

Council Study Session

April 30, 2018

Title: Policy on Acceptance of Donations
Item Type: Approval of formal policy
From: Dave Lohman City Attorney
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Discussion Questions:

1. Should the City establish a policy to clarify the circumstances under which donations to the City will be accepted?
2. If yes, what modifications, if any, should be made to the attached draft policy?

Resource Requirements:

None.

Suggested Next Steps:

Staff recommends adoption of the attached policy on acceptance of donations to the City.

Policies, Plans and Goals Supported:

- Council Goal #3: Support and empower our community partners.
- Council Goal #14: Encourage and/or develop public spaces that build community and promote interaction.
- Administrative Objective #36: Ensure new development protects and is in keeping with the attractiveness of Ashland's natural and built environment.

Background and Additional Information:

On several occasions in the recent past, generous citizens have offered to donate to the City significant gifts of items intended to enhance the appearance or urban design of Ashland's civic spaces. An ordinance already establishes guidelines for accepting gifts of public artwork, but not other items, such as services, goods, structures, or trees and plants.

While such proffered contributions typically are sincere expressions of commendable community-mindedness, they can also pose awkward dilemmas for elected officials and administrators. The following are a few examples of such dilemmas:

- What if the proposed donation is unquestionably beneficial but requires an ongoing commitment of City funding that is only available at the expense of other previously approved initiatives?
- What if the proposed donation would affect the appearance or functions of a public space in ways that some citizens do not appreciate?
- What if the proposed donation is incompatible with an approved long-range City plan such as a master plan or zoning ordinance?

Given that donations to the City occur infrequently and are typically unique, a reasonable conclusion could be that policy guidelines for accepting civic donations would be rarely-used, difficult-to-apply generalities. But staff believes having such guidelines in place would legitimize the impulse to make civic donations while minimizing the chances of having to unwillingly accept or ingraciously decline well-meaning but incompatible gifts.

Attachments:

1. City Council Minutes (pages 2-3) dated 4/7/2017
2. Council Policy on Acceptance of Donations To The City

3. **Appointment of Ron Cue to the Transportation Commission**
4. **Confirmation of Mayoral appointment of Mark Welch as Administrative Services/ Finance Director**
5. **Approval of a special procurement for Police Department Personnel Uniforms**
6. **Approval of Public Art Commission recommendation for mural at 1668 Siskiyou Blvd.**
7. **Endorsement of the SOU Film Club for the purpose of hanging a banner**
8. **Adoption of a resolution titled, "A resolution adopting a supplemental budget for changes to the 2015-17 Biennial budget"**

Councilor Lemhouse pulled Consent Agenda item #4, and Councilor Rosenthal pulled #2 and #8 for discussion.

Police Chief Tighe O'Meara addressed the liquor license application for O'Ryans Irish Pub and explained the venue had a greater number of cases associated with it than other establishments downtown but nothing alarming. It was a standalone bar with live music and typically, those venues had a higher call for service volume. City Recorder Barbara Christensen added the Oregon Liquor Control Commission (OLCC) had final approval on all applications, even if a municipality did not approve an application. Revoking a liquor license was a long and involved process. Chief O'Meara would meet with the new owners to discuss the venue's history and moving forward.

Mayor Stromberg and Interim City Administrator John Karns addressed Consent Agenda item #4 and shared background information on Mark Welch, the City's new Administrative Services/Finance Director who would start in May.

Interim Administrative Services/Finance Director Bev Adams addressed Consent Agenda item #8 and explained the payments that came out of the Health Benefits Fund fluctuated because they were health benefit reimbursements or the payments for healthcare. At the end of January, the materials and services in the health benefits fund was at 82%. The final payments would not clear until August and it would be too late to make any changes to the budget. This was a safeguard to keep the City within budget constraints.

Councilor Rosenthal/Morris m/s to approve the Consent Agenda Items. Voice Vote: all AYES. Motion passed.

PUBLIC HEARINGS - None

UNFINISHED BUSINESS - None

NEW AND MISCELLANEOUS BUSINESS

1. Place Tree Replacement Proposal

Councilor Slattery/Seffinger m/s to direct staff to work out the details necessary to implement the tree removal and replanting on the Plaza. DISCUSSION: Mayor Stromberg provided background on a community driven proposal that would remove 4 to 5 trees and replace them with larger trees. The trees removed would go to the Parks and Recreation Department and Southern Oregon University for replanting. Planting needed to occur soon or the project would have to wait until late fall.

Councilor Slattery supported the donation and wanted Council to give it serious consideration. Mr. Lohman suggested Council give the Interim City Administrator the authority to sign a contract similar to the one presented last night by Greg Trunnell. Councilor Seffinger explained the current trees would take 10 to 15 years to reach the same degree of growth the proposed trees would provide. She talked with Parks and Recreation Department Arborist Peter Baughman and Interim Superintendent Jeff McFarland. Mr.

Baughman would work with Solid Ground on how they maintained the trees and what supports might be appropriate. She supported a donation policy as well.

Councilor Lemhouse wanted additional measures added to the contract to cover the trees in the event they failed two years after planting. He also wanted to review the contract prior to the City signing. Councilor Slattery confirmed his motion did not include bringing the contract back to Council for review. Councilor Seffinger noted the contract guarantee to replace the trees if they failed within 18 months. Mr. Baughman had explained ensuring the trees survived the second summer was critical and the extended maintenance covered that period.

Mr. Trunnell explained the best time to plant the trees was the end of March, no later than April 15, 2017. The City would be the project manager and select the trees. The willows they proposed to use were approximately 30 feet tall. The Zelkovas were fifteen feet tall with a 16-foot span for the drip line. The mature trees had a diminished lifespan of 10 years. Alternately, there were Willow Oaks that had lived 600 years. Zelkovas could live ninety to 100 years. Councilor Morris noted the contract indicated 30-foot Zelkovas. Mr. Trunnell clarified they were 15 feet to 20 feet.

Councilor Lemhouse/Slattery m/s to amend the motion and have the proposed contract come back to Council for final approval at the next City Council business meeting and the trees removed from the Plaza replanted on City property. DISCUSSION: Councilor Lemhouse thought it was important that the trees citizens paid for remained on City property. Councilor Seffinger confirmed the Parks and Recreation Department would take the trees. **Roll Call on Amended motion: Councilor Slattery, Rosenthal, Seffinger, Morris, Lemhouse, and Darrow, YES. Motion passed.**

Roll Call on amended main motion: Councilor Seffinger, Morris, Slattery, Darrow, Lemhouse, and Rosenthal, YES. Motion passed.

Councilor Darrow/Lemhouse m/s to direct staff to bring back to Council some policy wording on how the City would respond to generously proffered donor chosen civic features. Voice Vote: all AYES. Motion passed.

2. City Recorder replacement process

City Recorder Barbara Christensen explained Council decided on the process to fill the City Recorder/Treasurer vacancy and wanted criteria and qualifications noted in the advertisement. The notice showed the most important qualifications for the position as municipal government experience, office and records management experience, public relations experience, treasury and cash management experience along with the ability to be bonded. City Charter requirements for placement were being registered to vote and living within the city limits.

Council discussed removing the word "municipal" and agreed to move it to the fourth bullet as, "Municipal government experience, desired but not required." It was not necessary to be a notary. The selected candidate could take the notary course after their appointment.

The application deadline was March 22, 2017. Based on the number of responses, Council could consider forming a Council subcommittee to review applications at the April 3, 2017 Study Session.

Councilor Lemhouse/Seffinger m/s approval of the Ashland City Recorder/Treasurer vacancy listing as amended by Council and staff. Voice Vote: all AYES. Motion passed.

3. Results of Downtown Businesses Survey

Item postponed to next Council meeting.

**COUNCIL POLICY
ON
ACCEPTANCE OF DONATIONS TO THE CITY**

This Council Policy was adopted by the City Council on _____

Purpose:

This policy is intended to provide guidelines for accepting gifts and donations of cash, real property, services, or goods, except for artwork, in a responsible, transparent, and accountable manner that is consistent with the City's strategic goals and deemed to be in the public interest of the City. City acceptance of donated artwork is governed by Ashland Municipal Code Chapter 2.29.

Objectives:

- To establish and guide relationships with donors who share the City's commitment to provide a high quality civic environment.
- To enrich the community by responsibly and efficiently managing donations.

Process:

Acceptance of any proposed donations must be approved by the City Council. Only proposed donations which the City Administrator has deemed to be in compliance with this policy will be forwarded to the Council for possible acceptance. To enable evaluation of a proposed donation, the prospective donor must submit to the City Administrator a written proposal addressing at least the approval criteria below. If appropriate, the City Administrator will forward the donation proposal to the City Council for final approval.

The City has no obligation to accept a proposed donation.

Approval Criteria:

Any proposed donation must:

- be consistent with applicable City laws, policies, ordinances, and resolutions;
- be compatible with the City's existing capital projects and with its long range plans, including adopted master plans, the Capital Improvement Program (CIP), and the Land Use Code;
- not require the City to incur initial or ongoing costs associated with the donation;
- not preclude prompt removal or sale if the contributed item becomes an impediment to an approved City project;
- meet the Right-of-Way Encroachment Guidelines if the donation is intended for placement in any public right-of-way;
- not detract from or overpower the scenic or architectural values of the existing natural or built environment;
- become the property of the City upon final acceptance; and
- be in the City's best interests.

A donation must be declined if:

- the donation is made in exchange for consideration of a right, privilege, material benefit or advantage, such as promotions or advertising;
- the donation will have a direct benefit to the donor, a relative of the donor, or a business with which the donor is associated, as defined in ORS 244.020 (3); or
- promotional material to be associated with the donation includes the logo, slogan, address, or phone number of a business, as defined in ORS 244.020 (2).

Income Tax Receipt:

A donation to the City of Ashland, which is a 501(c)(1) government entity, may be tax deductible. Upon confirmation that the contribution has been received in full, the City Recorder will issue a letter of receipt to the donor acknowledging the donation. The letter will serve as the donor's receipt for tax purposes.

Donor Recognition:

The City will issue a news release alerting the media about an accepted donation and include the donor's name unless the donor wishes to remain anonymous. The news release will be sent to the local media and posted on the City's website. Information about the donation and the donor will also be included in the City's monthly newsletter *City Source* which is mailed with City utility bills.

Donations will not be recognized with plaques placed on City property.