



## **COBURG CITY COUNCIL ACTION/ISSUE ITEM**

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**TOPIC: Resolution 2021-18, A Resolution Adopting a Policy for the Approval and Acceptance of Donations, Memorials, and Public Improvements Placed Upon Public Space**

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**Meeting Date:** August 10<sup>th</sup> 2021

**Staff Contact:** Brian Harmon Public Works Director

**Contact:** 541-682-7857 brian.harmon@ci.coburg.or.us

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### **REQUESTED COUNCIL ACTION**

**Adopt Resolution 2021-18**

#### **Recommended Motion:**

*"I move to adopt Resolution 2021-18, A resolution establishing a policy for the approval and acceptance of donations, memorials, and Public Improvements placed upon public space".*

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### **BACKGROUND**

This policy will help ensure that there is a mechanism in place to evaluate what and where anything that someone may want to donate can be placed in Coburg's public spaces and open spaces. This may include anything from benches, trees, play equipment, art, and funds to be spent in public space or public open space. This policy will be received by the administration department, flow through the appropriate department head, and then be presented to the appropriate citizen committee. Committee's will recommend approval of donations and then report to City Council on what donations have been approved.

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### **PUBLIC INVOLVEMENT**

The City of Coburg's Parks and Tree Committee and City Staff have worked together to come up with a road map for how we manage the donation requests that are received for the City's Public Space and Public Open Space.

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### **RECOMMENDATIONS:**

- Move to approve Resolution 2021-18 as written
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**NEXT STEPS**

1. Implement policy and make forms available to public
2. Train staff for how donation requests will be processed

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**ATTACHMENTS**

- A. Policy
- B. Resolution 2021-18
- C. Form for the donations

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**Reviewed by:**

Anne Heath, City Administrator  
Coburg Parks and Tree Committee  
Brian Harmon, Public Works Director  
Gary Darnielle, City Attorney

## ATTACHMENT A



### CITY OF COBURG POLICY ON THE ACCEPTANCE OF DONATIONS TO BE PLACED IN PUBLIC SPACE AND PUBLIC OPEN SPACE

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#### **Purpose:**

Provide a process for the submission and acceptance of donations to be placed in public space/public open space, as well as projects that affect the aesthetics or use of public space/public open space.

#### **Definitions:**

- **Public Space** - All publicly owned property between the property lines on a street as such property lines are shown on City records including, but not limited to, buildings, a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines
- **Public Open Space** - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for park, recreation, and set aside for public use and enjoyment.
- **Citizen** - An inhabitant of a particular town or city
- **Donation** – The act by which the owner of a thing voluntarily transfers title and possession of the same to the City of Coburg, without any consideration
- **Citizen Committee** – A committee appointed by a governing body for the purpose of hearing, providing analysis, and making recommendations on a specific subject
- **Public Purpose** – To promote the public health, safety, morals, general welfare, security, prosperity, and general interests of all the inhabitants and residents within City of Coburg and the community

#### **Pertains to:**

Residents of Coburg, City Staff, members of Coburg Committees.

#### **Policy:**

##### **Changes to Public Use/Aesthetics:**

Improvements, additions, or replacements that change the aesthetics or use of public space/public open spaces will be submitted on the form adopted with this policy.

#### **Process:**

1. Those hoping to make a donation to be placed in public space/public open space, as well as projects that affect the aesthetics or use of public space/public open space, must fill out the

- appropriate form. Information as to what is to be donated, suggested placement in public space/public open space, and a brief description of why they wish to donate must be included.
2. The form will be received at City Hall, stamped with the date, and forwarded to the appropriate Department Head.
  3. The Department Head will review the form for completion and present it to the appropriate committee for review, discussion and recommendation by placing the application on the upcoming agenda and providing the application as part of the meeting packet.
  4. Projects involving multiple committees will require a collaborative process for decisions.

**Evaluation Criteria:**

Donated Items shall be considered only:

1. If there is an appropriate and safe location for placement
2. Must take into consideration current and future public capital improvements
3. Must be appropriate and align with the character of the specific park or location with consideration to scale, materials, subject and style of the item and in relation to the physical site and it's uses.
4. Donations should not require additional maintenance and/or routine care outside normal service levels.

**Citizen request to donate an owned item:**

In addition to the above considerations, items shall be made of durable, high quality materials and construction, and shall be in good condition to allow proper installations and long-term function, free of hazards or any other characteristics that could potentially cause harm or injury.

**Tree or Plant Materials:**

Donations of trees or plant materials are welcomed and can be discussed with city staff to identify current needs.

**Recognition:**

In the interest of equal treatment of donors, recognition of donations shall be made with a preference for direct acknowledgment to the donor (e.g. letter of acknowledgment), and on-site forms of recognition. In all forms of recognition, a donor's wishes for anonymity will be respected. For donations of a value in excess of \$250 or at the request of the donor, the City shall issue a contemporaneous letter of acknowledgment that identifies the nature of the donation, provides a good faith estimate of its value, states whether anything of value was provided by the City as a result of the donation, and provides the date of the donation

**WHEREAS:** For tax purposes, 26 U.S.C. §170(c)(1) provides that a tax deductible "charitable contribution" is a contribution or gift to a local government if the contribution or gift is made exclusively for a public purpose.

**Approval:**

Requests that meet the above criteria shall be considered for approval. Any requests not meeting the criteria as set by this policy shall not be approved. When a donation request is not approved, the applicant will receive a correspondence from the City giving the reason for non-approval within 10 days after the final decision has been made.

## **ATTACHMENT B**

### **RESOLUTION 2021-18**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COBURG ADOPTING A POLICY FOR APPROVAL AND ACCEPTANCE OF DONATIONS, MEMORIALS, AND PUBLIC IMPROVEMENTS PLACED UPON PUBLIC SPACE**

**WHEREAS**, the City receives requests for private donations to provide for public art, memorials, or improvements to open space; and

**WHEREAS**, the City wishes to establish a uniform policy and set of procedures for acceptance of capital donations to the City, including memorials, public art, recognition items, and other capital improvements; and

**WHEREAS**, when the City accepts a donation such as listed above, there needs to be an assurance that the donated items are suitable for the location proposed, and is aligned to City goals, future plans and or projects, and suitable for planned park, streetscapes, and other public space; and

**WHEREAS**, the proposed policy establishes a formal process for application, acceptance and documentation of donations, and confirms that the city has relevant and adequate resources to administer such donations; and

**WHEREAS**, the City of Coburg wishes to ensure that capital donations, art, recognition items and memorials are appropriate to be placed in public space and be cared for properly to provide for a long-term asset of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council or the City of Coburg the adoption of the Policy Acceptance of Donations to be placed in Open Space.

**Adopted** by the **City Council** of the **City of Coburg**, Oregon, by a vote of \_\_\_\_ for and \_\_\_\_ against, this 10<sup>th</sup> day of August, 2021.

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Ray Smith, Mayor

ATTEST:

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Sammy L. Egbert, City Recorder