

# LONGVIEW PARKS AND RECREATION DEPARTMENT

## DRAFT DONATION/GIFT/MEMORIAL ACCEPTANCE POLICY

### INTRODUCTION

Donations are important to the vitality of the City of Longview and its mission to preserve, enhance and strengthen the quality of life in the community. The City of Longview Parks and Recreation Department (LP&R) welcomes and encourages donations and from private individuals and entities that support the programs and services the Department and its Advisory Board provide to the public.

Donations and gifts to the City of Longview Parks and Recreation Department may be made in any amount to aid or benefit the services and facilities provided by the department. Gifts may be designated for a specific program, park, or purpose. Gifts may also be unrestricted in which case they will be dispersed to the area of greatest need at the sole discretion of the Department and the Advisory Board.

The following document defines and establishes a process for accepting gifts and donations along with celebrating and commemorating events or lives of individuals who have lived in Longview. This policy covers all monetary, property, endowment, and memorial donations. This policy does not cover signage, display boards, banners or public artworks. Donations of artworks should be submitted to the Longview Visual Arts Commission through the Parks and Recreation Department.

### PURPOSE

To establish a policy, criteria, guidelines and procedures for receiving and considering proposals for gifts and donations along with their accompanying recognition requests.

### DEFINITIONS

For the purposes of this policy and procedures, the following definitions will apply:

- **Gift.** A tangible or intangible item of any value given to LP&R directly or indirectly from an external source.
- **Plaque.** A small flat tablet of metal, stone, or other appropriate material which includes text and/or images which commemorate a person or an event and/or provide historical text or information relevant to its location. Such tablet to be affixed to an object, building or pavement. For major donations from organizations, such as playground equipment, the plaques may be larger and include the logo and additional text.
- **Memorial.** A monument, statue, memorial, plant material, or other structure or landscape feature designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history.

## **POLICY**

It is the policy of the Longview Parks and Recreation Department:

1. To encourage and facilitate public and private gifts, bequests, and such contributions that enhance, beautify, improve, supplement, support, or otherwise benefit the parks and recreation system.
2. To accept only those gifts, park improvements and donor recognitions that are consistent with the mission, policies, park property restrictions, park master plans, and the most current comprehensive parks and recreation plan approved by the Parks and Recreation Department staff and the Advisory Board.
3. To accept only those gifts, park improvements and donor recognitions given with no contingencies and the full understanding that they become the property of the City and are subject to the laws, ordinances, resolutions, policies and procedures that govern the Parks and Recreation Department.
4. The Parks and Recreation Department is in no way obligated to replace the gift or park improvement if it is stolen, vandalized, worn out, irreparably damaged, or destroyed.
5. To strongly discourage gift, park improvement and donor recognition proposals that are memorial or headstone in nature. While the Department respects the desire of individuals to remember their loved ones, it also recognizes the desire of other community members not to be burdened with a constant reminder of death in public places. Therefore, care must be taken to recognize and remember loved ones in a discreet manner.
6. To insure that all donor recognition objects are consistent with design guidelines approved by the discretion of the Parks and Recreation Director or approval from the Parks and Recreation Board.
7. To insure that donations for properties located on the National Register of Historic Sites meet the requirements for those properties. This could include obtaining approval from the Historic Preservation Commission.

## **GIFT ACCEPTANCE**

A gift to a city, county, or other political subdivision is tax deductible if it is made solely for "public purposes." The IRS Code, at 26 U.S.C.170(c)(1) defines a "charitable contribution" (which is tax deductible) to include "a contribution or gift to or for the use of a State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes."

- **Gifts of Cash**  
LP&R will accept gifts of cash, checks, money orders, and payments via credit or debit card.
- **Securities, Stocks, and Bonds**  
LP&R will accept gifts of securities, stocks, and bonds. Prior approval of such gifts must first be reviewed by the Department and the Advisory Board. Gifts of stock will be valued at the average of the high and low trading prices for the day the stock transfers into the control of LP&R. Stocks held in privately owned companies must

have a qualified appraisal performed by an independent professional appraiser and the appraisal report must accompany such stock when given. To donate stock, LP&R must be notified in advance so that specific instructions can be provided to the donor. If immediately marketable they will be redeemed, sold, or liquidated.

- **Real Estate for Resale**

Gifts of real estate may be accepted by LP&R. LP&R review of gifts of real estate shall include, but not be limited to, legality, title, encumbrances, liens, mortgages, easements, restrictions, and environmental issues. Until the real estate or property is sold and proceeds are deposited into the LP&R account, all legal obligations related to ownership of the real estate such as taxes, insurance, utilities and security shall remain with the donor.

- **Real Estate for Potential Park Property**

Gifts of potential parkland may be accepted by LP&R. LP&R will review the proposed location of property and decide to accept the property based upon consideration of estimated the long term maintenance costs, development costs, and overall benefits to the City. Until the real estate or property is transferred to the LP&R, all legal obligations related to ownership of the real estate such as taxes, insurance, utilities and security shall remain with the donor.

## **ADDITIONAL PROVISIONS FOR DONATIONS, GIFTS, AND MEMORIALS**

- **Gift Agreements**

Where appropriate and advisable, LP&R may enter into a written gift agreement with a donor which shall specify the terms of any restricted gift, which may include provisions regarding donor recognition.

- **Pledge Agreements.**

LP&R's acceptance of pledges of future support (including by way of matching gift commitments) shall be contingent upon the execution and fulfillment of a written Charitable Pledge Agreement, on a form supplied by LP&R, which shall specify the terms and conditions of the pledge including any provisions regarding donor recognition.

- **Fees**

The donor is responsible for the fees of independent legal counsel retained by donor for completing a gift to LP&R; any appraisal and appraisal report fees; the cost of any environmental assessments, audits and reviews; any title searches, reports, insurance or binders in the case of real estate; and all other third-party costs and fees associated with the transfer of the gift to LP&R.

- **Valuation of Gifts**

LP&R shall record gifts received at their valuation on the date of gift, except that, when a gift is irrevocable, but is not due until a future date, the gift may be recorded at the time the gift becomes irrevocable in accordance with Generally Accepted Accounting Principles.

- **IRS Filings upon Sale of Gifts**

To the extent applicable, LP&R shall file IRS Form 8282 upon the sale or disposition of any charitable deduction property sold within three (3) years of receipt by LP&R. "Charitable deduction property" means any donated property (other than money

and publicly traded securities) if the value claimed by the donor exceeds \$5,000 per item or group of similar items donated by the donor to one or more donee organizations. The City of Longview Finance Department shall file this form within 125 days of the date of sale or disposition of the asset in accordance with applicable IRS rules and regulations.

- **Written Acknowledgement**

LP&R shall provide written acknowledgement of all gifts made to LP&R and comply with the current IRS requirements in acknowledgement of the gifts.

## **ENDOWMENT FUNDS**

All gifts given to LP&R for the purpose of establishing an endowment or contributing to an existing endowment must first be completely reviewed and then formally accepted by the Department and the Advisory Board.

- **Establishment and Management**

Endowment funds represent a significant legal and financial commitment on the part of the City of Longview. Therefore, the minimum amount for an initial gift for individual named endowment purposes is \$25,000. Recognizing that such sums must often be accumulated over a period of years, LP&R will allow a donor to spread the payments for a period of up to five years to meet the minimum endowment policy amount. An endowment fund is not activated until the minimum funding level has been reached.

- **Designation**

An endowment fund may be designated for a specific purpose, program, or park depending on the wishes of the donor and is subject to approval of the Department and the Advisory Board.

- **Pure/True Endowment**

A pure/true endowment is a fund established in accordance with donor restrictions and is to exist in perpetuity. The principal may not be expended under circumstances not expressly set out in the gift agreement.

- **Quasi-Endowment**

A quasi endowment (sometimes called “board designated”) is a fund that functions like an endowment, but without any legal restriction to hold the fund permanently. Thus, net appreciation, reinvested income and/or principal may be appropriated and expended in full.

There are two types:

- 1. Donor- Directed**

Donors may direct that their gifts be held as quasi-endowments, either because they envision the spending of principal at some point (or under certain conditions), or because they want to give the department that flexibility. The donor-established quasi-endowment accounts may be expended in accordance with donor terms and restrictions.

- 2. Department- Directed**

The Department and Advisory Board may designate certain funds to be held as quasi-endowments and expended in accordance to the area of

greatest need at the sole discretion of the Department and the Advisory Board.

- **Acceptance of Endowment Funds**

Prior to accepting or soliciting any new gift that establishes an endowment fund, LP&R must understand and approve the proposed terms of the endowment fund and the restrictions on spending, use, and have confidence that LP&R will be able to administer and spend in accordance with those terms and restrictions. Once established, LP&R will accept additional donations to enhance the fund.

- **Agreement**

LP&R requires the use of a signed gift agreement for new gifts to include provisions that facilitate the proper management and administration of the gift funds.

### **Commemorative Tree and Bush Donations**

The Manager of the Parks and Urban Forestry Division will accept trees and other planting materials donated by the public for gifts and memorials to be planted in appropriate locations in city parks, thoroughfares, and other city owned properties. The following guidelines will apply:

- Tree species must be approved by the Manager.
- Tree calipers must be at least 2 inches at breast height.
- Due to concerns over maintenance and vandalism, plaques will not be included as part of this memorial donation program with the exception of arboretum trees at Lake Sacajawea Park.
- Donations will be recognized with a certificate of appreciation from the Parks and Recreation Advisory Board.
- Staff will inform the donor of the scheduled planting time and location in order to offer an opportunity for the donor to be present during the planting.
- Trees that need to be purchased to accommodate the donor's request will require prepayment before they will be ordered.
- In instances where trees do not survive, replacements will be provided although they may be of a different variety and be placed in a different location to accommodate a better survival rate.
- The Parks Department will consider special park location requests with the final location to be determined by the Manager.
- Due to Department work load, requests for specific plantings dates may not be accommodated. Every effort will be made to work with the donor, but greater lead time will improve the possibility of accommodating schedules.

### **Park Amenity Donations**

The program of dedicating park amenities such as benches, picnic tables, fountains, and shelters in commemoration of others, enhances the beauty and utility of city parks. The following guidelines will apply:

1. Although suggestions will be considered for a particular location, placement of park amenities in the park system must meet the plan and requirements for the particular park and the Department. The Department will also take into account the number of existing, similar amenities that are already located in the park or an area of the park

in which the requested donation would be located. Final decisions as to location will be determined by the Parks and Recreation Department.

2. Prior to the beginning of each calendar year, staff will identify existing benches and other site furniture that would be eligible for replacement with a commemorative, like piece at those locations. This information will be shared with perspective donors as possible sites for their donations.
3. Park amenities will be accepted on the basis that they will be maintained for ten years in their original location, or in an area near their original location with the following exceptions:
  - The area in which the item is sited is to be redeveloped.
  - The use of the area in which the item is sited changes significantly in character and the item is no longer deemed suitable for the site.
  - The structure or support on which the item is located is to be removed or permanently altered.
  - Ongoing vandalism makes it cost prohibitive to continue to attempt to maintain the item at that location. In this case, effort will be made to arrive at an agreed upon alternate site.
  - The item has deteriorated beyond the point of repair prior to the end of the ten year maintenance period.
4. Small plaques may be included on or near the park amenity with design, placement and language to be approved by the Department.
5. All park amenities will be constructed of materials selected by the Department to meet the design and maintenance considerations of the location and the Department.

#### **Memorial Stones, Plazas, Gardens, etc.**

Memorial donations which are large in scale are generally not encouraged. To the extent that projects of this nature are consistent with park planning processes, they may be considered on a case-by-case basis. These requests should be made in writing to the Parks and Recreation Advisory Board.

#### **Changes to or Deviations from the Policy**

This Policy has been reviewed and accepted by the City of Longview Parks and Recreation Department, the Advisory Board and City Council. The Department and Advisory Board may make recommendations to City Council to amend the policy, which has the sole authority and discretion to change this Policy.