

Gifts Policy

JPAB Policy #309

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Review Schedule: 6/2029

Santa Cruz Public Libraries (the Library) welcomes gifts of money (cash, securities, annuities, bequests, and trusts); materials; real, intellectual, or personal property; works of art for public display; and gifts in kind. Financial gifts to the Library are treated as revenue over and above the operating budget, and shall be used solely for the enhancement of basic Library services, programs, materials, or facilities.

The Director of Libraries and/or his or her designee (collectively referred to as “the Director”) will make all decisions regarding gift acceptance and shall approve all gifts on a case by case basis.

In the sole discretion of the Director, all gift donors may be required to sign a Gift Agreement by and between the donor and the Library, in a form provided by the Library. Gifts requesting naming rights as a restriction are also subject to the Library Naming Policy and such gift donors may be required to also sign a naming rights agreement, in the sole discretion of the Director. When appropriate, the Library may seek the advice of legal counsel in matters relating to the acceptance of gifts with restrictions.

The Director retains the right to refuse any gift for any reason at its discretion. The Director further retains the right to make all decisions regarding the processing, use, placement, access, storage, retention, sale, donation, or disposition of any gift.

Gifts made unconditionally and without restrictions are preferred.

Returning a gift to a donor is prohibited, unless exempt by the Director in his or her sole discretion. Gifts of funding for capital changes to Library facilities will be given to the Library and coordinated with the applicable Library jurisdiction.

Gift acceptance shall be in the sole discretion of the Director and may be based on, but not limited to, the following criteria:

- whether the gift violates the terms of this policy
- utility of gift toward Library strategic goals and objectives
- restrictions placed on gift acceptance
- long-term maintenance obligations or other potential future expenses
- correlation with Collection Development Policy (for materials)
- jurisdiction capital campaign needs
- available space
- any potential liabilities in accepting the gift or

- effect on future giving.

Copyright ownership of any gift donated shall be transferred to the Library so that the Library may make unrestricted use of the materials. Donors may wish to consult with legal counsel before transfer of copyright ownership.

Donors are granted the same right to access and use their donation and the Library as other members of the public; unique or special access rights are not permitted as a restriction of a gift. The Library will not accept any gift that would result in placing a material obligation or lien upon the Library's operating budget.

The Library will provide the Library Joint Powers Authority Board with a quarterly gift received report.

Gifts Procedure

Once approved by the Director, gifts will be received by the Friends of the Santa Cruz Public Libraries (the Friends), a 501(c)(3) nonprofit organization whose purpose is to support the Library's strategic objectives, programs, and services through fundraising and advocacy. If a donor feels strongly that a gift must go directly to the Library, it will be accepted based on criteria stated herein. Gifts and gift monies will be held, invested, and allocated to the Library.

Donors wishing to attach restrictions to gifts are encouraged to first consult with the Friends, who will confer with the Director. The Director reserves the right to determine whether to accept gifts with special restrictions. If a gift restriction is related to naming, please see the Library Naming Policy as well.

The Friends will acknowledge all accepted gifts in writing and will specify the type, quantity, and restrictions of the gift for the donor's records. The monetary value of donations for donor income tax purposes will not be affixed by the Library. The Friends will follow non-profit laws and regulations regarding acknowledgement of all gifts.

Gift related record-keeping, and communication with donors related to gifts and ongoing gift management is the responsibility of the Friends in consultation with the Director. A record of all donations will be retained for seven years from date of acceptance, or for the duration of the contracted Gift Agreement between the Library and the donor.

Gifts of Books and Materials

Gifts of books and materials shall be given directly to the Friends. In most instances gifts of books will be sold by the Friends. All proceeds will benefit the Library. If the Friends or the Library receives a significant or substantial gift (as determined by the Director), then the Director may further evaluate and review the gift before it is accepted or sold. The Friends and the Library will apply the same standards for selection and acceptance of gifts as it does when selecting books and other materials for purchase; this shall include but not be limited to meeting system-wide guidelines for programming and collection needs (as defined in the Collection Development Policy # 302).

Gifts of Financial Donations and Property (Real or Personal)

Financial donations are to be made to the Friends, preferably with the specification of unrestricted use by the Library.

All donors anticipating a major bequest or wishing to specify the Library as the beneficiary or residual legatee of a trust, or of all or portions of their estate including real or personal property, may wish to consult with legal counsel before transfer of ownership.

Gifts of Works of Art for Public Display

Please refer to Gift Policy: Works of Art for Public Display # 310 for the full procedures regarding gifts of works of art to be used for public display.