

Donation Policy for the City of Evanston

1. Objective and Purpose

1.1 Objective

Donations of every type are offered to the City of Evanston for general or specific purposes. This policy will guide the review and acceptance of such donations, confirm that the City has relevant and adequate resources to manage such donations, and ensure that the City appropriately acknowledges the generosity of the donor. Partnership opportunities for donations for community benefits should respect relevant legislative and policy provisions and occur within an ethical framework that preserves the integrity of municipal decision making processes.

2. The purpose of this policy is to:

- Establish guidelines that ensure donations occur at arm's length from any City decision-making process;
- Provide criteria and process for the acceptance of donations; and
- Confer upon Department Heads the delegated authority to accept and spend donations, within the parameters contained herein; and
- Give the City the ability to accept donations that meet its needs and capacity to maintain.

3. Scope

The policy on voluntary donations to the City for community benefit includes donations made to the City, its agencies, boards and commissions, and donations requested or encouraged by staff directed to other organizations or community agencies. The City of Evanston desires to encourage donations, while at the same time considering fiscal impacts and on-going maintenance and operational costs. While this policy predominantly focuses on material donations, this policy should be considered to have broad applicability for unseen future donations.

3.1 Definitions

“Donations” are cash, tangible property, or in-kind contributions which provide assistance to the City. Donations do not constitute a business relationship since no reciprocal consideration is sought. Donations generally qualify for a tax receipt.

“Gifts” are any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

3.2 Donations

Examples of Donations:

- **Memorials:** trees, park benches, plaques
- **Monetary:** anything towards foundations within the City, various departments, fundraisers, discount deals from local business and charities affiliated with the City.
- **Artwork:** separate policy requirements added to this general policy under Artwork donations.

3.3 Donation Process

- a. Complete Donation Form.
 - Select type of donation.
 - Enter amount of donation.
 - Enter other relevant details
 - Enter honoree or commemoration.
- b. Submit Form to the Department relevant to the Donation type.
- c. Department Head will consider the donation and, if required, will forward the donation proposal to the City Council for consideration and approval.
- d. If the Department Head or City Council approves the donation, staff will contact donor to schedule donation installation and other details.
- e. Donation installation occurs.

4. Accepting Donations

4.1 The City may elect to accept or decline any donation. If the gift is not accepted, the donor will be advised of the reason.

4.2 Staff will prepare a quarterly report to the City Council regarding all City donations. Any donations exceeding \$25,000 will require City Council action for acceptance.

5. General Conditions:

5.1 No advantage is to accrue to the donor or to any person not dealing at arm's length to the donor as a result of the donation.

5.2 Donations cannot confer a personal benefit to any City employee or City Official.

5.3 Donations that violate City code or City policies, or the laws, state or federal laws, of the other orders of government will not be accepted by the City.

6. Eligible Uses

6.1 Eligible donations are those that support approved programs and services, durable assets; capital facilities or projects; asset improvement, restoration or capital maintenance; or cash for such purposes.

6.2 Donations must be for purposes consistent with the receiving Departments' mandate, programs, services and activities and must be deemed to be in the public interest of the City.

6.3 Donations are only to be accepted if the receiving Department has the capacity to meet the initial and ongoing costs and obligations associated with the gift.

6.4 Donors who wish to make donations that support special purposes to be provided by an organization independent of the City should be directed, where possible, to the intended organization.

7. Ineligible Donors:

7.1 The City may decline donations from any donor who in the opinion of a Department Head under delegated authority, represents a reputational risk to the City through involvement in activities that are contrary to the values of the City or otherwise is in violation with City code as outlined in Section 5.3. Examples of ineligible donors include but are not limited to:

- Arms manufacturers;
- A party, committee, association, fund, or other organization (regardless of incorporation) that is required to file a statement of organization with the state board of elections or a county clerk under the Election Code;
- Any person or organization currently seeking official action by any officer or employee of the City;
- Any person or organization whose activities are regulated by an officer or employee of the City;

- Any person or organization that has interests that may be substantially affected by the performance or nonperformance of the official duties of an officer or employee of the City;
- Any person or organization that is required to be registered with the secretary of state under the lobbyist registration act;
- Proven or suspected criminal organizations; and
- Organizations that promote hatred against individuals or groups.

The City may not accept donations from individuals or organizations involved in litigation with the City.

8. Authority to Accept and Spend Cash Donation

8.1 Donations of cash designated for a specific purpose will only be accepted by the City Manager or designee, and where any donations exceeding \$25,000 will require City Council approval of acceptance or allowance to spend.

8.2 Where cash donations are being accumulated for a major project or fundraising campaign will require City Council action before an acceptance of the cash donation.

8.3 Unsolicited cash donations that remain unspent at the end of the year may be carried over to the following budget year only upon City Council approval.

9. Costs Associated with the Proposed Donation:

9.1 The City also has an interest in knowing in advance the full cost that may be associated with a donation, namely those which may relate to purchase, installation, maintenance and operation during the gift's expected life cycle. In the ordinary course the amount of the donation should be sufficient to cover all such expenses.

- a. Neither purchase nor installation shall commence until the donor's donation has been completed and funds have been received by the City for such purposes.
- b. As to donations requiring on-going operation and maintenance, amounts which are estimated to exceed \$5,000 on an annual basis, the donation shall include an endowment sufficient to cover them, i.e. 20x the estimated amounts.

In rare and unusual circumstances where the City has determined that the value of the donation substantially exceeds the cost associated therewith, these requirements may be

waived, but only after appropriate. If the donor elects to not provide sufficient funds for future maintenance and repair, the City may reject the donation.

10. Procedure Approvals

General:

10.1 Donations will not be accepted by any party, including a group, organization, company or person or any individual belonging to a group or organization or company with a pending application or matter before any City's Boards or Commissions.

11. Procurement Decisions:

11.1 Voluntary donations for community benefits may not be solicited and offers may not be made by or accepted from a bidder, proponent or applicant to procurement, or their representative, concurrent to the procurement solicitation and award process.

11.2 The City shall not accept donations that are conditional upon the endorsement of any product, service or supplier. Current and prospective suppliers to the City that decline solicitations for donations shall not be penalized in procurement decisions of the City.

Artwork Donation

12. Conditions Governing the Donation of Artwork to the City of Evanston

Potential donors of artwork must submit the following information to the Public Art Subcommittee for review. The Committee shall determine the feasibility of the proposed donation and shall forward a recommendation to the Evanston Arts Council for review. If the Evanston Arts Council recommends acceptance of the proposed artwork, it will then go to the Human Services Committee and the City Council for approval or denial. If the host site is the Evanston Public Library, the Library Collections Committee will manage the review process.¹

12.1 Materials to be submitted by Donor:

- a.** photographs and/or slides of the work of art which depict it from all sides²
- b.** a written description of the artwork, including approximate dimensions (height, width, depth and weight), materials used, and any frames, backings, mounts or anchoring systems to be used in the installation of the artwork.

¹ This is synthesized text between the City of Richmond, CA document and the third item under "Donation of Existing Works of Art" section of the "guidelines for public art projects or donations" document.

² material in original policy

- c. Verification of authenticity (if applicable).³
- d. A site plan which identifies and describes the proposed site for the artwork and which accurately depicts the artwork in relationship to the surrounding environment
- e. A written description and/or drawing of the proposed method of installation and a timeline for the transportation and installation of the artwork.
- f. An estimated cost for transporting and installing the artwork (to be done at donor's expense, unless otherwise agreed to by the City).
- g. Written authorization from the City department with jurisdiction over the site, approving the installation of the artwork.

12.2 Review and Acceptance Criteria; Proposed gifts of artwork shall be evaluated on the following criteria:

- a. An analysis of the relationship of the proposed artwork to its proposed location, and its relevance to its primary audience.
- b. An evaluation of the work's aesthetic quality, relative to its form, materials and craftsmanship;
- c. The availability and appropriateness of an acceptable site for the artwork.
- d. An analysis of the financial impact of the proposed gift on the Public Art Program, including costs related to the insuring of the artwork and to any long-term maintenance or conservation costs.
- e. An analysis of the impact of the proposed gift on other City departments, to include any routine operations or maintenance requirements.

12.3 Conditions of Acceptance

- a. The Public Art Subcommittee and Evanston Arts Council encourage clear and unrestricted gifts to the City of Evanston. Any conditions or restrictions attached to a gift or loan must be represented to the Public Art Subcommittee for review and to the City Council for approval.⁴ No work of art will be accepted with conditions deemed unacceptable by the Public Art Subcommittee or the City Council, nor will any work of art be accepted with a condition guaranteed to be kept in perpetuity.
- b. A legal document of transmittal, transferring title or loan of the artwork, and defining the rights and responsibilities of all parties, must accompany all gifts of artwork.

³ material in original policy (other materials listed above added from City of Richmond Document)

⁴ Should this follow the same PAC, Arts Council, Human Services Committee, City Council path?

- c. The City of Evanston requires that the creator of the artwork (artist) waive any right to the preservation of the artwork under the conditions set forth in the 1990 Visual Artist's Rights Act. The artist may, however, retain any right to disclaim authorship of the artwork pursuant to and these Acts. Before any gift is accepted by the City, the artist must acknowledge in writing his/her approval that the City may remove and/or destroy the artwork at its discretion. Should the City decide to remove or destroy the artwork, the City will provide the artist with 30 days' notice of its intent to the last known address of the artist. The artist may, upon written approval by the City and at his/her own expense, remove and retain the artwork in lieu of its being destroyed by the City.

13 Donations of Personal or Real Property

13.1 Donations of real property to the City or its agencies, boards and commissions may only be accepted with the prior approval of City Council, which is to include approval of the budget for any future or ongoing obligations arising from the donation.

13.2 Where appropriate, approval of a donation of real property is to include the use and disposition of the real property including the net proceeds arising from a property transaction.

13.3 Donations of real property to the City or its agencies, boards and commissions, whether designated for specific purposes or not, will be held in the name of the City.

13.4 Donations of personal property will also be reviewed and considered by this policy and subject to approval by the appropriate department head.

14. Managing and Reporting Donations

14.1. Offers or proposals for donations are to be referred to the appropriate Division directly.

14.2. In an effort to cultivate an ongoing relationship with donors, the receiving Division is to:

- a. Treat individual donors' names and amounts given, and any other private or personal information, with respect and, except where the donor authorizes release of such information, with confidentiality to the extent provided by the law;
- b. Reasonably limit the frequency of solicitations; and
- c. Respond promptly to a donor's question or complaint.

15. Acknowledgements, Forms and Receipts

15.1 The City is committed to the highest standards of donor stewardship and accountability. This includes appropriate acknowledgement and recognition for donations. Accordingly, for donations valued at \$100 or more, a formal letter of acknowledgement and gratitude will be sent to the donor by the Department.

16. Documentation and Communication with Donors

16.1 All donations must be documented by the recipient department using the City's donation form(s).

- a. The donation communication to donors should:
 - i. Convey the terms and requirements of the donation, including donor contact information, the purpose of the donation, the value of the donation, information about the tax receipt, how unused funds will be dealt with and the responsibilities of the respective parties.
 - ii. A statement acknowledging that the donation may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

16.2 When a gift is received from a donor is over \$250, the recipient Department must supply the donor with an income tax receipt.

17. Accounts

17.1 Donations designated for specific purposes or for the general purpose of a specific program, including donations of real property and the net proceeds of any property transaction, are to be used by the program for the purpose specified by the donor.

17.2 For purposes of financial control and accountability, donations are to be credited to appropriate accounts of the City.

17.3 Donations may not be managed informally or held in personal or external accounts or trust funds. This would not apply to independent community fundraising campaigns until such time that the campaign contributions are donated to the City.

17.3 Donations of cash or property to the City, where the purpose is not specified and which are not part of an approved fundraising initiative, are deemed to be undesignated and become contributions to general revenue of the City or assets of the City, unless the recipient Department seeks council approval for the requested purpose.

*****Applications for donations are below*****

ART DONATION FORM

Donor Information

Name: _____

Address: _____ *City:* _____ *ZIP:* _____

Phone: _____ *Email:* _____

Art Work

Artist: _____

Title of Artwork: _____

Dimension (H x W x D): _____

Size: _____

Media: _____

Price or Value/NFS: _____

Creation Date: _____

Current Condition of Artwork: _____

Written Description of Artwork: _____

Required Maintenance & Cost of Artwork: _____

Installation and Proposal of Artwork (Site/Location): _____

Estimated Cost of Transportation & Installation (If Any): _____

**Uploads Acceptable: pictures, valuation, and verification of authenticity*

Miscellaneous Donation Form

Donor Information

Name: _____

Address: _____ *City:* _____ *ZIP:* _____

Phone: _____ *Email:* _____

Date of Donation: _____

Donation Value: _____

Type of Donation: _____

If Monetary Donation, Amount: _____

Department for Donation: _____

Description of Donation: _____

Authorized Signature: _____

Date: _____

(Department Signature)

APPLICATION FORM *Dedication of a tree in the Memorial
Section of the Ladd Arboretum*

Donations for existing memorial trees that have not been dedicated are based on the following scale:

SHADE & FLOWERING TREES

6" trunk diameter 300.00
7" trunk diameter 350.00
8" trunk diameter 400.00

EVERGREENS

8-10 feet 300.00
10 feet and up..... 400.00

It is also possible to add tree varieties not currently available in the arboretum. Note that there is limited space available for new memorial trees. Donations for new memorial trees are based on the following scale:

SHADE & FLOWERING TREES*

2 – 2 1/2" trunk diameter..... 500.00

Check one: Plant tree of your choice

Please call to discuss type of tree to add

Once you have made your selection, a **name plate** will be placed near the trunk of the tree you select. The name plate will be arranged as follows:

- 1) Botanical name of the tree (i.e. Acer rubrum)
- 2) Common name of tree (i.e. Red Maple)
- 3) Name of person to whom the tree is dedicated

Please indicate the manner in which you want the name to appear on the plate. A maximum of twenty-one spaces are available. This includes periods and spaces between first and last names. Some samples of names are: **Mary P. Jones; George J. Adams; Ruth Walters**. Please print the name on the line below exactly the way you would like it to appear on the name plate.

(21 space
maximum)

Name of Donor:

City/State/Zip:

Daytime phone:

() _____

Email address:

Make checks payable to "City of Evanston". Remember gifts are deductible for Federal Income Tax purposes.

**Mail check and this form to: City of Evanston – Forestry Division
2100 Ridge Avenue
Evanston, IL 60201
Attention: Memorial Tree**

Dedication of a Memorial Bench at City of Evanston Parks and Lakefront

Donations for existing benches that have not been dedicated are:

\$4,500.00

Donations for a new bench are:

\$6,000.00

Once you have made your selection, a name plate will be placed on the bench.

Please indicate the manner in which you want the name to appear on the plate. A maximum of three lines with twenty-one spaces each are available. This includes periods and spaces between first and last names. Some samples of names are:

Mary P. Jones; George J. Adams; Ruth Walters. Please print the name on the lines below exactly the way you would like them to appear on the name plate.

(21 space maximum)

Location of
Bench: _____

Name of
Donor: _____

City/State/Zip: _____

Phone: () _____

Email address: _____

Make checks payable to "City of Evanston". Remember gifts are deductible for Federal Income Tax purposes.

Mail check and this form to: City of Evanston – Greenways Division
2100 Ridge Avenue
Evanston, IL 60201
Attention: Memorial Bench

*~ If you have any questions regarding Memorial trees or benches,
please contact (847) 448-4311 ~*