

Section 12: Gifts Policy

Effective: Upon adoption.

Purpose: To provide uniform criteria, procedures, and guidelines for accepting gifts and donations to the Town in a responsible, transparent, and accountable manner; and, to acknowledge the requirements of the Statewide Municipal Code of Ethics.

Policy: The Town of Norwich will ensure that gifts and donations are subject to consistent criteria and procedures, have adequate resources for their administration, and have appropriate acknowledgement of the generosity of the donor; and, that municipal officers comply with State and Municipal Code of Ethics requirements.

Authority:

- 3 V.S.A. § 1203g. Gifts** – see Title 3: Executive, Chapter 031 Government Ethics, Subchapter 001: General Provisions; **State Code of Ethics.**
- 17 V.S.A. § 2664. Budget** – see Title 17 : Elections, Chapter 055: Local Elections, Subchapter 002: Town Meetings and Local Elections in General.
- 24 V.S.A. § 1235. General Authority** – see Title 24: Municipal and County Government, Chapter 037: Town, City, or Village Managers.
- 24 V.S.A. § 1991. Definitions** – see Title 24: Municipal and County Government, Chapter 060: Municipal Code of Ethics [Effective January 1, 2025].
- 24 V.S.A. § 1993(f). Gifts** – see Title 24: Municipal and County Government, Chapter 060: **Municipal Code of Ethics** [Effective January 1, 2025].
- 24 V.S.A. § 4440. Administration ; finance** – see Title 24: Municipal and County Government, Chapter 117: Municipal and Regional Planning and Development, Subchapter 009: Adoption, Administration, and Enforcement.

Definitions:

- “Donor” means any person or entity offering a “gift” or “donation” to the Town or a Municipal officer.
- “Gift” to the Town shall mean any monetary contribution, endowments, bequests, personal property, real property, in-kind goods or services, or anything of value offered to the Town without any consideration or compensation. For purposes of this Policy, the terms “donation” and “gift” shall be synonymous.
- “Prohibited Gifts” to a Town officer or employee are as delineated in 24 V.S.A. § 1993(f); and to a “Public Servant” as described in 3 V.S.A. § 1203g and 24 V.S.A. § 1993(f)
- “Municipal officer” is defined in 24 V.S.A. § 1991(12) et seq.
- “Town” means the municipality as defined in 24 V.S.A. § 1991(13).
- “Restricted Donation” shall mean any gift or donation designated at donor request for a particular Town department, location, or purpose.
- “Unrestricted Donation” shall mean any gift or donation to the Town without any limitations being placed upon its use.

Procedures:

A. Gifts to the Town

1. Selectboard approval is required for gifts or donations to the Town.

- a. The Town has no obligation to accept any proposed gift or donation of whatever kind.
- b. On behalf of the Selectboard, the Town Manager shall evaluate any proposed gift or donation to determine whether acceptance is in the best interests of the Town and is consistent with all applicable Town policies, ordinances, and resolutions. Criteria for evaluation shall include but not necessarily be limited to the following:
 - i. Whether any initial and/or future expenditure of Town funds, and/or use of Town resources of any nature whatever, will be required in connection with acceptance of the gift or donation;
 - ii. Whether the gift or donation is restricted or unrestricted and the Town's ability or willingness to use it;
 - iii. The nature and burden of appropriate accounting for any gift or donation;
 - iv. For real property, whether any environmental issues could exist and/or exposure for liability or other negative consequences of acceptance, including but not limited to any restrictions or caveats running with the land; and, the costs of investigation and transfer.
- c. Upon receipt of the Town Manager's report of evaluation, and recommendation to accept or refuse the gift or donation, the Selectboard will vote to accept or not.
2. No gift or donation will be accepted until the Selectboard has voted to accept the same.
 - a. For purposes of municipal planning, as more fully described in 24 V.S.A. § 4440(a), a municipality may accept gifts and grants of money and services from private sources and from the State and federal governments. See Id.
3. The Selectboard may accept gifts above those that are approved in the town budget but must include in its annual report a description of all gifts accepted during the year and associated expenditures. See 17 V.S.A. § 2664.
4. The Town will not provide legal, accounting, tax or other advice to donors about any aspect of their proposed gift or donation.
5. Upon acceptance, the Town Manager will acknowledge acceptance on behalf of the Town.

B. Solicitation of gifts or donations

1. Solicitation of gifts or donations, other than for Recreation Department scholarships and programming, is expressly prohibited unless duly authorized by majority vote of the Selectboard.
2. With the limited exception for the Recreation Department (paragraph B.1.) and the statutory exception for municipal planning (paragraph A.2.a.), boards, commissions, committees, subcommittees, departments, employees, officers, volunteers, groups, or any other actor or entity are not authorized to represent themselves as "the Town" and may not accept or solicit gifts or donations of any nature or kind whatsoever.

C. Gifts to Municipal officers and employees

1. This policy incorporates by reference the applicable requirements and prohibitions of the State Code of Ethics [see Title 3, Chapter 31, Subchapter 1], and the Municipal Code of Ethics [see Title 24, Chapter 60 and particularly 24 V.S.A. § 1993(f). Gifts].
 - a. Pursuant to 24 V.S.A. § 1996 all municipal officers will have notice and/or a copy of the Municipal Code of Ethics which includes the prohibitions and limitations on gifts.