

## **GIFTS AND MEMORIALS POLICY**

*Approved by City Council 12/13/2021*

### **Purpose**

The purpose of this policy is to provide guidelines and procedures for considering and receiving proposed donations to the City of Hastings. Historically, the City of Hastings has been enriched by the generous donations of individuals and entities in support of the Hastings community. The City will review proposed gifts and memorials for the purpose of assisting the donors in reaching their intended goals while recognizing the mission, goals, plans, resources, and limitations of the City as a whole. It is intended that this policy provide a thoughtful review process which considers the intentions of the donor, is sensitive to the needs and desires of the community and is sensitive to the costs associated with proposed gifts and donations, including long-term costs of maintenance and care.

### **Policy**

This policy shall cover all donations and gifts to the City of Hastings. The City of Hastings retains sole discretion to determine whether to accept or decline any proposed gift or donation. This policy shall not be construed to create any right for any individual or organization to make any improvement or place any items on any public property within the City of Hastings regardless of whether the proposal meets any or all the criteria contained herein.

### **Definitions**

Donation(s)/Gift(s): Any item proposed to be deeded or otherwise given or donated to the City of Hastings including, but not limited to, endowments; real property; public improvement projects or proposals; structures or portions of structures; money; negotiable securities; material; equipment; improvements to facilities or land; statues; monuments; tributes; sculptures; murals and other public works of art; plaques; and graphics or signs.

Donor: A private individual, for-profit company, non-profit organization, public agency, or any other entity wishing to make a donation or gift to the City of Hastings.

Donor Recognition Object: A physical object such as a plaque or sign placed to acknowledge a donation or gift.

Monument/Memorial: An item or object established to preserve the memory of a deceased person(s) or an event that occurred in the past. Any statue, sculpture, mural or other structure or landscape feature designed to perpetuate in a permanent manner the memory of any person, group, event or other significant element of history.

Park Amenity: Typical park improvements that contribute to the traditional use of park land such as benches, play structures, picnic tables, shelters, sports facilities, trails, etc.

Public Art: Works of art including, but not limited to, paintings, prints, sculptures, and murals.

Public Improvement Project/Proposal: A capital project(s) request consisting of real property, structures, portions of structures, materials and/or equipment for construction or renovation of a structure or landscape feature. Maintenance activities such as weeding or replanting established gardens are not considered public improvement projects for purposes of this policy.

Tribute: An item, object or gift designed to acknowledge the contributions of a living person(s) to a society. Projects recognizing groups such as persons with cancer or other life-threatening illnesses are also considered tributes.

## **Procedure**

As donations and gifts vary greatly, the review process may be tailored according to the type of gift or donation proposed and the complexity of the proposal. Those wishing to make a gift or donation are encouraged to contact the Community Development Department at the earliest possible time to discuss the proposed gift and the process for review.

### Donation Agreement Form

Donors may be asked to complete and submit a Donation Agreement Form. The Community Development Department may assist the donor with completion of the form. This form shall be approved by the City Manager and shall include, as appropriate and applicable, the intent of the proposal, cost estimates, size, proposed location, timeline, site drawing, future maintenance requirements and other information the City Manager may deem necessary and/or useful. The completed form will be submitted to the City Manager for review and recommendation to the City Council, if required.

### Monetary Gifts and Donations/Gifts and Donations of Negotiable Securities

Previously established funds or campaigns: The City Manager is hereby authorized to accept any monetary gifts or donations to be made for City Council approved/established/budgeted fund or capital campaign(s).

Undesignated/unconditional monetary gifts/donations: The City Manager is hereby authorized to accept any undesignated monetary donations and any unconditioned monetary donations made to the City and shall deposit such money with the Treasurer. The amounts shall be deposited in the account(s) most appropriate to the intentions of the donor(s) when identified.

Conditioned donations: If a monetary donation is conditioned or donated specifically for a new public improvement project, memorial, work of public art, tribute, or new program; the Community Development Department shall assist the donor to complete a Donation Agreement Form. The Donation Agreement shall not take effect until the City Council has specifically accepted the conditioned donation. The donation will not be accepted until Council grants its approval.

Negotiable securities: The City Manager is hereby authorized to accept donations of negotiable securities when in his/her professional judgement, in consultation with the Treasurer, acceptance of the proposed donation is in accordance with the statutes, rules, and regulations governing municipal finances and investment; and, the proposed donation is not subject to conditions, is for a previously

approved/established/budgeted fund or campaign, or is for a conditional donation that has been approved pursuant to this policy. Negotiable securities may be held or sold at a marketable rate and the proceeds of such sale used as specified by the donor or as may be deemed appropriate and in the best interests of the City.

### Gifts of Real Property

The City Manager shall review any proposed donation of real property and make recommendations to the City Council. Proposed gifts or donations of real property shall be reviewed for suitability for the intended use or potential for resale; any conditions which may be placed upon the use of the property by the donor; potential environmental concerns; probable maintenance costs; and any other relevant information. Appraisals of the property may be requested from the donor. All gifts or donations of real property that is intended to be used for park purposes shall be reviewed by the Department of Public Services, for recommendation to the City Council for City Council approval.

### Non-Monetary Gifts and Donations (Excluding Real Estate)

The City Manager is hereby authorized to accept donations of materials or other items for previously approved/established/budgeted projects or materials or other items, provided such items have an estimated total value of \$3000 or less, and the donation is made without condition or restriction, and such items are typical for use in a City department. If the estimated value exceeds \$3,000, or if the donation is made subject to conditions or restrictions, then the matter shall be referred to the City Council for the City Council's possible approval.

For gifts and donations including, but not limited to, substantial gifts such as public art, memorials, tributes, and public improvement projects, the Community Development Department shall assist the donor in completing a Donation Agreement Form and forward the completed form to the City Manager for review and recommendation to the City Council, and the City Council shall make the decision of whether to accept the donation. The City Manager and City Council shall consider the circumstances surrounding the proposed gift including the criteria as enumerated within this policy and as may be applicable to the proposed donation.

### Criteria for Evaluating Gifts and Donations

In order to assist potential donors to fulfill their desires to make a gift or donation to the City of Hastings and to ensure that all gifts and donations are consistently, fairly, and thoughtfully reviewed, the City will be guided in its review of proposed gifts and donations by the following guidelines:

1. Donations of memorials/tributes/public improvement projects and works of art: when reviewing proposed donations of memorials, tributes, public improvement projects and works of art, the following criteria shall be considered, as well as any other criteria which may be relevant on a case-by-case basis.
  - A. Consistency with the mission and policies governing the City of Hastings.
  - B. Whether the proposed donation/gift provides improvements to an area of the City which may be deficient in public amenities.
  - C. Whether the proposed donation/gift promotes the preservation of historical and cultural aspects of the community.

- D. Whether the proposed gift/donation has an educational component.
- E. Whether the proposed gift/donation helps promote conservation, preservation and protection of the natural environment.
- F. Whether the proposed gift/donation helps promote preservation of natural areas and green spaces where such preservation is suitable, is contemplated by plans, or is otherwise desirable.
- G. Whether the proposed gift/donation is suitable for the purpose proposed.
- H. Whether the proposed gift/donation is compatible with the proposed location, if one has been identified, and other uses of the public space.
- I. Whether the proposed gift/donation contributes to, or detracts from, the aesthetic qualities of the surrounding area and other improvements.
- J. Whether the proposed gift/donation quality, scale, and character is harmonious with the surrounding public or park setting.
- K. Whether the proposed gift/donation replaces aging, outdated or unsafe infrastructure or reuses, rehabilitates, or restores an existing park or municipal feature.
- L. Financial implications to the City based upon the cost of the proposed gift/donations or project implementation including installation and ongoing maintenance if applicable and whether the gift/donation covers any anticipated costs.
- M. Provision by the donor for ongoing maintenance and cost of relocation and removal, if necessary.
- N. Susceptibility of the gift/donation to wear and vandalism.
- O. Whether any public safety or security issues are identified and the potential danger to the public health, safety or welfare associated with the proposed gift/donation.
- P. Whether the proposed gift/donation complies with all applicable codes including building codes and Americans with Disabilities Act, requirements, and related laws.
- Q. Whether the proposed gift/donation is restricted in any manner and the impact of those restrictions and contingencies.
- R. Proposed gift/donation must not promote any political, religious, or business advertising activities or be of a nature that could reasonably cause offense or the appearance of impropriety.

### Works of Art

In addition to the above-listed criteria, if the proposed gift/donation is a work of art, the following criteria shall be considered as well as any other criteria which may be relevant on a case-by-case basis.

- A. Quality of the work based upon a professional assessment of the work, detailed written proposal, drawing or photographs.
- B. Suitability of the theme of artwork to a public venue.
- C. Appropriateness of the artwork to the site, in the case where a particular site has been requested or identified.
- D. Appropriateness of the process for selecting the artist or artwork.
- E. Qualifications of the artist based upon documentation of past work and the artist's professional qualifications.

### Memorials/Tributes/Naming

The City respects the desire of individuals to commemorate special events or the lives of loved ones, living and deceased. However, the City also recognizes that community spaces are established for the enjoyment of the public. The City also recognizes the important contributions of many individuals to community life and that it is simply impossible to recognize all of those contributions. To that end, if the proposed gift/donation is a memorial or tribute or a non-commercial request to name a public space or other item, the City shall consider the following criteria, as may be appropriate to the particular donation, in addition to those criteria identified above:

- A. The proposed donation must represent a person or event deemed significant to the City of Hastings's history; names of individuals who have made a significant contribution directly and locally to the City shall be preferred over the names of national figures.
- B. Whether any increased use of park or public areas resulting from the placement of the memorial tribute is appropriate to the surrounding context and uses.
- C. When possible, the family should be contacted and allowed an opportunity to comment upon the naming of a building, park, or facility after an individual.
- D. In and of themselves, contributions of land or money for public facilities shall not be considered sufficient justification for naming or renaming facilities after individuals, in tribute or memoriam.

#### Donor Recognition Objects

The City of Hastings appreciates the desire of some donors to be recognized either personally or on behalf of another for their generous donation. If a donor recognition object is to be included as part of a proposed gift/donation, such object should be specially identified and submitted with the donation application for approval. In general, it is the policy of the City to limit donor recognition objects to plaques or other recognition objects which are diminutive in scale relative to the donated object and do not detract from green space areas and/or which are part of an approved project involving the use of personalized decorative tiles or pavers. The City Manager is authorized to approve donor recognition objects which are proposed in accordance with this policy.

#### Private Construction

If construction of a public improvement project is coordinated or contracted for by the donor, the donor will be responsible for complying with all federal, state, and local laws which may include competitive bidding and state and federal wage rate laws. The donor will also bear the cost of all necessary permits, approvals, project management, design, installation, and manufacture of the gift/donation unless these costs are specifically accepted or waived by the City.

- A. Proof of compliance with the City's insurance requirements for contractors will be required before work may commence on any public improvement project
- B. Improvements made in a public place become the property of the City of Hastings and are subject to the laws, policies, and procedures of the City.

#### Removal of Donations and Recognitions

The City is not obligated to replace any gift/donation or improvement if it is lost, stolen, damaged, or worn. The City also reserves the right to remove any donation, donation recognition object, monument, memorial, park amenity, public art, public improvement project, tribute, or other item of recognition for

any reason, which may include but not limited to safety reasons, deterioration caused by age, neglect, or vandalism, and/or the City's inability to finance ongoing maintenance or repairs.

#### Conditions of Acceptance

The following are conditions applicable to the City's acceptance of any donation:

Donated items shall immediately become the sole property of the City of Hastings.

Installation of donated items will be done by a licensed contractor or city staff and must be scheduled at a time and date as determined by the Director of Public Services so as not to unnecessarily interfere with routine maintenance activities.

The City may remove and/or relocate donated elements and their associated donation acknowledgments including memorial plaques. The City will make reasonable efforts to contact the source of the donation prior to restoring, removing, or relocating donated elements.

When a donated item has ended its useful life, the donor may choose to replace the element or it may be removed by the City. Donated elements that have deteriorated and cause a danger to the public will be immediately removed.

#### Conflicts of Interest

The City shall consider potential conflicts of interest and the appropriateness of all potential donations. All donors will be required to disclose if they or a company or organization they work for is involved in any business with the City of Hastings or is seeking the City as a client or intends to respond to an RFP from the City.

#### Acknowledgements and Anonymity

All donations for which the donor does not request anonymity may be acknowledged by the City Council. For a monetary gift given in memorial, tribute, bequest, or in recognition of someone, a letter may be sent to the person or family of the person being honored. The City of Hastings is a municipal entity and subject to the provisions of Michigan public record laws and statutes, therefore, the City cannot guarantee anonymity of individual donors but will work with individuals who wish to remain anonymous in their donations to provide appropriate means for those individuals to make their gifts/donations while maintaining their privacy.

#### Appraisals

The City may, at its discretion, request or require an appraisal of real personal property prior to acceptance of any gift or donation.

#### Waiver of Terms of this Policy

The City Council may waive any of the criteria specified within this policy upon a finding that it is in the best interests of the City to do so.

### Tax Liability

It is the responsibility of the donor to assign a monetary value to the gift for tax purposes. Information provided by the City, its officials, employees, or agents in connection with gifts/donations is intended to be informational only and is not intended to substitute for professional financial or legal advice or opinions. The City of Hastings makes no representations or guarantees as to the tax implications of any gift or donation made to the City. Donors are responsible, and are advised, to obtain their own tax and financial advice from appropriate professionals.

### Reports to the City Council

Annually, after the close of the fiscal year, the Treasurer may provide a report to the City Council including details of all gifts/donations with a value greater than \$5,000.



## City of Hastings Monetary Donation Form

Donor Information:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone number: \_\_\_\_\_

E-Mail address \_\_\_\_\_

Hereby gives the City of Hastings \$ \_\_\_\_\_, which is:

for unrestricted use; or

for the purpose of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any funds in excess of the amount required for the above purpose (if specified):

may be used for \_\_\_\_\_

shall be returned to the donor

may be applied to any other project or fund deemed appropriate by the City Manager

The City of Hastings will make reasonable efforts to accommodate the intended purpose of the donation but reserves the right to utilize, relocate, and/or dispose of any item funded through donated funds as the City may deem fit.

Do you have or are you currently seeking to establish a contractual relationship with the City of Hastings? \_\_\_\_ Yes \_\_\_\_ No

If so, please disclose the nature of the contractual relationship.

\_\_\_\_\_

This donation is subject to the City of Hastings Gifts and Memorials policy.



By signing this application, I confirm that I have read and understand the Village Policy regarding donations and that the information contained in this application is true and correct to the best of my knowledge.

\_\_\_\_\_  
Donor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Donor

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date



## **City of Hastings Personal Property Donation Form**

Name of Donor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Description of donation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Legal description of location (if applicable) :

\_\_\_\_\_

Market value of donation: \$ \_\_\_\_\_

What is the intended purpose of the donation? Where do you intend the donated item to be placed or displayed (if applicable)? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Do you have or are you currently seeking to establish a contractual relationship with the City of Hastings? \_\_\_ Yes \_\_\_ No

If so, please disclose the nature of the contractual relationship.

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All right, title, and interest in the above stated item(s) is hereby given, donated, and transferred to the City of Hastings, its successors and assigns forever and without limiting conditions, except as may be specifically stated herein. It is understood and agreed that I/we as donor(s) retain no right, title, or interest in the donated property.

To the best of our knowledge this gift/donation is free and clear of all encumbrances and restrictions.

The City will make reasonable efforts to accommodate the intended purpose of the donation but reserves the right to utilize, relocate, and/or dispose of any item as the City may deem fit.

If this donation is conditioned or requires the establishment of a new program or fund, this agreement shall not take effect until the City Council has specifically accepted the donation.

This donation is subject to the City of Hastings Gifts and Memorials policy. By signing this application, I confirm that I have read and understand the City Policy regarding donations and that the information contained in this application is true and correct to the best of my knowledge.

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Donor Signature

Date

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Donor Signature

Date

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City Manager (if accepted)

Date