

RESOLUTION NO. R2014-68

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ESTABLISHING A POLICY GOVERNING CHARITABLE
DONATIONS MADE BY THE MAYOR AND CITY
COUNCIL.**

WHEREAS, in September 2012, the City Council approved Resolution 2012-72 establishing policies and procedures for community non-profit groups to request and receive public funds from the City of North Miami Beach; and

WHEREAS, the City Council is concerned with the current charitable donation policy and recognizes the potential for misuse of public funds with insufficient oversight and policies; and

WHEREAS, the North Miami Beach City Council wishes to review and revise its existing charitable donation policy; and

WHEREAS, the Miami-Dade County Commission on Ethics (COE) and the City Attorney have made recommendations regarding the expenditure of public funds (see Exhibit "A" *Miami-Dade County Commission on Ethics & Public Trust Guidelines and Recommendations Regarding "Public Benefit" Clauses in Certain Government Contracts* and Exhibit "B" *City Attorney Memorandum on Elected Officials Allowable Travel Expenses*); and

WHEREAS, the COE has concluded that "public benefits should benefit the public; they should not be used by elected officials to ingratiate themselves with supporters [and that] it is unethical ... for officials to dole out benefits meant for the public-at-large in a manner that serves the official's interests rather than the public's interest."; and

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WHEREAS, in response to the identified weaknesses of the existing policy and the recommendations of the COE and City Attorney, the City Council desires to create a policy that avoids political pandering, avoids the appearance of impropriety and minimizes the opportunity for misuse of public funds; and

WHEREAS, the City Council has determined that the policy to fund community non-profit groups created in Resolution No. 2012-72 is insufficient to insure transparency, accountability and minimizing opportunities for misuse of public funds; and

WHEREAS, the charitable donation policy provided for herein implements the recommendations of the COE and City Attorney and provides for proper public purposes, a neutral, non-political process, and transparency by posting the donations and accompanying documentation on the City's website; and

WHEREAS, the Mayor and City Council hereby establish the following Comprehensive Policy for the Mayor and City Council Governing Charitable Donations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida:

Section 1. The aforementioned recitals are true and correct.

Section 2. APPLICABILITY OF POLICY.

In order to establish a fair and transparent process for the distribution of charitable donations, the City of North Miami Beach hereby establishes this Comprehensive Policy for the Mayor and City Council Governing Charitable Donations. This policy shall apply to any group, organization, or person requesting public funds.

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Section 3. PUBLIC PURPOSE.

The donation of any public funds by the City of North Miami Beach shall promote a valid public purpose that directly benefits the North Miami Beach residents and property owners. Donations in excess of one hundred dollars (\$100.00) shall only be made to a charitable non-profit 501(c) organization. The 501(c) organization is as defined in the Internal Revenue Code Title 26, Section 501 (2012).

Section 4. COMPREHENSIVE POLICY GOVERNING CHARITABLE DONATIONS BY THE MAYOR AND CITY COUNCIL.

Charitable donations shall be in accordance with the public purposes stated in Section 3. *Public Purpose*. Charitable donations shall be subject to the below guidelines. The eligibility requirements for the donation of any public funds are:

- For donations in excess of one hundred dollars (\$100.00) the group/organization must be duly organized under the Internal Revenue Code and the laws of State of Florida as a 501(c) tax exempt organization; and
- The solicitation request shall be for a public purpose as provided for in Section 3. *Public Purpose*; and
- The solicitation request must be accompanied by a completed application and all required documentation; and
- Upon final approval of a solicitation request in excess of one hundred dollars (\$100.00), the group/organization will be required to complete and sign a contract provided by the City Manager in consultation with the City Attorney.
- All charitable donation requests shall be submitted on the application forms available with the City Clerk.

- Completed application forms for donations with supporting documentation shall be submitted to the City Clerk no later than the posted deadline, as determined by the City Manager.
- The City Council may schedule a review of the applications received, either at a regularly scheduled council meeting or a special meeting scheduled for that purpose.
- The applications, supporting documentation and City Council determination shall be placed on the City's website.

Section 5. FUNDING AWARDS.

In preparing the annual budget, City staff will budget for awards to the organization(s) which have been approved by the City Council. This appropriation may include a discretionary fund for late, special or emergency requests to be approved by the City Council. Discretionary funds can be used for charitable donations sponsored by a City Council member. Any funds appropriated for donations and not spent for such purpose during the then current fiscal year, shall revert to the General Revenue Fund at the end of the fiscal year.

Section 6. AUTHORIZATION.

The Mayor and the City Council of the City of North Miami Beach hereby approve, in substantially the attached form (attached hereto as Exhibit "C"), the application documents with the stated criteria, acknowledgements, and required documentation

Section 7. EXCLUSIVITY.

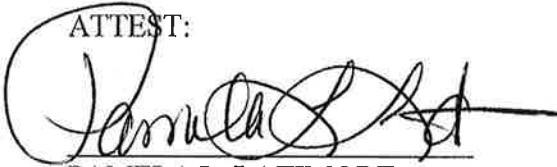
The matters set forth in this Resolution shall serve as the City's Comprehensive Policy Governing Charitable Donations for the Mayor and City Council, and it shall be posted prominently on the City's website.

Section 8. REPEAL.

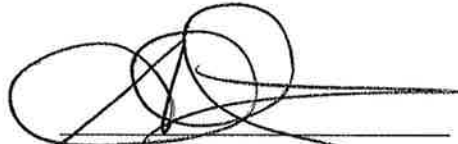
The City of North Miami Beach Resolution No. 2012-72 creating a policy and process to fund community non-profit groups is hereby repealed.

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this **16th day of December, 2014**.

ATTEST:



PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)



GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION



JOSE SMITH
CITY ATTORNEY

Sponsored by: Mayor & Council

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City of North Miami Beach
Charitable Donation Request Application
*** REQUESTED FUNDS MORE THAN \$100.00 ***

Requesting Organization's Name: _____	
Address: _____	
City, State, Zip Code: _____	
Phone: _____	Email: _____
Contact Person Name: _____	Phone: _____
Federal Tax Identification Number: _____	
501(c) (): _____ Yes _____ No (if yes, IRS exemption letter dated within the previous two years must be attached)	
Pursuant to Chapter 496, Florida Statutes, Do you have a Solicitation License from the Florida Department of Consumer Affairs?	

1. Give a brief description of your agency including the mission statement: _____

2. Type of service provided: _____

3. How much is this funding request for? _____
4. What is the time period you are requesting these funds for? _____
5. Describe the purpose of the request, the services to be provided and how it relates to the City of North Miami Beach? _____

6. Number of years in operation: _____

7. Total agency annual operating budget: _____
8. How many individuals does your organization serve? _____
9. How many individuals did your organization serve in the last calendar year? _____
10. Of the persons served, how many were City of North Miami Beach residents or property owners?
- _____

11. How many City of North Miami Beach residents or property owners does your organization project to serve in the upcoming year? _____

12. Have you requested funds from the City before? ____ Yes ____ No

If yes, please provide amount and purpose of donation: _____

13. Is this funding request to assist in meeting a required match to fund existing programs or services, or for new services? Please explain: _____

14. Attach a list of all Owners/Directors/Principals.

15. Budget:

Description	Existing Project Funding	Amount Requested
Salaries		
Operating Expenses (ie., phones, rent)		
Non Operating Expenses (ie., consultants, etc.)		
Total		

Please list all attachments (The IRS exemption letter dated within previous two years, the organizations most recent tax returns, and a list of all owners/directors/principals must be included with the application): _____

I hereby certify that I have read and understand the charitable donation request guidelines and that the information provided is true and correct. I understand that the approval and denial of all charitable donation requests is in the sole discretion of the City of North Miami City Council and that if the request is approved a charitable grant agreement is required prior to the distribution of any funds.

 Printed Name
 Organization's Authorized Representative

 Signature
 Organization's Authorized Representative

 Date

Are the Requested Funds Approved in Budget:		For Internal Use Only:	
____ Yes ____ No		IRS Exemption Letter	____ Yes ____ No
		List of Agency Directors	____ Yes ____ No
		Agency's Most Recent Tax Return	____ Yes ____ No
_____ Signature		_____ Date	
City Attorney Review			
Public Purpose		____ Yes ____ No	
_____ Signature		_____ Date	
Council Approval Required ____ Yes ____ No			
Yes, if the requested funds are not approved in the budget OR if the City Attorney checks "No".			
If yes, please attach meeting agenda and decision of the City Council.			
City Council Member Sponsorship: _____			

**City of North Miami Beach
Charitable Donation Request Application**

*** REQUESTED FUNDS LESS THAN \$100.00 ***

Requesting Organization/Person Name: _____	
Address: _____	
City, State, Zip Code: _____	
Phone: _____	Email: _____
Contact Person Name: _____	Phone: _____

1. How much is this funding request for? _____
2. What is the time period you are requesting these funds for? _____
3. Describe the purpose of the request, the services to be provided and how it relates to the City of North Miami Beach?

4. Is the recipient a City of North Miami Beach resident/s or property owner/s?

5. Have you requested funds from the City before? ____ Yes ____ No
If yes, please provide amount and purpose of donation: _____

I hereby certify that I have read and understand the charitable donation request guidelines and that the information provided is true and correct. I understand that the approval and denial of all charitable donation requests is in the sole discretion of the City of North Miami City Council.

Printed Name

Signature

Date

For Internal Use Only

Are the Requested Funds Approved in Budget:

____ Yes ____ No

Signature

Date

City Attorney Review

Public Purpose

____ Yes ____ No

Signature

Date

Council Approval Required ____ Yes ____ No

If yes, please attach meeting agenda and decision of the City Council.

City Council Member Sponsorship: _____