

ORDINANCE NO. 264

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 4.40.250, CURRAN APPLE ORCHARD FUND, OF THE UNIVERSITY PLACE MUNICIPAL CODE TO ESTABLISH AN EXPENDABLE TRUST FUND, ENDOWMENT FUND, TO ACCOUNT FOR ENDOWMENTS RECEIVED FOR SPECIFIC EXPENDABLE PURPOSES THAT MAY ONLY BE EXPENDED FOR PURPOSES DESIGNATED BY A FORMAL TRUST AGREEMENT AND TO AMEND CHAPTER 4.40.240, DONATIONS FUND, OF THE UNIVERSITY PLACE MUNICIPAL CODE TO ESTABLISH THE MANNER IN WHICH DONATIONS SHALL BE ESTABLISHED AND ADMINISTERED WITHIN THE DONATIONS AND GIFTS TO UNIVERSITY PLACE FUND.

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amending Chapter 4.40.250 Curran Apple Orchard Fund. There is hereby added an amendment to Chapter 4.40.250 Curran Apple Orchard Fund to the University Place Municipal Code.

Chapter 4.40.250 Curran Apple Orchard Fund Endowment Fund

A. Purpose. This is an expendable trust fund established to account for endowments totaling more than \$25,000 received for specific expendable purposes that may only be expended for purposes designated by a formal trust agreement receive donations of cash designated by the donor for specific purposes. This fund shall be a project-based fund that shall record all transactions associated with the endowments donations. The City Manager is authorized to accept any endowment donations and gifts made on behalf of the Curran Apple Orchard donor's project, to be used for the improvement, maintenance, and general administration of the Orchard, as an edible urban park for purposes designated by a formal trust agreement between the donor(s) and City. Each project within this fund shall be established by a formal trust agreement between the donor(s) and the City through a resolution approved by the City Council.

B. Revenue Sources. Cash contributions from various sources, primarily endowments received for specific expendable purposes and revenues earned on those endowments. Investment earnings shall be placed in the General Fund unless otherwise stipulated in the formal trust agreement.

C. Fund Administration. The City Manager or his or her designee is hereby authorized to accept on behalf of the City all monetary endowments to the City, subject to Council approval through a resolution. The City Manager may decline to accept an endowment if such endowment is not consistent with the policies, plans, goals, or ordinances of the City or if acceptance of same is contrary to law. All endowments accepted by the City shall be deposited in the fund and assigned to an appropriate project within the fund or, if necessary, a new project shall be established within the fund by the City Treasurer or his or her designee. The City Treasurer or his or her designee is authorized to expend any moneys in accordance with the formal trust agreement maintained within the fund, unless otherwise provided by ordinance.

Section 2. Amending Chapter 4.40.240 Donations Fund Donations and Gifts to University Place Fund. There is hereby added an amendment to Chapter 4.40.240 Donations Fund Donations and Gifts to University Place Fund to the University Place Municipal Code.

A. Purpose. This Special Revenue Fund is established to receive donations of cash designated for specific purposes identified by the donor. The purpose of this fund is to provide for deposit and financial administration, including project accounting, of monetary donations to the

City and expenditure thereof. The Donations and Gifts to University Place Fund is only to be used for donations, which have a specified purpose other than endowments greater than \$25,000 maintained in accordance with a formal trust agreement. Donations and gifts, which the City receives, that are not to be expended in any specified manner may be deposited into the General Fund's private contributions revenue account. This fund does not intend to substitute for City policies and processes in place regarding donations of real property.

B. Revenue Sources. Cash contributions from various sources. Investment earnings shall be placed in the General Fund.

C. Fund Administration and Procedures. The City Manager or his or her designee is hereby authorized to accept on behalf of the City all monetary donations and gifts to the City. The City Manager may decline to accept a donation or gift if such donation or gift is not consistent with the policies, plans, goals, or ordinances of the City or if acceptance of same is contrary to law. All donations and gifts accepted by the City shall be deposited in the fund and assigned to an appropriate project within the fund or, if necessary, a new project shall be established within the fund by the City Treasurer or his or her designee. The City Council may, through a resolution, establish project-based accounts in support of a particular community interest group. The City Treasurer or his or her designee will establish and implement written procedures for the administration of the fund.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 4. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON FEBRUARY 7, 2000.**

  
Lorna Smith, Mayor

**ATTEST:**

  
Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

  
Timothy X. Sullivan, City Attorney

**Date of Publication: 2/11/00**  
**Effective Date: 2/16/00**