

CITY OF BLOOMINGTON

PHYSICAL IMPROVEMENT DONATION POLICY

(Updated August 29, 2013)

INTRODUCTION

On August 6, 2007 the City Council approved the “City Facilities Naming Policy.” An attachment to this policy labeled “City of Bloomington Park Memorial Guidelines” provided guidelines for the installation of memorials within Bloomington’s Park System. This policy is a replacement to that attachment and will stand as a separate City policy for all City facilities.

For many years, the City of Bloomington has allowed private individuals and organizations to dedicate improvements in City facilities and parks. The vast majority of these installations have been simple park benches (with a small donor recognition plaque) and trees (typically without any donor recognition plaque). Occasionally, more elaborate improvements were installed prior to 2007.

This policy defines the types of allowable physical improvement donations, the procedures to approve them, and the conditions and timeline under which they are allowed to remain.

PURPOSE OF PHYSICAL IMPROVEMENT DONATIONS

City of Bloomington facilities and parks are developed, maintained and operated for the benefit of the general public. As with other public infrastructure, resources needed to run the City facilities and parks are limited and donations from private entities, sometimes in the form of memorials, offer a way to make improvements that may not be implemented with existing resources.

This policy falls in line with mission, values and vision of the Imagine Bloomington 2025 strategic plan. By enhancing City facilities and parks through physical improvement donations, the City:

- Works together with our neighbors to promote the fun and vitality of community life
- Is a steward of our environment, promoting sustainability of our many resources and the creation of inviting public spaces
- Supports actions that promote our physical and emotional well-being
- Protects our environmental resources and maintain quality public facilities

Physical improvement donations often have two components:

- 1) Physical Improvement
- 2) Donor Recognition Component

The “Donor Recognition Component” of a physical improvement donation should be incidental to the “Physical Improvement”. The “Physical Improvement” should fulfill an identified need at a City facility or park, while the “Donor Recognition Component” should not detract from the public enjoyment of the installation or surrounding facility/park.

As delineated in this policy, opportunities for physical improvement donations may be limited in a given City facility or park, and the physical improvement like other City infrastructure, has a limited useful life. Therefore,

it may not be possible to accept physical improvement donations in some locations and it is understood that approved installations will be removed when they are no longer serviceable or conflict with other City facility/park needs.

Occasionally, the City may approve a physical improvement donation to remain in place for an extended period of time in a City facility or park, such as 25, 50 or 75 years. These physical improvements would either need to be of a durable material with an extended useful life, or the donor provides sufficient funding up front to repair or replace the physical improvement when it reaches its useful life. The specifics of the extended period of time shall be negotiated between the City and donor on a case by case basis. The City shall not accept a physical improvement donation in perpetuity, so as to not encumber future City Councils from renovating, repurposing or disposing of City properties.

POLICY

For purposes of this policy, physical improvement donations have been divided into three categories:

1. *Donation Recognition Areas*
2. *Standard Benches and Trees*
3. *Other City Facility or Park Physical Improvement Donations*

The policy governing each category follows.

Donation Recognition Areas

- The City Council may designate a City facility or park, or a defined section of a City facility or park as a donation recognition area.
- Donation recognition areas shall be intended to recognize a prominent or historic person, a significant event or a notable group of people, such as a veterans' memorial.
- Donation recognition areas are not cemeteries and the remains of humans, pets, etc. are not permitted to be interred in a City facility or park.
- Designated donation recognition areas would permit the installation of large structures, fountains, statues, plazas, flag poles, audio/visual displays, markers and gardens.
- Donation recognition areas shall be public spaces.
- Donation recognition areas located in parks shall be designed and developed primarily by the City's Parks and Recreation Division as a component of the City's parks system.
- While the City may choose to partner with individuals or groups to develop and maintain donation recognition areas, these are City facilities and not privately-donated facilities.
- The City shall have full authority as to the location, design, amenities, operations and maintenance of donation recognition areas.

Standard Benches and Trees

- Under the direction of the City Manager, staff will establish a standard model of bench and donor recognition plaque which suits the needs of the City facility or park and is readily available for purchase.
- Staff, specific to each City facility or park, shall identify allowable locations and numbers of standard bench locations to insure that only benches needed to enhance the City facility or park are installed and that they do not detract from the intended facility or park usage/experience.

- Allowable tree species and locations shall be consistent with the nature of the specific City facility or park and shall be in a location where the tree will thrive.
- The City Manager, or his designee, has approval authority for standard benches and trees as outlined in this policy.
- Donors will be given a copy of this policy prior to submitting a donation application to the City.
- The donor shall make application to the Maintenance Division for donations of either a standard bench or tree within a park. Donations of a standard bench or tree at an “Other City Facility” shall contact the manager of the respective facility.
 - Standard bench – the donor shall be responsible for the delivered cost of the bench as well as the concrete slab under the bench. The donation application will include payment to the City for the cost of the concrete slab installation. Once the application is approved by staff, the donor will purchase the bench directly from the City-approved vendor, and the bench will be delivered to the City. The City will then coordinate the installation of the bench and concrete slab under the bench.
 - Tree – the donor shall be responsible for the delivered cost of the tree. The donation application will include payment to the City for the delivered cost of the tree. Once the application is approved by staff, the City will purchase the tree and cover all costs associated with planting the tree.
- For standard benches, the donor shall be responsible for engraving the standard recognition plaque. The City will install the plaque once engraved.
- Photos, pictures or depictions of the recognition subject are prohibited on the bench recognition plaque.
- Logos, symbols or graphics are limited to no more than 50% of the total space on the bench recognition plaque.
- Language included on the bench recognition plaque is subject to the following restrictions:
 - Shall not directly or indirectly endorse or promote unlawful activity.
 - Shall not directly or indirectly endorse or promote age-restricted products such as alcohol or tobacco products, or other products generally considered detrimental to the health, welfare or safety of children.
 - Shall not directly or indirectly endorse or promote sexually explicit signs or graphics, including signs that describe sexual conduct in a patently offensive manner.
 - Shall not directly advertise, market or promote a business, organization or cause by including a sales pitch, phone number, website address, Twitter address or QR code.
- All plaques are intended to recognize a person, or a group of people or an event, and the language/engraving on the plaque shall reflect that intent. All other types of proposed physical improvement donations will be reviewed on an individual basis (see Other Physical Improvement Donations section below). No plaques will be placed at tree installations.
- The City will take normal care to protect and maintain benches and trees. Benches and trees will be removed if they conflict with other needed City facility or park improvements, or if they have exceeded their useful service life.
- If a donated bench or tree is damaged beyond reasonable repair due to vandalism, an accident, or severe weather (i.e. high winds, flood, lightning strike, etc.) within ten years of installation, the City will replace the tree or bench at the City’s expense. After ten years have passed since installation, the City is not obligated to repair or replace a damaged bench or tree.
- The City will attempt to contact the donor to inform them of the pending removal of their donated bench or tree. If it is determined to be in the best interests of the City facility or park, the donor may be afforded the opportunity to repair or replace the bench or tree at the donor’s expense.
- The donation will be formally accepted by the City Council.
- Thank you letters will be sent to donors.
- Upon installation, the bench or tree becomes the property of the City.

- Physical improvement donations that were installed prior to the approval date of this updated policy that do not comply with the policy may remain in the City facility or park. At such time that the physical improvement donations, in the sole discretion of the City, have exceeded their useful life, are vandalized beyond reasonable repair, or conflict with other park improvements, the donated improvements will be removed. Any physical improvements that are requested to be refurbished, modified or replaced, must comply with the current Park Physical Improvement Donation Policy in place at that time.

Other City Facility or Park Physical Improvement Donations

All other proposed City facility or park physical improvement donations will be reviewed on an individual basis. The following items will be considered when reviewing such proposals:

- The extent to which the function of the donation proposal satisfies identified needs within the specific City facility or park.
- Integration, both visually and functionally, of the donation proposal into the City facility or park.
- Whether the proposed physical improvement donation is at a site identified for potential physical improvement donation in the selected City facility or park.
- The balance between the donor recognition component of the donation and the physical improvement. To be approved, the donor recognition component must be incidental to the physical improvement, and should not detract from the public enjoyment of the installation, nor the surrounding facility or park.
- Physical improvement donations are not to be large or ostentatious, nor of a design does that place the focus on the donor recognition component versus the physical improvement.
- The physical improvement and associated recognition component shall not give the appearance of an edifice or monument that would typically be found in a cemetery. The following types of physical improvement donations are not acceptable:
 - Polished granite type markers that are similar in style as grave markers, gravestones or other cemetery monuments.
 - Photos, pictures or depictions of the recognition subject.
- In most cases, the donor recognition component of the proposal will be limited to two (2) square feet of area (e.g. 12" x 24" or 17" x 17") and will be placed in a non-visually prominent location within the installation.
- Graphics on the recognition component must be related to the City facility, park, or architectural aspects of the donation and will not directly reference or depict the subject of the donation.
- Logos, symbols or graphics are limited to no more than 50% of the total space on the donor recognition component.
- Electronic signs and audio/video displays are prohibited.
- Language included on the physical improvement donation is subject to the following restrictions:
 - Shall not directly or indirectly endorse or promote unlawful activity.
 - Shall not directly or indirectly endorse or promote age-restricted products such as alcohol or tobacco products, or other products generally considered detrimental to the health, welfare or safety of children.
 - Shall not directly or indirectly endorse or promote sexually explicit signs or graphics, including signs that describe sexual conduct in a patently offensive manner.
 - Shall not directly advertise, market or promote a business, organization or cause by including a sales pitch, phone number, website address, Twitter address or QR code.
- Shall be a donation to recognize a person, or a group of people or an event, and the language/engraving on the plaque shall reflect that intent. All other language will be reviewed on an individual basis. All proposals shall be submitted to the manager of the City facility or park where the donation is proposed to be sited.

- The donor shall make application to the manager of the facility where the donation is proposed, and the proposed donation shall be reviewed by Public Works staff.
- An agreement will be drafted by the City between the donor and the City that includes the following:
 - Clear description of the proposed installation.
 - Outline of financial obligations (in most cases, the entire financial burden will lie with the donor).
 - Clarification of maintenance responsibilities (in most cases, any maintenance requirements beyond what is currently provided by the City will be the donor's responsibility).
 - Outlines the conditions and timeframe for the eventual removal of the installation.

For park donations, the proposal with a report and recommendation from staff, will be presented to the Parks, Arts and Recreation Commission for review and for their recommendation regarding approval to the City Council. For all other City facility donations, the proposal, along with a report and recommendation from staff, will be presented to the City Council for consideration of acceptance.

The City will take normal care to protect and maintain physical improvement donations. Physical improvement donations will be removed if they conflict with other needed facility improvements, or if they have exceeded their useful service life. If a physical improvement donation is damaged beyond reasonable repair due to vandalism or by natural causes (i.e. high winds, flood, lightning strike, etc.) within ten years of installation, the City will replace the physical improvement at its own expense. After ten years have passed since installation, the City is not obligated to repair or replace a damaged physical improvement.

The City will attempt to contact the donor to inform them of the pending removal of their physical improvement donation. If it is determined to be in the best interests of the City facility or park, the donor may be afforded the opportunity to repair, replace or take possession of the physical improvement at the donor's expense.

Thank you letters will be sent to donors.

Upon installation, the physical improvement donation becomes the property of the City.

Physical improvement donations that were installed prior to the approval date of this updated policy that do not comply with the policy may remain in the City facility or park. At such time that the physical improvement donations, in the sole discretion of the City, have exceeded their useful life, are vandalized or damaged beyond reasonable repair, or conflict with other park improvements, the donated improvements will be removed. Any physical improvements that are requested to be refurbished, modified or replaced, must comply with the current Physical Improvement Donation Policy in place at that time.