



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 19-0367 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 3/1/2019 **In control:** Board of Supervisors  
**On agenda:** 3/19/2019 **Final action:** 3/19/2019  
**Title:** Sheriff's Office recommending the Board accept the donation of an eagle statue in accordance with California Government Code, Section 25355, valued at approximately \$500,000, to be placed at the entrance to the new Public Safety Facility, subject to the execution of a donation agreement between the County, the artist and the Community Foundation. (Est. Time: 15 Min.)

**FUNDING:** Donations.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/19/2019	1	Board of Supervisors	Approved	Pass

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**FUNDING:** Donations.

### Discussion/Background:

California Government Code, Section 25355, states, "*The Board may accept or reject any gift, bequest or devise made to or in favor of the county, or to or in favor of the Board in trust for any public purpose. The Board may delegate to any county officer or employee the power to accept any gift, bequest, or devise made to or in favor of the county. The officer or employee shall file with the Board each quarter a report that describes the source and value of each gift valued in excess of \$10,000 or any other amount as determined by the Board. The Board may hold and dispose of the property and the income and increase thereof for those lawful uses and purposes as are prescribed in the terms of the gift, bequest or devise. In accounting for or inventorying gifts, bequests or devises, the officer or employee shall follow the appropriate procedures contained in the State Controller's manual entitled, "Accounting Standards and Procedures for Counties."*

Approximately two years ago, the Sheriff and the El Dorado Community Foundation had discussions regarding the erection of a monument at the Public Safety Facility. The El Dorado Community Foundation thereafter undertook to solicit donations to have an eagle statue constructed and placed at the entrance of the Public Safety Facility at no cost to the County. The Foundation has been very successful in their fundraising efforts and sufficient funds will be raised to complete the statue. Last month the Mountain Democrat published a story on the progress of the Public Safety Facility and included references to the new statue. Subsequently discussions were held among the Sheriff, Chief Administrative Officer, and County Counsel to determine the best course of action at this time.

Considering the artist is about to begin, or has begun, the construction of the statue, it is in the best interest of the Board to determine whether they are willing to accept this donation. If the Board is unwilling to accept this donation, the Board should direct the Sheriff to immediately advise the artist of their decision.

If the Board gives approval to accept the donation, the Sheriff's Office and County Counsel will develop a donation agreement with the artist and the El Dorado Community Foundation, which will be presented to the Board for approval at a future date. Such agreement is necessary to ensure the artist waives 'moral rights' to the statue and essentially gives ownership of the statue to the County.

### **Alternatives**

Not applicable. The Board is required to either accept or reject this donation.

### **Other Department/Agency Involvement**

None.

### **CAO Recommendation**

Considering the donations were identified for this specific purpose, the CAO recommends the Board accept this donation in order to comply with the Government Code. The determination as to whether this particular statue is appropriate is a policy decision of the Board.

### **Financial Impact**

The statue is funded 100% with donations. The only anticipated financial impact could potentially be minimal costs to clean and maintain the statue. Those costs are not available at this time and are not expected to be material.

### **Contact**

Sheriff John D'Agostini