



Title: Gift Policy

Policy#:

Effective Date: 3/4/2019

I. Policy Statement:

The Sonoma County Library encourages and accepts gifts, including cash donations and in-kind contributions, from individuals and entities. The Library recognizes the tremendous support and gifts provided by the Sonoma County Public Library Foundation and the Friends of the Library groups on an ongoing basis.

The Library's acceptance and use of gifts are governed by the terms of this policy. The goal of this policy is to protect and maximize the interests of both donors and the Library, as well as comply with the Library's mission, other policies, and all applicable laws.

II. Definitions:

A. Deed of Gift: a written agreement between a donor and the Library that transfers ownership of the donated materials to the Library, as well as sets out other terms and conditions regarding the making of the gift and its use by the Library.

B. Intellectual property rights: intangible property rights relating to materials gifted to the Library, such as copyright, other literary or artistic rights, trademark rights, and patent rights.

C. Use restriction: a condition on the use of a gift, set by the donor, which restricts how the gift may be used by the Library.

III. Policy:

A. Scope

This policy establishes guidelines and procedures with respect to gifts donated to the Library. The policy does not address gifts donated to the Sonoma County Public Library Foundation or to a Friends of the Library group.

B. Policy Mandates

1. Types of Gifts Accepted for Donation by the Library

The Library will consider accepting the following types of gifts:

- Cash or checks made out to the Sonoma County Library (checks made out to the Sonoma County Public Library Foundation or to a Friends of the Library group shall be forwarded to the respective group).
- Tangible personal property, including but not limited to books, documents, photographs, digital materials, audio and video recordings, furniture, art work, and equipment.
- Intangible personal property, including but not limited to intellectual property rights, licenses, securities, stocks, bonds, and beneficiary interests in trusts.
- Real property, either a fee title interest or other type of interest.
- Sponsorships consisting of goods and/or services to support an event, class or activity.

The Library will not accept any gift which requires it to act as a personal representative for a donor's estate or act as a trustee for any type of trust.

2. Acceptance of Gifts by the Library

Gifts that are accepted by the Library shall become the sole property of the Library. After acceptance, donors will not be permitted to rescind or revoke their gifts, and are not entitled to return of their gifts. Acceptance of a gift may require a Deed of Gift form agreement, as discussed in Section IV.B, below.

Once the Library accepts a gift of tangible property materials (such as books, documents, recordings, or similar materials), the Library shall be solely responsible for making all decisions with respect to their control including their storage, retention, processing, dissemination, use, and disposition. For example, the Library may add the materials to one of the Library's collections, provide the materials to a Friends of the Library group to be sold (which sale proceeds will be used to benefit the Library), or dispose of the materials. Decisions regarding gifted materials shall be made pursuant to the Library's policies and procedures, including its Collections Development and Management Policy.

3. Rejection of Gifts by the Library

The Library reserves the right to reject an offer of a gift in its discretion. The Library may reject gifts due to their nature, condition, or the cost of managing the gifts, among other reasons. The Library shall provide reasonable notice to donors if their gifts have been rejected. However, the Library is not required to inform donors of the reason underlying the rejection.

The Library shall not be responsible for paying for the cost of returning rejected gifts to donors. Instead, proposed gifts which are rejected by the Library shall be returned to the donor via pickup at a Library facility. If a donor does not retrieve a rejected gift within 10 days of notice from the Library, the Library shall transfer or dispose of the rejected gift in its discretion.

4. Restrictions on Use of Gifts

Donors may restrict the Library's use of their gifts in very limited circumstances. Generally, the Library will consider donors' requests to restrict uses of their gifts under the following circumstances: (1) donated cash to be used for a particular purpose; (2) donated volunteer services for a particular event, class or activity; and (3) restricted use of an intellectual property right.

Donors are not permitted to restrict the Library's use of materials to be deposited into its collections, such as books, documents, video/audio recordings, and digital materials (but excluding the copyrights, trademarks, and patents associated with such materials).

The Library reserves the right to reject a gift if the donor restricts its use, pursuant to the guidelines set forth in this and other policies and guidelines.

5. Appraisals and Taxes

The Library will not appraise gifted materials and is not responsible for reviewing or authenticating the validity of any appraisal obtained by a donor. Appraisals should be completed before donors transfer the materials to the Library.

In certain circumstances, donating a gift to the Library may create tax or other consequences for a donor. The Library cannot provide advice regarding such tax or other consequences. Accordingly, donors are encouraged to seek legal or financial advice with respect to donations to the Library.

Upon request of a donor, the Library will provide written documentation verifying acceptance of the gift to the Library for tax purposes.

IV. Procedures

A. Requirements and Responsibility for Accepting Gifts

The requirements and responsibility for accepting gifts offered to the Library differ depending on the type of gift, its value (or estimated value), and whether the donor has conditioned the gift on a use restriction. For non-cash gifts, valuations of gifts are to be provided by the donor, though the Library may also use other valuation materials or methods to estimate the value of a gift.

Gifts offered to the Library should be accepted only if doing so is in the best interests of the Library. Responsibility for accepting gifts, as set out below, encompasses the duty to determine whether the gift is in the best interests of the Library and, if not, to reject the gift. General requirements and responsibility for accepting gifts provided to the Library are as follows:

- **Gifts Under \$5,000:** Gifts valued under \$5,000 may be accepted by a Branch Manager (or Responsible Person), a Special Collections Manager, or the Library Director or his/her designee.
- **Gifts Between \$5,000 - \$50,000:** Gifts valued between \$5,000 and \$50,000 may be accepted by the Library Director or designee.

- **Gifts Over \$50,000:** Gifts valued over \$50,000 require approval of the Library Commission prior to acceptance by the Library Director.
- **Gifts of Uncertain Value:** Gifts of uncertain value not readily falling into other categories, such as gifts containing intellectual property rights, may be approved by the Library Director or designee.
- **Gifts Encumbering the Library:** Gifts of materials, art or valuables that are likely to encumber the Library on an on-going basis (either financially or administratively) require approval of the Library Commission prior to acceptance by the Library Director.
- **Gifts of Real Property:** Gifts of real property require approval of the Library Commission prior to acceptance by the Library Director. Donors of real property are required to provide a current appraisal (completed by a qualified appraiser) as well as title reports and all information regarding any indebtedness attached to the property. In addition, the Commission shall ensure that all reasonable and appropriate investigations of real property are conducted before accepting it, including but not limited to inspections relating to the existence of ground pollution or hazardous waste.
- **Gifts with Use Restrictions:** All cash gifts over \$5,000 with a use restriction, and all non-cash gifts with use restrictions, require written acceptance by the Library Director or designee.

B. Deed of Gift Forms

Library staff shall utilize Deeds of Gift on forms approved by the Library Director and General Counsel to describe the terms and conditions of non-cash gifts made to the Library. All non-cash gifts valued at more than \$5,000, and all gifts which include a transfer of intellectual property rights, shall be made via a Deed of Gift form. A Deed of Gift form is not required for donations of services (e.g., event volunteers).

Donors will be required to verify via Deeds of Gift that they are the lawful owners of the gifted materials, and have the full right, title and interest in the materials to make the gift to the Library. Donors also will be required via a Deed of Gift form to agree to defend, indemnify, and hold the Library harmless from claims, suits, or allegations arising from or relating to conduct that would be a breach of the donor's representations made in the Deed of Gift.

1. Intellectual Property Rights

If a Deed of Gift form is required, Donors will be responsible for identifying on that form all intellectual property rights which may be associated with the gifted materials (if known), as well identifying the persons/entities holding such rights (if known). Donors shall further identify on the Deed of Gift form whether any intellectual property rights owned or controlled by the donors are being transferred to the Library as part of the gift.

2. Restricted Information

Donors are required to identify any restricted information contained in a proposed gift which is protected from public disclosure by law. Examples of such information include another person's student records, financial records, social security number, or medical information. Such restricted information should be deleted or redacted from the gifted materials prior to their acceptance by the Library.

C. Accepting Gifts of Unrestricted Funds

All unrestricted cash gifts shall be deposited into the Library's General Fund, though they must be tracked separately from other income received by the Library. Such cash gifts may be used to purchase and pay for Library materials, equipment, programs, and related promotional materials.

D. Accepting Gifts with Restricted Uses

Acceptance of all cash gifts over \$5,000 which contain a use restriction, and all non-cash gifts containing use restrictions, must be approved in writing by the Library Director or designee.

If the Library accepts a gift which has approved use restrictions, the Library has a stewardship obligation to ensure that the restrictions are satisfied. The Library Director is responsible for ensuring that any planned use of the gift complies with the donor's use restriction criteria, and may designate other staff to ensure timely compliance.

1. Restricted Funds Held in Trust

With respect to gifts of funds tied to a use restriction, such funds shall be deposited into the Library's special revenue fund and held in "trust" until disbursed for the specific purpose identified by the donor.

2. Inability to Satisfy a Use Restriction

If a donor's use restrictions cannot be satisfied, the gifted property will be held in reserve and the donor will be contacted to determine how to address the situation. Staff is directed to encourage the donor to expand or release the use restriction to allow the gift to be put to use. Any decision by the donor to change the use restriction must be verified by the donor in writing. If the donor does not agree to expand or release the use restriction, then the gift will be returned to the donor.

If staff is unable to make contact with the donor with respect to an inability to satisfy a use restriction, then staff shall contact the Library Director or General Counsel for further direction.

E. Recognition

The Library Director shall establish a procedure by which staff will provide letters of thanks or other recognition for receipt of gifts from donors.

A donor's request for anonymity will be respected, subject to any legal or other requirements for disclosure.

V. Revision History:

Policy Number	Effective Date	Significant Changes	Approved By	Previous Policy Number and Date
TBD	3/4/2019	<ul style="list-style-type: none"> - Consolidated information on gifts of materials previously contained in the Collection Development and Management Policy; - Clarified the types of gifts the Library will accept; - Established requirements and responsibilities for accepting (and rejecting) gifts given to the Library based on their type and value; - Added a Deed of Gift form requirement for certain donations; - Clarified responsibilities with respect to deposit of cash gifts as well as treatment of gifts with restricted uses; and - Clarified the Library is not responsible for providing appraisals of donated gifts, and provide notice of possible tax consequences. 	Commission	Gifts and Donations Policy (no #), effective 8/3/2015