

City of Brookings Policy: CC 302	Title: Donation Policy	
Issue Date: May 23, 2023	Updated: May 23, 2023	Section: Other
Policy Source: City Council Policy	Policy Audience: Donors and City Staff	Total Pages: 4

I. PURPOSE

To establish a written policy for donations proposed at facilities, public parks, open space, trails, and other City of Brookings public property, easements, or rights-of-way.

II. POLICY

There are occasions when interested parties wish to donate to the City of Brookings. It is the policy of the City of Brookings to consider all donation requests and decide if accepting the gift is in the best interest of the community. Donations generally come in the form of facility enhancements, monetary gifts, memorial items, services/labor, equipment/materials, land/real property, or partnership projects.

III. DEFINITIONS

- A. Donor: Individual(s) providing financial contributions, items, or improvements of value.
- B. Donation: A contribution of value that may take the form of financial (restricted or unrestricted), professional services, real estate/real property, facility/structure, or in-kind.
- C. Donation Proposal Application: An application necessary to begin the donation process made available by the City Clerk's Office and available on the City website.
- D. Review Team: A team comprised of City staff and/or citizens tasked with making a recommendation on the appropriateness of a proposed donation.

IV. ADMINISTRATION

- A. A Donation Proposal Application must be submitted by the donating party to the City Clerk's Office. As necessary, the City may develop a Review Team to consider the proposal. The following guiding principles will be considered when evaluating a proposed donation:
 - i. Appropriate location for placement;
 - ii. Easements, utilities, and existing structures;
 - iii. Liability and safety;

- iv. Construction costs and any necessary City contribution;
 - v. Future or on-going maintenance costs with budgetary impact;
 - vi. Future site development plans;
 - vii. Use restrictions;
 - viii. Natural environment;
 - ix. Accessibility and usefulness; and
 - x. Overall public acceptance/approval.
- B. Appropriate volunteer boards and commissions will be engaged if the donation falls under their purview.
- C. Donations made on property with a conservation easement or deed restriction shall require approval from the easement holder if required per the applicable easement or deed.
- D. Once the proposal is reviewed, City staff will respond to the applicant if the donation was accepted and/or follow up with the reasons the donation was rejected.
- E. Implementation
 - i. Funding: All costs, including initial installation, labor, and materials are the responsibility of the donor unless the City agrees to provide financial or in-kind support. Some projects may require an endowment to ensure the longevity of the gift and assist the City with future maintenance.
 - 1. In special situations, such as when the donor is allowed to hire a contractor, a memorandum of understanding or a project agreement may be required. A contingency fund may also be required, of up to 15% of the project's cost, to cover necessary change orders and overruns associated with the project. Remaining contingency funds will be applied to the endowment fund for future maintenance costs.
 - ii. Installation: As applicable, an installation timeline shall be developed for all donations. Work performed by the City, contractor, or donor shall be identified. A City employee will be assigned as manager for the project.
 - iii. Removal or Relocation of Donor Project: Unless specifically agreed to in writing, the City may, at any future date, elect in its sole discretion to remove or relocate the donation. No permanent right, title, or interest of any kind shall vest in the Donor's behalf by virtue of donation acceptance.
 - iv. Vandalism and Maintenance: All routine and preventative maintenance costs are the City's expense unless otherwise agreed to. However, no special maintenance and/or replacement is guaranteed. Improvements made in a public space become the property of the City of Brookings and will be maintained by the appropriate department. The department

can offer no guarantee or obligation, legal or otherwise, to maintain or replace signs, plaques, materials, equipment, structures, or other donated resources that are vandalized, lost, stolen, or otherwise damaged or destroyed.

- v. Donor Recognition: Permanent forms of recognition, such as plaques, signs, or decals, may be permitted only with the approval of the City Manager or City Manager's Designee. Permanent recognition plaques shall be harmonious and integrated with the character and features of the facility as determined by the Review Team. Other details, such as materials and wording, must be approved by the Review Team as part of the donation proposal process. Donor recognition should be consistent with naming rights policy (reference).
 - vi. Liability: In no event shall the City be liable for value or tax assertions/claims by the Donor. The Donor(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from any person, entity, or corporation resulting from the Donor's use of City property, easements, or rights-of-way for installation purposes, or arising from the Donor's performance or improvement/item donated pursuant to this policy.
- F. Donations exceeding \$50,000 in value will go to City Council for acceptance.

