

Approved September 21, 2023



Gift Donation Policy

The Joliet Public Library welcomes and actively encourages gifts, contributions, and donations of cash, materials, and other miscellaneous items that will help the Library better serve the needs of the community. The purpose of this policy is to provide guidance to citizens, businesses, and organizations that make donations to the Library. The Library may accept gifts, donations, endowments, bequests, and trusts, according to its needs, interests, and policies, including those relating to the selection of and provision of access to books and other resources. The Library, through the Board or the Board's delegated authority, makes the final decision on the acceptance, use or other disposition of any gift, donation, contribution, endowment, bequest, and trust, and also reserves the right to decide any conditions of display, housing or access.

The Library is granted unconditional ownership of each gift, donation, contribution, endowment, bequest, or trust, and the donor does not retain or obtain any property rights or interests based on their gift, donation, contribution, endowment, bequest, or trust. Letters of acknowledgment will be sent at the Library's discretion. Exceptions to this policy are made at the discretion of the Executive Director or designee.

GUIDING PRINCIPLES

The following principles will guide the Joliet Public Library in the solicitation and acceptance of gifts, donations, contributions, and support and sponsorships to enhance or develop Library programs and services:

- All gifts, donations, contributions, and support and sponsorships must further the Library's mission, goals, objectives and priorities. They must not drive the Library's agenda or priorities.
- All gifts, donations, contributions, and support and sponsorships must safeguard equity of access to Library services. Sponsorship agreements must not give unfair advantage to, or cause discrimination against, sectors of the community.
- All gifts, donations, contributions, and support and sponsorships must protect the principle of intellectual freedom. Donors and sponsors may not direct the selection of collections or require endorsement of products or services.
- All gifts, donations, contributions, and support and sponsorships must ensure the confidentiality of user records. The Library will not sell or provide access to Library records in exchange for gifts or support.
- All gifts, donations, contributions, and support and sponsorships must leave open the opportunity for other actual or potential donors to have similar opportunities to provide support to the Library.
- Gifts of books or other Library materials will be accepted in accordance with the terms outlined in the Collection Development Policy.

TYPES OF DONATIONS.

A. Donations of Money

The Joliet Public Library welcomes donations of money. These funds may be used for library materials, library furniture or equipment, or to sponsor library programs.

1. Unrestricted gifts are those that the donor has not specified terms, conditions, or purposes and are given for use at the Library's discretion. In the case of library materials, the donor may recommend a subject area or format. The Library will attempt to honor the donor's wishes if the recommendations are consistent with the Collection Development Policy and available space. Selections purchased from these funds will be made by the staff. A gift plate will acknowledge the donation if requested by the donor. Contributions for subscriptions must cover a two-year commitment.

Funds received for library furniture or equipment will be acknowledged through the placement of a plaque on or near the item or items purchased with the gift. Funds received to sponsor library programs will be acknowledged with a mention of the sponsor in promotional materials.

2. Restricted gifts are those that the donor has defined specific terms, conditions, and purposes. The Library will accept such gifts, donations, endowments, bequests, and trusts that support its mission. These offers will be handled by the Executive Director, who will determine, in consultation with the library Board of Trustees, the suitability of the gift. Terms of acceptance must be compatible with the Library's policies, the donor's intent, and applicable laws.

3. Monetary gifts received from a will or bequest may be accepted by the Library and used as directed by the donor, subject to Library policies. If received without restrictions, the funds may be used as approved by the Board. The Board will consider whether separate bank accounts and budget lines will be created to monitor the funds.

The Library will send a letter of acknowledgment for accepted donations.

B. Donation of Library Materials

Individuals frequently donate their used materials to the Library. The Executive Director is authorized to act for the Board in accepting or declining offers of gifts in the form of books, audiovisual items, recordings and other Library materials or resources. The Executive Director, in accordance with existing Library policies and guidelines, may exercise discretion concerning which materials shall be retained for the Library's own collection. We will apply the same criteria when considering adding these donations to the collection as we do for items that we purchase for the collection. Donations that are not added to the collection may be put in one of the Friend's book sales if they are determined to be items that we are likely to be able to sell. We do retain the right to recycle or otherwise dispose of items that are donated to the library. All donated items become the property of the Joliet Public Library, and all donations must be outright and unconditional.

C. Other Donations

In support of its programs, the Library accepts other donations, such as merchandise, coupons, or complimentary admissions. These donations may be acknowledged in the Library's promotional materials.

If a gift of art is proposed during design or construction of a new building, the Library will consult with the architect and the professional interior designer working on the building to determine whether the gift is appropriate to the facility and whether the Library will accept the gift.

Gifts of art must be unconditional, transferring ownership and all the rights of ownership to the Library. Gifts are accepted only with the understanding that the Library has the right to determine retention, location, and other considerations relating to the use or disposition of the gifts. The Library may display the gift or not. If the gift is not displayed, the Library may return the item to the person or group making the donation or may sell the item for value and use the proceeds for any purpose appropriate to the Library's mission. The Library may transfer ownership to any other agency it deems appropriate.

D. Gifts, Donations or Contributions of Securities

Marketable securities received by the Library as gifts may be accepted by the Board. Such securities will be sold or held at the discretion of the Board, and the net proceeds used as directed by the donor, subject to Library policies, or if received without restrictions, may be used as approved by the Board. Gifts, donations or contributions offered to the Library consisting of securities which are not readily marketable will be submitted to the Board for a decision as to acceptability.

E. Valuation of Non-Monetary Gifts, Donations or Contributions

While the deemed value of non-monetary gifts, donations or contributions may be a factor for consideration, neither the Library staff nor the Board will issue a written or verbal statement of monetary value to the donor. The Executive Director, or a designated staff member, may provide, on request, a letter of acknowledgment to a donor describing the gift and its apparent condition.

F. Use and Recognition of Gifts, Donations or Contributions

All gifts, donations or contributions are accepted with the understanding that it may someday be necessary that they be altered, sold, or disposed of in the best interest of the Library. The Library cannot commit itself to perpetually housing a gift, donation or contribution. Restricted gifts, donations or contributions can be accepted only with the specific approval of the Board. Gifts, donations or contributions will be accepted only if, in the opinion of the Executive Director and the Board, they are in the best interest of the Library. All gifts, donations or contributions are recognized with an acknowledgment letter.

G. Gifts of Real Property

A. This portion of the policy sets forth the procedures that the Library shall follow to accept title to gifts of real property, including unimproved and improved land. The policy is intended to safeguard the Library against accepting gifts of real property that are difficult to manage or are encumbered with defects that could put the Library at risk once the Library is in the chain of title. In addition, the Library must be sensitive to the long-term cost of owning the property, including

the distribution of maintenance money. Gifts of real property may be outright gifts, bargain sales (i.e., part sale/part gift transactions) or part of a charitable life income plan (i.e., a gift held in trust with a life income to the donor). It is the general policy of the Library not to accept partial or fractional gifts in real property except for the situations where acceptance of such an interest would present an extraordinary benefit for the Library based on the recommendation of the Executive Director and the approval of the Board of Trustees.

Types of gifts accepted:

1. The Library shall not accept any real estate encumbered by a mortgage or other liens except when approved by the Library Board based on a recommendation by the Executive Director.
2. The Library may accept gifts with a retained life use but generally only if the life tenant agrees to pay for all ongoing carrying costs, including but not limited to real estate taxes, upkeep, insurance, maintenance and repairs to the property and utilities. The gift agreement for a retained life use shall contain the stipulation that if the life tenant defaults on the payment of these carrying costs, the retained life tenancy ceases.
3. Where real property is being conveyed to the Library, every effort should be made to take the property free of any encumbrances such as possibilities of reverter to the donor's heirs if the property is no longer used for Library purposes. Reverter or other restrictive use clauses could lead to the real property reverting to the heirs of the donor with no compensation to the Library. The Library attorney should be consulted about the best course of action if such clauses are to be included in the property deeds. If the Library decides to accept a gift of real property with a reverter clause, the Library may request that the prospective donor agree that the Library will be entitled to be reimbursed for any of the carrying costs of the real property, including but not limited to, property insurance, repairs and maintenance while the Library holds title to the property. If the donor declines to accept these terms, the Library must determine if it is in the best interests of the Library to accept the gift and agree to pay these carrying costs.

B. Review Process

As donations and gifts vary in their impact on the Library, the review process should be tailored according to the proposal's complexity. The donor should meet with the Executive Director at the earliest possible time to discuss the review process for the specific gift. The process of establishing the Library's interest in accepting a gift of real estate shall begin with the initial gathering of the following basic information by the Executive Director:

1. The name, address, telephone number and e-mail address of the proposed donor. At the request of the donor, anonymity will be honored.
2. A statement of the relationship of the donor to the Library, if any.
3. A statement of the reasons for the donor's desire to make the gift and the reasons for the Library to accept the gift, including a history of prior donations by the donor.
4. A general description of the property including street address, any structures (above and below ground), past uses of the property, neighborhood characteristics, pictures, setting and zoning.

5. A statement as to whether the contribution is of the donor's complete or partial interest in the property. (Generally, the Library will not accept partial interests in real property.)

6. A list of any personal property to be included with the gift.

7. Copies of current real estate tax bills and special assessment bills.

Library staff will review land use requirements, legal requirements, potential public concern, maintenance issues and Library issues associated with the proposed gift. If it is determined that the Library could potentially benefit from this donation of real property, the following additional documents are to be provided by the donor at the donor's expense, before the Library can make a final decision to accept title to the property. If the donor declines to provide at her/his cost the documents required to perform the necessary due diligence and to close on the property, and the Executive Director determines that it is in the best interests of the Library to further advancement of the gift by paying these costs, the Library may agree to pay these costs.

8. A recent legal description and survey of the property showing any easements and right-of-ways.

9. If the parcel of land is improved with a building that is occupied, the name of the persons or business occupying space, together with copies of the leases relating to those occupancies.

10. Proof of donor's ownership of the property in form of a title policy or title report.

11. A Phase I Environmental Assessment of the property in a form and content that would be satisfactory to the Library.

12. Any other information needed to determine liability risks or unacceptable restrictions on use or disposition of the real property.

After the Executive Director receives this information, he/she will evaluate the gift's potential and make a recommendation to the Board of Trustees. The Joliet Public Library may decline any gift or bequest for any reason.