

OFFICE OF THE GENERAL COUNSEL
COUNCIL OF THE DISTRICT OF COLUMBIA

1350 Pennsylvania Avenue NW, Suite 4, Washington, DC 20004 • (202) 724-8026

MEMORANDUM

To: Chiefs of Staff
From: V. David Zvenyach, General Counsel
Date: June 5, 2013
Re: Donations to the Council

In the last few weeks, I have received a large number of inquiries about the Council's gift and donation rules and disclosure requirements. In general, the gift rules are governed by Rules II-IV of the Code of Official Conduct. However, in an effort to simplify these rules and to improve public reporting, it is important to understand the Council's donation policy.

D.C. Official Code § 1-329.01(a) authorizes the Council to accept gifts and donations to "carry out its authorized functions or duties."

Under this authority, members of the Council may accept donations for use in their official capacities. This includes, for example, tickets to galas and receptions. It also includes various donations provided by other non-governmental entities (e.g., books).

Donations of personalty (i.e., non-perishable goods) are considered Council property and may not be used for unauthorized purposes. This includes donations such as tickets or items for constituents or other items that are provided to you in your official capacity if those items are under your control and if you are responsible for coordinating their distribution.

As a simple rule of thumb: If it's an unsolicited gift of \$50 or less, you may accept it. **If it is greater than \$50, and it is presented to you in your official capacity and is consistent with the authorized functions and purposes of the Council, you may accept it and disclose it as a Council donation.** If it's a gift to you as an individual, consult

the ethics rules about acceptance and determine whether you need to report it on your annual financial disclosure statement.¹

To comply with section 1-329.01(b), however, which requires the maintenance and disclosure of "accurate and detailed records," to accept under this authority, you must do the following:

1. File a disclosure with the Secretary before the end of the month in which a donation is accepted;
2. Include in the disclosure, the name of the donor, the estimated value of the donation; and
3. If you do NOT receive a donation, you must file a statement that no donation was accepted during the month.

As a best practice, I recommend that you have donors complete a Council Donation Form, which requires the donor to certify that they are not providing the donation with an expectation of favorable treatment. A copy of the form is attached.

One final point: Nationals tickets and Verizon Center tickets are not covered by this authority, because they are provided to the District by contract. Other tickets, which are not provided by contract, must be disclosed as Council donations.

As always, I am available if you have any questions.

VDZ

¹ Even small gifts and Council donations may not be accepted if the donation is made with an understanding or expectation of favorable treatment by the Council.



COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue NW, Washington, DC 20004

COUNCIL DONATIONS DISCLOSURE

Pursuant to D.C. Official Code § 1-329.01, during the month of _____, I accepted the following donations made for an authorized Council purpose consistent with the functions and purposes of the Council:

	Item	Offeror	Date	Value	Notes
1.				\$	
2.				\$	
3.				\$	
4.				\$	
5.				\$	

I did not accept any donations during the reporting period.

I further certify any donations were accepted without any expectation of special treatment or action by the Council in particular, or the District government in general.

Name: _____

Date: _____



COUNCIL OF THE DISTRICT OF COLUMBIA

The John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

OFFICE OF THE SECRETARY

DONATION AGREEMENT FORM

1. _____ (“Donor”) agrees to make a donation to the Council of the District of Columbia (Council), Government of the District of Columbia of \$ _____ or of (*Note: Please insert amount and provide in-kind description as stated below:*)

The donation is being given freely without any expectation of special treatment or action by the Council in particular, or the District government in general.

2. The donation will be used to (*describe the purpose of the donation*):

Further, the donation is for an authorized purpose because it is consistent with the functions and purposes of the Council.

3. The donation is being made on the condition that the Council agrees to use the donation for the particular purpose stated in this agreement. If the agency does not use the full balance of the financial donation, I, the donor, give my express consent and authorization to the Council to use the remaining balance in the same or subsequent fiscal years for the same or similar authorized purpose, as reviewed and approved by the Council Ethics Officer. Otherwise, the Council shall ensure that a refund check to the donor in the amount of any remaining balance. (*Note: Please state any other conditions that may apply below:*).

Please check the appropriate box.

- Yes, with my consent all remaining funds may be applied toward another Council program with a similar purpose in this fiscal year or subsequent years.
- No, please refund all remaining funds to the donor.
- Not Applicable

4. To the best of the Donor’s knowledge, the donor is not aware of any transactions pending before the Council, or any agency of the District government involving the Donor, nor any litigation pending against the District government involving the Donor.

5. The District of Columbia government acknowledges that systems are in place for the donation to be accepted by the Council and the use of the donation may be properly tracked as required by the D.C. Official Code § 1-329.01.

Signature of the Parties:

Name: _____ **Date:** _____
Title: _____
Authorized official representing the Donor

Secretary to the Council **Date** _____

Council Ethics Officer/General Counsel **Date:** _____

Please attach any additional information.