

Policy Number:	Policy No. XX
Title:	Acceptance of Gifts and Other Funds
Effective Date:	Insert Date
Authority:	Susquehanna River Basin Compact, Public Law 91-575, 84 Stat. 1531, Sections 15.1(a)(2) and 15.1(b).
Policy:	The Susquehanna River Basin Commission (SRBC) is empowered by Article 15 of the Susquehanna River Basin Compact (Compact) to “receive and accept such payments, appropriations, grant, gifts, and other funds, properties, and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof” <i>Compact</i> , § 15.1(a)(2). SRBC, from time to time, will accept gifts and other funds (hereinafter “donations”) within its authority and in the pursuit of its mission to manage and conserve the water resources of the Susquehanna River Basin. This policy is designed to outline the process and procedures related to the acceptance of donations by SRBC.
Purpose:	The purpose of this policy is to support and facilitate the mission of SRBC through procedures for 1) identifying who is authorized to evaluate donations; 2) evaluating potential or proffered donations; 3) accepting, using, and acknowledging donations; and 4) developing a process for depositing, tracking, and documenting the receipt and disposition of donations. This policy is designed to provide transparency to its procedures and to instill public confidence in the SRBC throughout the process of donations’ evaluation and acceptance. Acceptance of gifts by individual employees of SRBC is governed by the Administrative Manual.
Applicability:	This policy applies to the process by which the SRBC handles donations. The document has been developed to provide standards for the agency to follow, and applies to the evaluation and acceptance of appropriations, gifts, other funds, and properties. SRBC may, from time to time, amend these procedures in order that they remain consistent with the law and current best methods and business practices.

Disclaimer:

The policy outlined in this document is intended to supplement existing requirements. Nothing in this policy shall affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation.

This document establishes the framework within which the SRBC will exercise its administrative discretion in the future. The SRBC reserves the discretion to deviate from this policy statement if circumstances warrant.

Page Length:

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Definitions

Appropriations – Funds directly allocated by each Member Jurisdiction pursuant to or consistent with support of the SRBC’s current expense and/or capital budgets under § 14.3 of the Compact.

Authorized employees – Employees who have permission to evaluate donations and who are responsible for ensuring that SRBC follows the policy when assessing donors and donations as outlined in section II of this policy.

Donations – Appropriations, gifts, other funds, properties, and services received by the SRBC, or on behalf of SRBC, from any signatory party or by any other public or private corporation or individual. Donations can be either without consideration, for an exchange of value, or with conditions that they may only be used for a specific purpose or having other restrictions.

Gifts – Anything that has monetary value obtained for less than “market value” and includes:

- Money, including contributed funds, for either restricted or unrestricted purposes;
- Tangible personal property, e.g., vehicles, boats, furniture, collectibles, works of art;
- Museum collections and artifacts;
- Intangible personal property, e.g., securities, such as stocks; and
- Planned and phased giving, e.g., through estate planning, bequests, charitable gift annuities, charitable trusts, retirement plans, or life insurance beneficiary designations.

Other funds – Donations other than those identified and defined in this policy, or excluded in the Applicability section.

Properties – Donations of land or interests in land and generally including everything erected, growing on, or fixed to the land.

I. General

A. Authority

As outlined in the Compact, it is the purpose of the SRBC to affect the conservation and management of water resources to preserve and promote the economic and other values inherent in the historical and scenic and other natural amenities of the Susquehanna River Basin for the enjoyment and enrichment of future generations, the promotion and protection of tourist attractions in the basin, and for the maintenance of the economic health of allied

enterprises and occupations to effect orderly, balanced, and considered development in the basin.

To this end, authorized employees will assess all donations as they relate to all SRBC programs and projects, and the Director of Finance and Administration will oversee the receipt, handling, or deposit of donations on behalf of SRBC. Article 15 of the Compact provides SRBC with ample authority to administer this process.

B. Ethics

All employees of SRBC are responsible for being good stewards of the resources of the basin. As such, those employees designated as authorized employees covered under this policy shall only recognize donations under *Compact*, § 15.1(a)(2) authority and in a manner that promotes and enhances SRBC's mission, consistent with applicable laws and policies, including SRBC's employee ethics and conflicts of interest rules. SRBC retains the discretion to decline any donation, especially if there are binding conditions on the donation that are inconsistent with the SRBC mission or require activities that circumvent agency regulations or ethics rules.

Before accepting, using, or recognizing donations, SRBC must determine if the circumstances of the donation maintain:

1. The integrity of SRBC programs and operations;
2. The impartiality, and appearance of impartiality, of SRBC and its employees; and
3. Public confidence in SRBC, its programs, and its personnel.

C. Purpose

The purpose of this policy is to support and facilitate the mission of SRBC through procedures for 1) identifying who is authorized to evaluate donations; 2) evaluating potential or proffered donations; 3) accepting, using, and acknowledging donations; and 4) developing a process for depositing, tracking, and documenting the receipt and disposition of donations. This policy is designed to provide transparency to its procedures and to instill public confidence in the SRBC throughout the process of donations evaluation and acceptance.

D. Applicability

This policy applies to the process by which the SRBC handles donations. The document has been developed to provide standards for the agency to follow, and applies to the receipt and consideration of acceptance of appropriations, gifts, other funds, properties, and services. SRBC may, from time to time, amend these procedures in order that they remain consistent with the law and current best methods and business practices.

This policy does not apply to:

- Direct appropriations from Member Jurisdictions;
- Funds received through interstate or interagency agreements where there is statutory authority for receiving those funds (e.g., MOUs, grant agreements, subcontracts);
- Cost-sharing agreements where there is independent authority for such cost sharing;
- Interest, investment and rental income;
- Money received as regulatory fees or consumptive use mitigation fees;
- The preparation of reports or analyses that are legally required;
- Donations associated with exercising agency regulatory authorities, such as mitigation measures involving the donation of land or interests in land that SRBC will use for water resources conservation purposes;
- Fundraising or soliciting for organizations on SRBC property (e.g., Boy Scouts of America, Girl Scouts of the USA); and
- Acceptance of small gifts by employees of SRBC.

II. Responsibilities

A. Executive Director

The Executive Director will:

1. Designate authorized employees to be responsible for evaluation of donations;
2. Ensure authorized employees implement this policy effectively;
3. Seek advice of the General Counsel regarding potential or offered donations; and
4. Make final recommendation on donation acceptance or rejection to the SRBC Commissioners.

B. Authorized Employees

Authorized employees are designated by the Executive Director and are the only SRBC employees who have permission to evaluate donations. Authorized employees are responsible for reviewing this policy and implementing it when assessing donors and donations. In carrying out their duties, authorized employees will:

1. Gather sufficient information about a prospective donor or proposed donation to evaluate the donation, including:
 - a. Evaluate all the circumstances, including the value and purposes of the donation and the nature and interests of the donor, to determine whether to accept the donation; and
 - b. Determine if a donation contains conditions that may have significant implications for SRBC budget or programs and, if so, refer the donation to the General Counsel for review.
 - c. Assess whether there are potential conflicts of interest or other motivations for proffering the donation that could impugn SRBC's integrity?
2. Ask the General Counsel for guidance in resolving issues if the circumstances are unclear or questionable;
3. Consider additional questions raised by a donation, including but not limited to:
 - a. What is the ultimate source of funding for the donation?
 - b. Does the donor have publicity requests that accompany the donation?
 - c. Is the donor involved in a lawsuit or other controversy with SRBC or its member jurisdictions?
 - d. Is the donor regulated by SRBC? If so, is the donation related to its regulated activities?
4. Present evaluation to the Executive Director for formulating a recommendation to the Commissioners on acceptance or denial of a proposed donation to SRBC.

C. SRBC Commissioners

The SRBC Commissioners will make or be notified of all final determinations on acceptance or rejection of donations recommended by the Executive Director.

1. Donations or a group of similar donations valued under \$25,000 may be accepted or declined by the Executive Director upon one week's notice to the commissioners of the intent. A request by any one commissioner for further review by the entire board, for any reason, will remove that particular decision from the Executive Director and further consideration will be governed by paragraph C.2.

2. Donations or a group of similar donations valued at \$25,000 or more, or any donation(s) exempted from paragraph C.1., will be subject to a decision by the commissioners following standard meeting procedures. This determination may be made as a stand-alone decision or as a part of acceptance of a larger budget decision.

D. Director of Finance and Administration

The Director of Finance and Administration will:

1. Receive, handle and deposit all authorized donations;
2. Track and record donations in a standard database; and

3. Report to Executive Director and to the SRBC Commissioners the use and disposition of any donations accepted.

III. Acceptance and Evaluation Criteria

Acceptance and evaluation of donations must be done in a legally and ethically appropriate manner. This section provides criteria for authorized employees to use in determining whether the circumstances of the donation and its acceptance would maintain the SRBC's integrity and impartiality and public confidence in the agency.

This list is neither intended to be exclusive nor to imply that any one of these factors absolutely requires acceptance or declination of a donation, but rather to illustrate what criteria should be considered when evaluating the totality of circumstances and making donation-related decisions. The authorized employees will weigh the circumstances from the perspective of a reasonable person with knowledge of the relevant facts.

- A. Maintaining the integrity of the SRBC's programs and operations.
 1. The donation is not, or does not appear (such as by its size or circumstances) to be, an attempt to influence the exercise of any regulatory or other authority of SRBC;
 2. The donation meets a legitimate need of SRBC and does not require the commitment of funding that is not planned or available;
 3. The donation promotes or enhances SRBC's mission, programs, or projects; and
 4. The donation is consistent with, and does not otherwise circumvent, law, regulation, or policy.
- B. SRBC is able to properly utilize or manage any donated real property, including land or interests in land, or personal property within policy, programmatic, and management goals.
 1. Any conditions on the donation are consistent with authorized purposes and SRBC policy, goals and programs; and
 2. The donation will not be used by the donor to state or imply endorsement by SRBC of the donor or the donor's product or services.
- C. Maintaining the impartiality, and appearance of impartiality, of SRBC and its employees.
 1. The proposed donation is made in an amount that would not influence or appear to influence any pending SRBC decision or action involving the donor's interests; and
 2. There is neither an actual nor an implied commitment to take an action favorable to the donor in exchange for the donation; and
 3. The donor will not obtain or appear to obtain special treatment in dealing with SRBC; and

4. The donation will not divert resources from other priorities.
- D. Maintaining public confidence in SRBC, its programs, and its personnel.
 1. Acceptance would not likely result in public controversy;
 2. Any conditions on donations are consistent with SRBC policy, goals and programs and are not unduly onerous or restrictive;
 3. The donation does not involve any inappropriate goods or motives; and
- E. Ensuring a lack of controversy.
 1. Acceptance would not likely result in public controversy;
 2. Whether the donor is involved in litigation or other controversy with the SRBC or its member jurisdictions or its SRBC approvals are under appeal;
 3. Whether the donor is seeking or is otherwise engaged in any type of financial or business relationship with SRBC, for example, a contract, permit, lease, grant, or cooperative agreement; and
 4. Whether the donor has been debarred, suspended, proposed for debarment, excluded or disqualified under the non-procurement common rule, or otherwise declared ineligible from doing business with any government agency;
 5. The donation furthers the Environmental, Social and Governance goals or requirements of the donor.
- F. For evaluating donations of property, information specific to the donor's conditions and the costs necessary to develop, manage, and maintain the property to meet SRBC objectives, including but not limited to:
 1. Information that ensures the proposed donation is allowable under acquisition authority;
 2. Information that ensures the costs are commensurate with the benefits received; and
 3. Information that ensures that the terms of the donation comply with this policy, SRBC mission, and Article 15 of the Susquehanna River Basin Compact.

During the evaluation, the information will not be disclosed to anyone outside of authorized employees, the Executive Director, the Director of Finance and Administration, the General Counsel, and necessary administrative staff. Upon completion of an evaluation, authorized employees will make a recommendation to the Executive Director to accept or decline the donation. The Executive Director will review the recommendation, and will make a final determination on recommendation to SRBC Commissioners to accept or decline the donation.

IV. Recognition of Donors

Donors who have contributed to SRBC may receive appropriate, reasonable recognition and thanks, which may be expressed by the SRBC in letters of appreciation, press releases, public events, certificates, and similar items. The means of recognition is at the

discretion of SRBC, but decisions about recognition must include consideration of the appearances associated with the particular donation and whether the cost of the recognition is a proper expenditure of appropriations. No recognition may be made in a form that implies endorsement by SRBC of the donor's products, services, or activities.

V. Documentation Requirements

The Director of Finance and Administration, in coordination with General Counsel, may develop standard procedures and forms to document proposed donation requests, evaluations of requests and tracking of the use and disposition of accepted donations. Such documentation should allow for audit or investigation by the SRBC's independent audit firm as well as its member jurisdictions.