

Council Business Meeting

May 15, 2018

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

This agenda item seeks formal Council approval of a policy clarifying the a circumstances under which donations to the City will be accepted.

Actions, options, or Potential Motions:

Options:

- The Council could adopt the proposed policy, possibly with amendments.
- Alternatively, Council could decide that such a policy on acceptance of donations is overly prescriptive and that a case-by-case response to prospective donations is preferable.

Suggested Motion: I move to approve the proposed Policy on Acceptance of Donations [with the following modification:].

Staff Recommendation:

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

Resource Requirements:

None

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.

Councilmembers expressed general agreement with the draft donation policy presented at the April 30 Study Session, with just one exception. Several Counselors questioned a criterion that would have precluded donations that involved any initial or ongoing City costs. Their point was that some donations necessarily require at least some, reasonable City expenditures and that such donations should be allowable on a case-by-case basis.

Accordingly, the draft policy now proposed for adoption replaces the disfavored criterion with one which says (in the third item under “Approval Criteria”) a proposed donation must “include estimated initial and outgoing costs for which the City will be responsible if it accepts the donation.” With this change, the Council will be assured of having information on potential cost to the City before exercising its discretion to accept or reject a proposed donation. Except for this change, the attached draft policy is the same as the one discussed at the April 30 Study Session.

Staff believes having clear guidelines in place will foster 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 Study Session Minutes (Page 2) dated 4/30/2018
2. Council Policy on Acceptance of Donations To The City

CITY COUNCIL STUDY SESSION
DRAFT MINUTES
Monday, April 30, 2018
Council Chambers, 1175 E. Main Street

Mayor Stromberg called the meeting to order at 5:30 PM

Councilor Slattery, Councilor Bachman, Councilor Morris and Councilor Seffinger were present. Councilor Rosenthal was absent.

I. Public Input (15 min)

Huelz Hutcheon- Ashland- Spoke regarding the speakers and monitor in the lobby not working. He spoke regarding having solar panel roofs on old and new buildings.

II. Discussion of Senior Issues (45 min)

Councilor Slattery gave a Staff report. He spoke that it was discussed to create a study group to discuss aging in Ashland and the services provided.

Councilor Seffinger spoke that she brought this issue up 4 years ago and that there have been changes since that time. She gave Council a handout that she wrote up in the Ashland Daily Tidings 4 years ago (*see attached*).

Items discussed were:

- Ageism
- Growing senior population
- Future senior issues
- Services for seniors
- Budget and Strategic Planning
- Installing a handrail at the Japanese Garden
- Senior Services Division in the Parks and Recreation Department
- The search for a Superintendent for Senior Services
- Creating a Senior Program Advisory Committee
- Poverty growth in seniors
- 46% of people in Ashland are over 50
- Homelessness in elderly individuals
- Housing for all ages
- Council and Parks role to this issue
- Parking for seniors
- Trails for seniors

- Transportation for seniors

It was decided to have Councilor Bachman and Councilor Seffinger work with Staff on establishing a working group to discuss senior issues and bring it back to the Council.

III. Civic Donations Policy Review (30 min)

City Attorney, David Lohman gave a staff report. He went over the draft policy.

Council discussed whether or not to accept donations that have initial or ongoing costs. The Council came to a consensus to look at these donations case by case.

It was decided that the policy would be revised and brought back to Council.

Interim City Administrator discussed the Look Ahead. It was suggested to move the selection of Councilor Position #6 and the Approval of Employee Health Benefits Plan before the Public Hearing at the Council Business Meeting tomorrow night.

Mayor Stromberg spoke regarding marijuana dispensaries staying open later than 7 PM. This would need an Ordinance change. This was decided to bring back to the Council with more information.

The Council adjourned to Executive Session at 6:41PM for real property transaction, pursuant to **ORS 190.660(2)(e)**

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

Mayor Stromberg

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

“It's paradoxical that the idea of living a long life appeals to everyone, but the idea of getting old doesn't appeal to anyone.”

— Andy Rooney

By Stefani Seffinger, City Counselor

Not coincidentally, in recent years I have become interested in the social and health needs of aging senior people. After all, aging is something none of us can escape. And with advances in health care and technology many of us will be living longer. Statistics bear this out:

- It is estimated that the number of people in Jackson County, age 80 and older, is expected to more than double in the next 20 years. *
- Jackson County has a distinctly higher than average number of elderly seniors than other Oregon metropolitan areas and almost 30% of them live alone. **

The World Health Organization along with AARP have developed programs and guidelines to help cities prepare for the rapid aging of the U.S. population by paying increased attention to the environmental, economic, and social factors that influence the health and well-being of older adults.

Many cities in Oregon and throughout the United States have created Commissions on aging to make their city more age friendly. These commissions focus on the needs of the elderly including , transportation, age friendly and affordable housing, and health care support. An example of this are senior advocates that help seniors learn about services, coordinate resources and identify gaps in service.

Senior advisory committees also support existing commissions to include the needs of the elderly when recommending proposals to their city Council. Examples of this would be in advocating for housing options like single level houses, age-friendly design, multi-generational housing development and a continuum of support housing, assisted living and long-term care options . Someone turning 65 today has a 68% chance of needing some form of long term care. Our community is lacking in these facilities.

For many seniors losing their ability to drive has devastating consequences particularly when there are few public transportation options available. Ashland has limited bus service and valley lift provides service only to those within a short radius of a bus stop. Riding a bicycle or walking to town are not realistic options for many aging seniors. Social isolation is a very significant cause of depression and decline in mental ability for seniors so getting to a volunteer job or the senior center may be very important. Other cities have worked to expand transportation options and develop creative programs to connect seniors to rides.

Looking at the built environment and outdoor spaces through the eyes of less mobile senior is another important role a senior commission can play. Examples include keeping pathways well maintained and free of obstructions and providing drop off areas that are safe and convenient for both older citizens and our many older visitors to our city. A specific concern that came to my attention recently was the entrance to the Japanese garden in Lithia Park. The beautiful entry includes natural rock stairs from the road up to the garden. Adding an attractive railing to help navigate the uneven surfaces of the natural rock steps would greatly increase the safety of this feature for unsteady older people.

There are many other roles that an Ashland Senior commission or Adhoc committee might fill. These include an assessment of the city to identify how to make it more age friendly. There are programs and checklists available from the World Health Organization for this purpose. Other areas could include a compilation of existing services and resources, looking for grants for new and innovative programs that have a good chance to be implemented, and working with both the city and the Parks and Recreation Commission to achieve city goal 6.3 which is to explore expansion of the Senior Center and senior services in Ashland.

I recently participated in a television program the mayor hosted on needs of seniors in Ashland which has reinforced how important it is to understand and coordinate the needs of Ashland's aging population before the need is critical. I think a senior commission would help fill this role.

* Source: Office of Economic Analysis, Department of Administrative Services, Oregon

** Source: US Census

**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;
- include estimated initial and ongoing costs for which the City will be responsible if it accepts 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.