

Donation Procedures for Members of Council

Approved by: City Council

Approval date:

Effective date:

Revision approved by:

Revision / Review date:

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Preamble

Section 224 of the *Municipal Act, 2001* provides that the role of Council includes “to represent the public and to consider the well-being and interests of the municipality.” In exercising their statutory role, Members of Council may solicit and/or facilitate donations to the City of Ottawa for community benefit as a means of enhancing municipal facilities and programs.

These procedures complement the Donations to the City for Community Benefit Policy and Code of Conduct for Members of Council. The procedures provide guidelines and requirements to ensure Members’ donation-related activities are separate from decision-making processes and provide for fairness, consistency, transparency and flexibility, while mitigating any potential risk.

These procedures ensure that donations to the City may only be accepted at arm’s length from decision-making processes by establishing specific “blackout period” restrictions for planning and procurement decision-making processes and requiring Members of Council to seek pre-approval from the Integrity Commissioner if a Member has a current or foreseeable role in any decision-making process that involves the donor.

Application

These procedures apply to **all Members of Council** when soliciting and/or facilitating a donation to the City for community benefit. The procedures also apply to **all City employees** when assisting and supporting a Member's donation-related activities as described in these procedures.

Non-applicable matters

These procedures **do not apply** to:

- Donations that directly benefit residents or specific groups outside of the corporation of the City of Ottawa, including but not limited to:
 - Donations of temporary aid and/or assistance in **emergency situations** affecting residents in the Member's ward (e.g., natural disasters, weather events, etc.); and
 - **"Social contracts"** and **other benefits** a third party may provide to residents (regarding matters such as tenant housing, providing transit passes to future occupants of a development, etc.).
- Donations and sponsorships for **Member-organized community events and supporting benevolent events**. These matters are addressed by the existing Community, Fundraising and Special Events Policy.
- Donations and/or contributions governed by **formal statutory and/or policy processes and requirements** (e.g., Community Benefits Charges).

In addition, these procedures **do not apply** to the following **general matters**:

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

Procedures description

General requirements

1. The following general requirements apply:
 - a. A Member of Council'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 of a donation in order to ensure the Member's obligations under the Code of Conduct for Members of Council and/or *Lobbyist Registry By-law* are met. Integrity Commissioner approval is also required under certain provisions of these procedures.
 - b. 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 seek approval from the Integrity Commissioner, including any required Terms and Conditions, prior to soliciting and/or facilitating a donation from the donor. In addition, specific "**blackout period**" limitations and restrictions apply to planning and procurement decision-making processes, as set out in sections 3 and 4 of these procedures.
 - c. Any donation must be given unconditionally and voluntarily without any expectation of benefit. A donation is not to serve as an alternative to paying for fees, permits, programs, and/or services.
 - d. A Member shall clearly communicate to the potential donor that any donation is completely voluntary, and shall not misrepresent the voluntary nature of the donation in any way.
 - e. 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.
 - f. Accepted donations solicited and/or facilitated by a Member shall be documented and disclosed in accordance with the documentation and reporting requirements in Section 12 of these procedures, including the use of the Memorandum of Understanding template provided in **Appendix B**.
 - g. 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.

- h. Donations solicited and/or facilitated by a Member may be subject to administrative requirements and implications 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, *Accessibility for Ontarians with Disabilities Act, 2005*, etc.).

Limitations and restrictions

General limitations and restrictions

- 2. 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:
 - a. 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.
 - b. 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 by-law or regulation].
 - c. Be accepted if they are deemed to have originated from unethical or unlawful activities as determined by the City.
 - d. 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.
 - e. Be accepted if the donation violates the Code of Conduct for Members of Council or *Municipal Conflict of Interest Act*.

Blackout period restrictions – Planning process

- 3. 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).
 - a. The blackout period for the planning process:

- i. Begins when a potential donor submits an application for a pre-consultation, or an application for a planning approval.
 - ii. Ends when a final decision has been rendered on the application by the Ontario Land Tribunal, or the appeal period has closed.
 - b. Where there is a reasonable expectation that the potential donor may have an outstanding planning pre-consultation or approval application(s) before the City, 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.
 - c. Despite the general prohibition on Member solicitation and/or facilitation during the planning process blackout period, a Member shall 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:
 - i. The solicitation and/or facilitation involves a matter unrelated to the approval of any outstanding planning matter(s);
 - ii. The Member believes the proposed donation to be appropriate in the circumstances, which includes having regard for the blackout period and the need for donations to be at arm's length from decision-making processes; and
 - iii. 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.
 - d. 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).

Blackout period restrictions – Procurement process

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

- i. Begins when the request for a bid, quote, request for proposal, etc. is formally issued.
 - ii. Ends at the time the procurement is awarded.
- b. Where there is a reasonable expectation that the potential donor may have an outstanding procurement process with the City, a Member shall consult with the Chief Procurement Officer, or designate, to determine whether a potential donor has any outstanding procurement process(es) and whether the Member will play a role in approving any outstanding procurement matter related to the potential donor.
- c. Despite the general prohibition on Member solicitation and/or facilitation during the procurement process blackout period, a Member shall 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 procurement process if:
 - i. The solicitation and/or facilitation involves a matter unrelated to the approval of any outstanding procurement matter(s);
 - ii. The Member believes the proposed donation to be appropriate in the circumstances, which includes having regard for the blackout period and the need for donations to be at arm's length from decision-making processes; and
 - iii. Any solicitation and/or facilitation undertaken by the Member with the Integrity Commissioner's approval is conducted separately from the procurement process undertaken by City staff.

Election-related restrictions

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

Lobbyist Registry restrictions

- 6. 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.

Member may consult with staff regarding restrictions and limitations

- 7. 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.

Accepting or declining a donation to the City

Accepting a donation

8. A Member shall receive staff concurrence, in writing, prior to accepting a donation to the City, in accordance with the following:
 - a. The Member shall seek concurrence for any proposed donation from the General Manager or designate for the recipient department.
 - b. The General Manager or designate shall assess any effect(s) that acceptance of the proposed donation may have on matters set out in **Appendix C** prior to providing or declining to provide concurrence. The General Manager or designate shall also 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.
 - c. The General Manager or designate shall advise the Member in writing regarding concurrence, as follows:
 - i. 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. The statement of written concurrence shall also be provided in the Memorandum of Understanding for any accepted donation, as required under Section 12 of these procedures.
 - ii. 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

9. A Member may elect to decline a donation to the City. 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.

Allocation of in-kind, service and cash donations

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

In-kind and service donations

- a. 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

- b. Members are not permitted to allocate cash donations to ward-specific accounts. Cash donations shall be allocated by staff under delegated authority as follows:
 - i. If the donor specifies a purpose for the cash donation, the 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 who solicited/facilitated the donation seeks Council approval for a specific purpose.
 - ii. If the donor does not specify a purpose for the cash donation, the donation shall be allocated to the general revenue of the City, unless the Member who solicited/facilitated the donation seeks Council approval for a specific purpose.

Management of donations by City staff under delegated authority

11. Accepted donations to the City solicited and/or facilitated by a Member of Council shall be managed by the recipient department under delegated authority in accordance with the following:

- a. The relevant General Manager or designate has delegated authority with respect to administration, 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 status update reporting requirements set out in Section 12 of these procedures.
- b. For purposes of financial control and accountability, monetary donations are to be deposited to the appropriate City accounts.
- c. 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.

- d. Donations of equipment and/or materials shall be tracked and documented as part of the City's inventory.
- e. 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.

Documentation and reporting requirements

12. Documentation and reporting requirements set out in 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 requirements

- a. 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**.
- b. 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*.
- c. The General Manager or designate of the recipient department and Legal Services shall review the completed Memorandum of Understanding to ensure compliance with any statutory, legal and administrative/policy requirements prior to execution of the Memorandum of Understanding by Legal Services and the City Clerk.
- d. All executed Memoranda of Understanding for donations solicited and/or facilitated by a Member shall be disclosed on ottawa.ca on a quarterly basis.

Records requirements

- e. The Member and Member's Office shall create, receive and maintain appropriate records of donation-related activities, as required, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). City staff shall maintain appropriate records in accordance with MFIPPA and the Records Management Policy.

Council reporting requirements

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

- i. 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.
- ii. 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 update reporting requirements

- g. 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.

Donation receipts and recognition standards addressed by City staff under delegated authority

13. Donation receipt requirements and recognition standards (including related 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. When a donor requests a receipt for tax purposes, departments shall ensure compliance with the City of Ottawa Donation Receipt Policy and Canada Revenue Agency regulations relating to donations.

Responsibilities

City Clerk/Office of the City Clerk is responsible for:

- Providing information and guidance regarding these procedures, including guidance with respect to the applicability of any limitations and/or restrictions in relation to a proposed donation (in consultation with the City Solicitor).
- Executing (with Legal Services) the completed Memorandum of Understanding for an accepted donation.
- Coordinating and issuing the memorandum to Council for status updates twice per year regarding the status of donated projects, assets or activities that were solicited and/or facilitated by Members.

- Responding to complaints related to these procedures that are outside of the Integrity Commissioner’s jurisdiction (in consultation with Legal Services and departmental staff).
- Reviewing these procedures as part of the City’s regular governance review process.

City Solicitor/Legal Services is responsible for:

- Providing guidance regarding the applicability of any limitations and/or restrictions in relation to a proposed donation (in consultation with the City Clerk).
- Reviewing (with departmental staff) and executing (with the City Clerk) the completed Memorandum of Understanding for an accepted donation.
- Assisting in the response to complaints related to these procedures that are outside of the Integrity Commissioner’s jurisdiction (as required by the City Clerk).

Departmental staff are responsible for:

- Providing information regarding the potential applicability of blackout periods in relation to planning and procurement processes, in accordance with these procedures.
- Reviewing and considering proposed donations and providing or declining to provide concurrence in accordance with these procedures.
- Allocating and managing donations in accordance with these procedures.
- Reviewing (with Legal Services) the completed Memorandum of Understanding for an accepted donation in accordance with these procedures.
- Addressing administrative matters, donor receipts and recognition standards in accordance with these procedures and further to the Donations to the City for Community Benefit Policy.
- Including donations of any value solicited and/or facilitated by Members of Council in reports to Council and logs of donations in accordance with these procedures and further to the Donations to the City for Community Benefit Policy.
- Providing information to the City Clerk regarding the status of donated projects, assets or activities that were solicited and/or facilitated by Members, as required.
- Assisting in the response to complaints related to these procedures that are outside of the Integrity Commissioner’s jurisdiction (as required by the City Clerk).

Financial Services Units are responsible for:

- Receiving the funds in a designated City account.
- Providing advice on receipting for a donation.

Integrity Commissioner is responsible for:

- Providing guidance and considering matters brought forward for approval in accordance with these procedures.
- Receiving and responding to complaints related to these procedures, as described in these procedures.

Members of Council and their Office staff are responsible for adhering to the Code of Conduct for Members of Council, these procedures and their governing provisions, as applicable.

Revenue Services is responsible for:

- The efficient processing on all donations that receive a receipt.
- Issuing donation receipts on a timely basis.
- Guarding against the unauthorized use of donation receipts.
- Filing and information return with the Canada Revenue Agency for returned donations.

Monitoring/Contraventions

The Integrity Commissioner shall be responsible for receiving complaints related to these procedures. Following the Integrity Commissioner's complaint intake and assessment process, if the Integrity Commissioner is satisfied that the complaint seems to fall under these procedures and is outside the Integrity Commissioner's jurisdiction, the complainant shall be advised that they may pursue the matter under these procedures.

To pursue the matter under these procedures, the complainant shall submit a written complaint to the City Clerk or designate. The written complaint shall include the written statement from the Integrity Commissioner that identifies the matter as being outside the Integrity Commissioner's jurisdiction.

Upon receipt of such a complaint, the City Clerk or designate shall respond to the matter accordingly, in consultation with Legal Services and departmental staff as required. In responding to the complaint, the City Clerk or designate and other staff as required shall consider matters including but not limited to the donation's usefulness, financial and operational impacts, and any exposure to risk and/or liability. Failure to comply with these procedures may result in a loss of the donation.

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 proposed 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

Appendices

Appendix A – Solicitation guidelines for Members of Council

Appendix B – Memorandum of Understanding template

Appendix C – Matters for staff to consider in determining whether to provide concurrence

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

- **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. *[Procedures, Subsection 1(b)]*
- **Blackout periods for planning and procurement processes:** Solicitation must occur outside the blackout periods described in the procedures, with limited exceptions that require approval from the Integrity Commissioner. *(Procedures, sections 3 and 4)*
- **In the year of a regular election:** A Member who is seeking re-election must not solicit donations in their capacity as an elected official in the time period between Nomination Day and Voting Day. *(Procedures, Section 5)*
- **Lobbyist Registry:** Members must consult the Integrity Commissioner regarding whether the potential donor is associated with any active registrations in the Lobbyist Registry. If there are any active registrations, approval from the Integrity Commissioner will be needed for any solicitation. *(Procedures, Section 6)*

Before solicitation

Members are encouraged to consider making 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 consider the following:

- Consultation with **City staff** – A Member may need to consult with staff regarding potential applicability of blackout period restrictions. (*Procedures, sections 3 and 4*)
- Consultation 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 and/or *Lobbyist Registry By-law* are met. [*Procedures, Subsection 1(a)*] Members are also required to consult with the Integrity Commissioner in certain circumstances, and must ensure Lobbyist Registry restrictions are followed. (*Procedures, sections 1, 3, 4 and 6*)
- Consider whether any **limitations and restrictions** or **allocation requirements** set out in sections 2 to 6 and 10 of the Donation Procedures for Members of Council may apply to the potential donor/donation. The Member may consult with the City Clerk and City Solicitor, or their designate(s), as necessary (*Procedures, Section 7*).

During solicitation

Keep **appropriate records** of the solicitation. [*Procedures, Subsection 12(e)*]

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, Subsection 1(d)*]
- 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, as described in the Donation Procedures for Members of Council.*
- *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

Appendix B – Memorandum of Understanding template

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 donor is not a lobbyist or their clients or their employees with active registrations in the City’s Lobbyist Registry;
- f. 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
- g. 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., with respect to the blackout period in the planning/procurement process; limitations and restrictions under the procedures; etc.), 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.*
- *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 any 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, procedures and by-laws that may apply.

Describe any additional responsibilities that may relate to the donation.

9. 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. The Integrity Commissioner is responsible for receiving complaints related to the Code of Conduct for Members of Council and the Donation Procedures for Members of Council.

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]_____.

Provide applicable signatures.

Appendix C – Matters for staff to consider in determining whether to provide concurrence

In considering a proposed donation, 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:

1. The department's work plan, budgets, resourcing (including staffing) and capacity to undertake any work required by the donation within any anticipated applicable timelines.
2. Applicable federal and provincial statutes, and municipal by-laws and policies.
3. Any relevant City, Council-approved or statutory programs and/or standards, as well as existing City facilities, amenities, services and/or contractual commitments.
4. 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.
5. 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, the General Manager or designate may recommend the Member bring forward to Council a motion or Councillor's report regarding the matter for consideration.
6. Any relevant matters relating to allocation and management of donations, as set out in sections 10 and 11 of the procedures.
7. Whether the donation may be ineligible under any limitations and restrictions set out in the procedures.
8. Effects on any other departments that could be impacted or have responsibilities relating to the donation.
9. Whether the donation meets any applicable accessibility requirements.
10. Administrative requirements that may apply to the acceptance of the donation, generally and 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.)
11. Any requirements relating to donation receipts and recognition standards, as applicable, as described in Section 13 of the procedures as well as the Donations to the City for Community Benefit Policy.