

**POLICY FOR APPROVAL OF GIFTS AND MEMORIALS
CITY OF MORGANTOWN**

Adopted: 10/5/04

I - Purpose

From time to time organizations, groups and individuals may offer to the City donations of money, land, services, vegetation, public art, equipment, or other items of value or request that monuments, memorials, plantings, plaques or art work be placed on municipal property to express public support, to honor individuals, or to commemorate specific events. The City of Morgantown is committed to enhancing and maintaining aesthetic and other public environment standards which nurture the human spirit as well as celebrate the heritage of the city and its citizens.

The statements which follow delineate the City's policy for processing such offers and requests in a manner which is consistent with the assigned purposes and responsibilities of the City's Beautification Commission, the Board of Park and Recreation Commissioners, the Department of Public Works, the City Library and an inter-arts council. This policy does not pertain to naming structures established by utilization of public or private funds.

II - Definitions

1. Contribution. A "contribution" to the City of Morgantown may consist of a donation or a sponsorship.
2. Donation. A "donation may consist of monetary donations in the form of cash or stock gift, grant, bequest, or sponsorship or take the form of non-monetary donations in the form of real property (land) or in-kind donation. Donations may be unrestricted for unlimited use or restricted to specific uses by the donor.
3. Sponsorship. A "sponsorship" includes both a sponsor's financial contribution and involvement in a specific activity, event, program or endowment based on a negotiated agreement the City enables the sponsor to receive recognition related to the sponsorship in exchange for agreed upon financial support and participation.
4. Donor. An organization, group or individual who provides to the City, or to one of its departments or affiliated organizations, a contribution or service without expectation of significant return.
5. Sponsor. An organization, group or individual who provides to the City, or to one of its departments or affiliated organizations, funding support for a specific activity, event, program or endowment.

III - Standards

1. The standards for the City of Morgantown's policy on gifts and memorials have been developed based on best practice research from information received from the experience of numerous resources. Of special assistance has been information from Oglebay Park in Wheeling, WV, several communities, and the United States Forest Service.
2. Gifts and memorials of all types can be tangible ways of making a public improvement and/or making the importance of special life events for individuals, groups of individuals, or an entire community. Proposals for a gift or memorial for public benefit in a public location need to consider the broad community needs and interests with respect to project viability, durability, size, aesthetics, proportion, continuity, future development, and environmental impact. Such considerations must be weighed in planning community parks, landscaped green spaces and planted areas, trails, works of art, library improvements, interpretive historical plaques, fountains, benchers, site furnishings, trees - and all elements of an effective community environment.
3. Each plan for establishing a gift or memorial shall address concerns of maintenance and protection in as much as municipal resources for such responsibilities cannot be committed in the future without planned assistance.
4. Proposals for gifts or memorials shall not duplicate other contributions made to honor the same individual or events within the City unless special circumstances are judged to warrant exception by the City department accepting the donation subject to the review by City Council.
5. All gifts or memorials and improvements become the property of the City of Morgantown.

IV - City Departmental Procedures

1. Monetary Donations. Restricted and unrestricted monetary donations may be received by City departments in compliance with these policies and all pertinent City financial policies and with the concurrence of the City Manager.
2. Stock Donations. Stocks are the proprietary element in a corporation usually divided into shares and represented by transferable stock certificates. In the event of stock donation, since a government entity is not legally able to own stock, such a donation shall be liquidated and turned into cash or another liquid asset and treated as a monetary donation.
3. In-Kind Contributions. Proposed gifts other than monetary donations, land, or specific elements identified in these policies shall be reviewed by the City department intended to utilize the gift to enhance the provision of City services. Approval of in-kind gifts of equipment, materials or services may be given by the City department benefitting from the in-kind contribution.

4. Sponsor Contributions. Corporate or business organizations offering a sponsor's financial contribution for a City department activity, event, program or endowment shall be subject to all applicable laws and City ordinances, plans and policies. An appropriate City department may make the determination to accept differing forms of sponsorship contributions subject to the oversight of the City Manager and City Council. No policy can cover all types of contributor activities and associations, and therefore it will be incumbent for each City department to seek consultation and concurrence when sensitive social or behavioral issues place public service utilization or acceptance at risk.
5. Grants. A donation typically awarded as a subsidy for a specific use and/or program purpose usually after an application has been submitted and approved. Grants are typically made to the City of Morgantown by the federal and state governments, private and community foundations, corporations or businesses. Unless otherwise specified, grant funds are administered by the designated City department under the direction of the City Financial Officer and the City Manager.
6. Land. Offered land or interest in land intended for a designated use or for ecological or other public value will be considered by City Council.
7. Parks. Land or resources intended as a public park will be assigned to BOPARC which shall be responsible for creating a usage plan for the park in collaboration with the donor. The Beautification Commission shall review the plan and may offer recommendations to assure conformance of landscape, signage, plaques, works of art and accessories with aesthetic standards and maintenance services utilized throughout the City.
8. Landscaping. Resources intended for landscaping shall be contributed in accordance with the approval process in Section VII to assure compliance with the donor's intention and with the installation and maintenance requirements involved. The Beautification Commission will assist BOPARC and the Public Works Department in the approval process for all gift and memorial landscaping contributions.
9. Trees or Other Vegetation. Upon receipt of a request and contribution, BOPARC, the Public Works Department or other appropriate department of the City of Morgantown will select and purchase a tree and all associated items in consultation with the Morgantown Tree Board.
10. Stand Alone Plaques. Individual freestanding plaques shall be mounted flush with the ground. The size of the plaque should be appropriately sized, consistent with the setting, and designed in consultation with BOPARC or the Department of Public Works with the concurrence of the Beautification Commission.
11. Installed Plaques. Installed or mounted plaques are those which are placed on a pedestal or boulder and are part of a larger setting or display. Responsibility for the design and placement of such memorials shall be the responsibility of the accepting City department with the concurrence of the Beautification Commission.

12. Historical Plaques. The responsibility for display of historical interpretive information shall be the responsibility of the Historic Landmarks Commission working in collaboration with the Beautification Commission.
13. Contributions to Library. Proposed contributions made to the Morgantown City Library to enhance property and buildings, fund approved projects, support undesignated disbursement, add to the library collection, or provide special equipment to support patron access to information shall be received by the library board and staff in accordance with library donation policies.
14. Works of Art. Proposals for sculpture and other works of art presented in various mediums and which meet the standards of an inter-arts council shall be reviewed by the City department responsible for the site of installation assisted by the Beautification Commission and an inter-arts council.
15. Park/Street Accessories. Proposals for fountains, landscaping, plantings, picnic tables, kiosks, banner poles, historic lighting, seating and benches, drinking fountains, trails and signage shall be reviewed by the Board of Parks and Recreation Commissioners assisted by the Beautification Commission.
16. Wayfinding Signage. Any signage providing site identification or giving directions to visitors, pedestrians, park users, and theater or transit users must be planned to conform with City wayfinding signage design standards as managed by an inter-commission design committee and staffed by the City Planning Department.
17. Roadside Memorials. The City of Morgantown allows roadside memorials which include flowers, pictures, crosses and other commemorative property to be displayed seven (7) days. Thereafter the display must be removed by the Department of Public Works or the Department of Highways.
18. Decorations. Temporary displays of flowers, ornaments, silk or plastic flowers, seasonal ornaments shall be permitted to be displayed on city property for fourteen (14) days. Thereafter the display will be removed by the City.

V - Criteria for Approval

1. Each proposed gift or memorial shall meet standards as identified in Section III.
2. If a gift is offered to honor deceased individuals, the memorial shall include recognition of deceased individuals only. It shall not include recognition of persons who are living.
3. The location of a gift or memorial shall be aesthetically integrated within a setting. It shall not block circulation nor preempt established plans for future development.
4. Qualified professionals shall design and install all gifts and memorials in consultation

with the City department involved and advised by the Beautification Commission.

- a. All wording on memorial plaques must be approved by the appropriate City department with the concurrence of the Beautification Commission prior to fabrication of the plaque.
- b. No stand alone plaques will be installed unless installed at ground level.
- c. The City recommends that multiple plaques be installed in a collective display area for increased security and public appreciation.

VI - Placement, Construction, and Maintenance Requirements

1. Placement and construction of gifts or memorials may be completed by a City Department or by an independent contractor as per arrangements between the donor and the City. Any party hired or employed by the applicant must provide proof of insurance approved by the City of Morgantown that may include and not be limited to: general liability, automobile insurance, professional liability insurance, performance insurance bonds, workmen's compensation coverage and others as may be required by the City of Morgantown.
2. Provision of maintenance for the gift or memorial shall be the responsibility of the City of Morgantown departments responsible for the memorial or gift. Complex or large gifts or memorials
3. The City of Morgantown shall have the flexibility to move, remove or replace donations if necessary. A reasonable effort shall be made to notify the donor if a major change in the gift or memorial is affected.

VII - Costs

1. The costs for the gift or memorial shall include the cost of purchase, installation, design, fabrication, transportation, site preparation, foundation, lighting, electrical, permits, etc. as required. The gift or memorial proposal shall include all-inclusive costs and any exclusion shall be stated clearly in the proposal.
2. Maintenance, restoration and possible replacement costs shall also be included in the arrangements made with the City. Public and park revenues simply cannot fully support the maintenance requirement needed. Because of this reality, funds will be set aside to provide for continuing responsible ongoing care both as necessary and as possible.
3. As permitted by tax legislation, the City department or affiliated organization receiving the gift or memorial will issue a tax receipt for each donation.

VIII - Approval Process and Procedure

1. Initial Feasibility Consultation. Applicants interested in the possibility of making a gift

or establishing a memorial shall submit a letter request to the City Manager who shall refer the request to an appropriate staff member. The staff member shall interview the applicant and provide information on the City's Policies on Memorials and assist the applicant in preparing an initial proposal. When the initial proposal is received by the staff person, the proposal shall be referred to the appropriate City department for review assisted by the Beautification Commission.

2. Written Proposal. After meeting with the appropriate City department, the applicant shall submit a written proposal with specific information on the nature of the memorial and a map of the site being requested. The written application shall include details on size, wording, sketches, models or renderings as well as the information on installation and costs involved. Included with the proposal will be a maintenance plan prepared in consultation with a person experienced in the type of maintenance required.
3. Proposal Review. The appropriate City department shall review the proposal assisted by the Beautification Commission concerning the location, design, installation or maintenance of the memorial. The City department shall also consider the relationship of the review criteria to the proposal and the sufficiency of the maintenance plan as proposed.
4. Decision Making. The appropriate City department shall complete a review of the proposal and make a recommendation to approve, modify, or disapprove the proposal. Applicants whose proposals are disapproved will receive recommendations for other options by the City department and/or the Beautification Commission. Applicants of approved or modified proposals must provide evidence of financial commitment to the gift or memorial, proof of insurance as required by the City, and negotiate a schedule for completion with appropriate City Department.
5. Donor Recognition. Contributions shall be acknowledged in a timely manner after formal acceptance of the donation has taken place. The City department receiving the benefit of the contribution shall review and approve any public recognition for the contribution. Recognition shall be consistent with all City policies and State ethics and tax requirements. All accepted donations shall also be reported to City Council so that the donor's generosity can be officially acknowledged and recorded.