, prior to accepting a donation to the City, in accordance with the following:

- The Member shall seek concurrence for any proposed donation from the General Manager or designate for the recipient department.
- The General Manager or designate shall assess any effect(s) that acceptance of the proposed donation may have on matters including but not limited to:
  - The department's work plan, budgets, resourcing (including staffing) and capacity to undertake any work required by the donation within any anticipated timelines.
  - Applicable federal and provincial statutes and municipal by-laws.
  - Any relevant City, Council-approved or statutory programs and/or standards, as well as existing City facilities, amenities, services and/or contractual commitments.
  - Any one-time or ongoing costs to the City associated with accepting the donation. These costs may include a required City contribution for delivery, installation, maintenance, operating/programming costs, administrative costs, security costs, licensing, replacement or disposal costs, etc.
  - Whether any Council approval would be required in relation to the donation (e.g., relating to funds or other matters). Where Council approval would be required, staff may recommend the Member bring forward to Council a motion or Councillor's report regarding the matter for consideration.
  - Any relevant matters relating to allocation and management of donations, as set out in Section 5 of these procedures.
  - Whether any limitations and restrictions under these procedures would make the donation ineligible.
  - Effects on any other departments that could be impacted or have responsibilities relating to the donation.
  - Whether the donation meets any applicable accessibility requirements.
  - Administrative requirements that may apply to the acceptance of the donation in accordance with the Donations to the City for Community

Benefit Policy (e.g., HST implications, compliance with the Real Property Acquisition Policy, tax receipt requirements etc.)

- Any requirements relating to donation receipts and recognition standards, as applicable, as described in sections 1 and 7 of these procedures.
- The recipient department shall ensure that a source of funding is identified and in place for any one-time or ongoing costs to the City before concurrence is provided [e.g., a source of funding from project(s) in the Member's ward; Cash-in-Lieu of Parkland funding if eligible; etc.], in consultation with the Member as may be necessary.
- The General Manager or designate shall advise the Member in writing regarding concurrence, as follows:
  - If concurrence is provided, the written statement to the Member shall identify any funding source that will be used to implement, operate, program or maintain the donation. This information shall also be provided in the Memorandum of Understanding for any accepted donation, as required and publicly disclosed under Section 6 of these procedures.
  - If concurrence is not provided, the written statement to the Member shall provide a summary of staff's reasons for not providing concurrence. If the Member still wishes to pursue the donation, the Member shall complete a Councillor's report to Committee and Council to obtain final direction from Council. In addition to the Member's comments with respect to the proposed donation, the report shall include staff comment regarding staff's position and implications if Council were to approve the proposed donation.

### **Declining a donation**

A Member may elect to decline a donation to the City in accordance with the following:

- Prior to declining a donation, a Member may consult with the General Manager or designate for the recipient department for an assessment of the donation as described in this section. The Member may elect to decline the donation regardless of staff's assessment.
- If a Member declines a donation, the potential donor shall be advised of the reason and thanked for the offer. The potential donor is not precluded from offering the donation to another Member of Council in accordance with these procedures, or to City staff in accordance with the Donations to the City for Community Benefit Policy.

### **4. Consultation and public engagement requirements**

Provisions within Section 2 of the Donations to the City for Community Benefit Policy relating to consultation and public engagement do not apply to donations solicited

and/or facilitated by Members of Council. However, this does not preclude a Member from conducting their own consultation, public engagement, or additional consultation with City staff.

## **5. Allocation and management of donations under delegated authority**

### **Allocation**

Donations to the City solicited and/or facilitated by a Member of Council shall be allocated by staff as follows:

#### *In-kind and service donations*

In-kind and service donations (such as projects, assets or activities) shall be provided to the ward specified by the donor, unless the donor advises that the intent of the donation is City-wide or multiple wards.

#### *Cash donations*

- Where the donor specifies a purpose for a cash donation, such donation shall be deposited in a City-wide fund for the relevant program, for allocation by the relevant General Manager or designate, unless the Member seeks Council approval for a specific purpose.
- Where the donor does not specify a purpose, a cash donation shall be allocated to the general revenue of the City, unless the Member seeks Council approval for a specific purpose.

### **Management**

The recipient department shall appropriately manage donations to the City solicited and/or facilitated by a Member of Council in accordance with the following:

- The relevant General Manager or designate has delegated authority with respect to prioritization and implementation of the donation, in consultation with the Ward Councillor and the Member who solicited and/or facilitated the donation, as applicable, and subject to the reporting requirements for status updates set out in Section 6 of these procedures.
- For purposes of financial control and accountability, monetary donations are to be deposited to the appropriate City accounts.
- Donations are not to be managed informally or held in personal or external accounts or trust funds. This does not apply to independent community fundraising campaigns, until such time that campaign contributions are donated to the City.



- Donations of equipment and/or materials shall be tracked and documented as part of the City's inventory.
- While every attempt will be made to expend donated funds for the purposes specified by the donor within the current year, donations solicited and/or facilitated by a Member that remain unspent at the end of the year may be carried over to the following budget year, and are subject to regular Council reporting requirements.

## **6. Documentation and reporting requirements**

Documentation and reporting requirements within Section 4 of the Donations to the City for Community Benefit Policy apply to donations to the City solicited and/or facilitated by a Member of Council, where the policy does not conflict with these procedures, subject to the following:

### **Memorandum of Understanding**

- All accepted donations solicited and/or facilitated by a Member are to be formalized and finalized by way of the Memorandum of Understanding template provided in Appendix B.
- The General Manager or designate of the recipient department and Legal Services shall review the Memorandum of Understanding to ensure compliance with any statutory, legal and administrative/policy requirements prior to execution by Legal Services and the City Clerk.
- All executed Memoranda of Understanding for donations solicited and/or facilitated by a Member shall be disclosed on ottawa.ca on a quarterly basis. The identity of the donor and other required information shall be provided in the Memorandum of Understanding. The donation is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

### **Records**

The Member and Member's Office shall create, receive and maintain appropriate records of donation-related activity in accordance with statutory and policy requirements, including the *Municipal Freedom of Information and Protection of Privacy Act* and the Records Management Policy.

### **Reporting to Council**

With respect to Council reporting requirements for staff under Section 4 of the Donations to the City for Community Benefit Policy:

- The log of all donations maintained by each department shall include all donations received in accordance with these procedures, regardless of value.

The log shall include the name of the Member(s) who solicited and/or facilitated the relevant donation.

- The staff report to Council regarding the delegated authority used to accept donations shall include all donations received in accordance with these procedures, regardless of value. The report shall include the name of the Member(s) who solicited and/or facilitated the relevant donation.

### **Status updates regarding accepted donations**

Staff shall provide all Members of Council with updates twice per year regarding the status of donated projects, assets or activities that were solicited and/or facilitated by Members. These status updates shall be provided via memorandum coordinated and issued by the Office of the City Clerk and the memorandum shall be published as Information Previously Distributed on the next Finance and Corporate Services Committee agenda.

### **7. Donation receipts and recognition standards under delegated authority**

Donation receipt requirements and recognition standards (including recognition thresholds, Lobbyist Registry requirements and naming rights provisions) set out in sections 5 and 6 of the Donations to the City for Community Benefit Policy, and the related responsibilities and delegated authority of staff, apply to donations solicited and/or facilitated by Members of Council.

### **Monitoring/Contraventions**

When Members of Council solicit and/or facilitate donations, the Code of Conduct for Members of Council continues to apply.

If anyone believes that a Member has contravened the Code in soliciting and/or facilitating a donation, or in undertaking any other action, they may file a complaint with the Integrity Commissioner.

### **References**

[Accountability and Transparency Policy](#)

[Advertising Using City Assets and Programs Policy](#)

[Code of Conduct for Members of Council](#)

[Donation Receipt Policy](#)

[Donation Receipt Procedures](#)

[Donations to the City for Community Benefit Policy](#)

[Commemorative Naming Policy](#)

[Public Art Policy](#)

[Real Property Acquisition Policy](#)

[Sponsorship Policy](#)

## **Legislative and administrative authorities**

[Municipal Act, 2001](#)

[Cultural Property Export and Import Act](#)

[Income Tax Act, Canada](#)

## **Recordkeeping requirements**

As per the Records Management Policy, Official Business Records generated as a result of the execution of these procedures must be declared as such in the appropriate SharePoint site, RMS (Records Management System) or approved business system.

## **Definitions**

**Donation** – a voluntary transfer of property. As set out in the Application section of the Donations to the City for Community Benefit Policy, donations to the City can be:

- Cash
- Services
- Equipment
- Materials and supplies
- Capital, real or depreciable property
- Personal use property
- Works of art, jewelry, rare books, stamps, coins, artefacts
- A leasehold interest or residual interest in real property
- Life insurance properties
- Donations made under a will

**Donations for community benefits** – Donations for community benefits encompass projects, cash, assets or activities that provide a public good.

**Facilitate** – The act of assisting with the donation process. Examples include a Member of Council working with a donor who approaches the City to determine an appropriate donation, or acceptance of a donation by a Member.

**In-kind donation** – A gift of goods or property other than cash such as capital property (including depreciable property) and personal-use property. A donation-in-kind does not include a gift of services.

**Services** – Can be professional or commercial services donated to the City.

**Solicit** – The act of seeking to obtain a donation. Examples include a Member of Council issuing a general callout/list requesting donations for their ward, or approaching a potential donor with a donation opportunity in response to a specific ward issue.

## **Enquiries**

For more information on these procedures, contact:

Caitlin Salter MacDonald

City Clerk

City of Ottawa

Tel.: 613-580-2424, ext. 28136

[caitlin.salter-macdonald@ottawa.ca](mailto:caitlin.salter-macdonald@ottawa.ca)

## **Appendices**

Appendix A – Solicitation guidelines for Members of Council

Appendix B – Memorandum of Understanding template – Donation accepted through solicitation/facilitation by a Member of Council

### **Appendix A – Solicitation guidelines for Members of Council**

These guidelines are meant to assist Members in meeting requirements of the Donation Procedures for Members of Council when soliciting donations to the City for community benefit. Reference to applicable section(s) within the Donation Procedures for Members of Council is provided.

These guidelines do not replace the requirement for a Member to understand and adhere to all statutory and policy requirements, including the Code of Conduct for Members of Council and Donation Procedures for Members of Council.

#### **Timing considerations**

- Blackout period for the City’s planning process: Solicitation must occur outside the blackout period described in the Donation Procedures for Members of Council, with very limited exceptions that require approval from the Integrity Commissioner. (*Procedures, Section 2*)
- The City’s procurement process: If the Member has any role in a procurement process that involves a potential donor, a blackout period applies and the Member must seek approval from the Integrity Commissioner for any donation-related activities relating to that potential donor. (*Procedures, Section 2*)

- Other decision-making processes: Generally, if a Member has a current or foreseeable role in any decision-making process that involves the potential donor (e.g., forthcoming consideration of a matter at Committee or Council; providing Councillor concurrence to staff regarding a matter under staff's delegated authority, etc.), the Member must seek approval from the Integrity Commissioner, including any required Terms and Conditions. (*Procedures, Section 1*)
- In the year of a regular election: A Member who is seeking re-election must not solicit donations in the time period between Nomination Day and Voting Day. (*Procedures, Section 2*)

### **Before solicitation**

Members are encouraged to make a **general list of ward priorities**, with any costing information provided by staff, to assist a potential donor with determining an appropriate donation.

The following largely relates to targeted solicitation undertaken by a Member with a potential donor(s). That said, the requirements would also apply with respect to a general (non-targeted) solicitation, once the Member receives any responses from a potential donor(s). As such, with respect to solicitation, Members must undertake and/or consider the following:

- Consult with **Planning staff** – A Member may need to consult with the General Manager of the Planning, Development and Building Services Department, or designate, regarding any outstanding planning applications a potential donor may have, and whether the Member will play any role in the application. (*Procedures, Section 2*)
- Consult with the **Integrity Commissioner** – It is generally recommended that a Member consult with the Integrity Commissioner regarding any proposed solicitation of a donation in order to ensure the Member's obligations under the Code of Conduct for Members of Council as well as any relevant provisions of the Donation Procedures for Members of Council are met. (*Procedures, Section 1*) In addition, there may be specific circumstances in which Members are required to consult with the Integrity Commissioner. (*Procedures, sections 1 and 2*)
- Check the **Lobbyist Registry** to see if the potential donor has any active registrations (either directly as a lobbyist or indirectly as a client or employee of a lobbyist with active registrations). If there are any active registrations, approval

from the Integrity Commissioner will be needed for solicitation. (*Procedures, Section 2*)

- Consider whether any **limitations and restrictions** set out in Section 2 of the Donation Procedures for Members of Council may apply to the potential donor, consulting with the City Clerk and City Solicitor, or their designate(s) as necessary.

### **During solicitation**

Conduct any formal solicitation **in writing**, and keep **appropriate records** of the solicitation. (*Procedures, sections 1 and 6*)

In any solicitation:

- Clearly communicate to the potential donor that any donation is completely voluntary. Do not misrepresent the voluntary nature of the donation in any way. (*Procedures, Section 1*)
- The following language may be used as part of a request or initial communication to a potential donor(s):

*As you may be aware, the City of Ottawa accepts donations as a means of enhancing municipal facilities and programs. Donations are generally accepted through the Donations to the City for Community Benefit Policy and/or the Donation Procedures for Members of Council, as applicable.*

*In accordance with the Donation Procedures for Members of Council, please note as follows:*

- *Any donation made to the City in relation to this communication is completely voluntary.*
- *You may freely decide whether or not to provide a donation.*
- *The outcome of this solicitation – regardless of your decision on whether to offer or decline making a donation to the City – will not affect your future interactions with my Office or with the City of Ottawa, including but not limited to any to any future assistance, approval or award of a procurement call, regardless of whether a donation is made.*
- *All donations made to the City through my solicitation and/or facilitation must be given unconditionally and voluntarily without any expectation of benefit. Donations to the City for community benefit are not to serve as an alternative to paying for fees, permits, programs, and/or services.*
- *Certain limitations and restrictions may apply to donations to the City, including that a donation must not be accepted “if the donation creates*

*real or perceived conflicts of interest, or violates the Code of Conduct for Members of Council or Municipal Conflict of Interest Act.”*

- *All donations made to the City through my solicitation would require public disclosure that includes the donor’s identity.*

*I invite you to review the Donation Procedures for Members of Council as part of your consideration of this solicitation. Any questions regarding the procedures or this solicitation may be directed to:*

*Caitlin Salter MacDonald*

*City Clerk*

*City of Ottawa*

*Tel.: 613-580-2424, ext. 28136*

*[caitlin.salter-macdonald@ottawa.ca](mailto:caitlin.salter-macdonald@ottawa.ca)*

## **Appendix B – Memorandum of Understanding template – Donation accepted through solicitation/facilitation by a Member of Council**

*Note that the General Manager or designate of the recipient department, and Legal Services must review the completed Memorandum of Understanding prior to execution by Legal Services and the City Clerk.*

WHEREAS the City of Ottawa accepts donations as a means of enhancing municipal facilities and programs, in accordance with the Donations to the City for Community Benefit Policy and the Donation Procedures for Members of Council; and

WHEREAS the Donations to the City for Community Benefit Policy and the Donation Procedures for Members of Council define “donation” as “a voluntary transfer of property”; and

WHEREAS Councillor \_\_\_\_\_ has \_\_\_[solicited/facilitated]\_\_\_ a donation from \_\_\_\_\_ [DONOR NAME] \_\_\_\_\_ in accordance with the Donation Procedures for Members of Council;

THEREFORE the City and \_\_\_\_\_ [DONOR NAME] \_\_\_\_\_ agree as follows:

### **1. Definitions**

*Include any definitions that may be applicable.*

### **2. Acknowledgements**

The Parties acknowledge the following:

- a. Councillor \_\_\_\_\_ has advised \_\_\_\_\_ [DONOR NAME] \_\_\_\_\_ that their donation is completely voluntary;
- b. The donation is being given unconditionally and voluntarily without any expectation of benefit;
- c. The donation is not to serve as an alternative to paying for fees, permits, programs, and/or services;
- d. The Parties are of the view that none of the limitations and restrictions, or other prohibitions set out in the Donation Procedures for Members of Council apply to the donation;
- e. The donation will be allocated and managed by City staff in accordance with the Donation Procedures for Members of Council and any other City policies that may apply; and
- f. This Memorandum of Understanding shall be disclosed on ottawa.ca in accordance with the Donation Procedures for Members of Council, and the donation is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

### **3. Member of Council's role in soliciting and/or facilitating the donation**

*Describe the role the Member played in soliciting and/or facilitating the donation.*

*Must include the date that initial communication occurred between the Member and donor with respect to the potential donation.*

*Should include reference to any consultation the Member undertook with staff regarding matters outside concurrence (e.g., General Manager of the Planning, Development and Building Services Department, or designate, with respect to blackout period in the planning process; City Clerk and City Solicitor, or their designate(s), with respect to limitations and restrictions), as applicable.*

### **4. Description of community benefits being donated and their purpose**

*Describe the community benefits being donated, including but not limited to:*

- *Value of the donation (must be no more than a total value of \$250,000 without Council approval).*
- *Detailed description of any in-kind and service donations (such as projects, assets or activities), including location, proposed use, etc.*

### **5. Donor's statement of intent**

\_\_\_\_\_ [DONOR NAME] \_\_\_\_\_ is voluntarily providing this donation to the City of Ottawa with the following intention:

*Provide donor's intention*



**6. City staff concurrence regarding the proposed donation**

\_\_\_\_\_ [GENERAL MANAGER OR DESIGNATE, RECIPIENT DEPARTMENT] \_\_\_\_\_  
assessed the proposed donation in accordance with the Donation Procedures for  
Members of Council and provided Councillor \_\_\_\_\_ with the following written  
concurrence:

*Provide staff's written concurrence, including reference to funding source(s) that will be  
used to implement, operate, program or maintain the donation if a City contribution is  
required.*

**7. Donation recognition**

*Describe any donor recognition to be provided, if applicable, in accordance with the  
Donation Procedures for Members of Council.*

**8. Responsibilities of the respective parties**

The donation is to be allocated and managed by City staff in accordance with the  
Donation Procedures for Members of Council and any other City policies that may  
apply.

*Describe any additional responsibilities that may relate to the donation.*

**9. Administrative requirements under the Donation Procedures for Members of  
Council/Donations to the City for Community Benefit Policy, if applicable**

*Describe any applicable administrative undertakings (e.g., HST implications,  
compliance with the Real Property Acquisition Policy, tax receipt requirements, etc.).*

**10. Integrity Commissioner and Code of Conduct for Members of Council**

When Members of Council solicit and/or facilitate donations, the Code of Conduct for  
Members of Council continues to apply. If anyone believes that a Member has  
contravened the Code in soliciting and/or facilitating a donation, or in undertaking any  
other action, they may file a complaint with the Integrity Commissioner.

*The Member may wish to include information regarding whether the Integrity  
Commissioner was consulted with respect to the potential donation. If the Member  
consulted the Integrity Commissioner, the Member may choose to disclose all advice  
provided by the Integrity Commissioner with respect to the matter.*

The parties have executed this Memorandum of Understanding as of the day of  
\_\_\_\_\_ [DATE] \_\_\_\_\_.