

**RESOLUTION No. 2011-037**

**A RESOLUTION OF THE COUNCIL OF THE CITY  
OF SAN BUENAVENTURA ESTABLISHING PROCEDURES  
FOR ACCEPTANCE OF DONATED IMPROVEMENTS AND  
AMENITIES FOR PARKS**

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

**SECTION 1:** This resolution is adopted with reference to the Intent and Purpose set forth in the City's Art in Public Places Program, San Buenaventura Municipal Code (SBMC) § 4.610.010.

**SECTION 2:** To further implement the City's donation program, the City Council finds it desirable to establish procedures for managing the City's acceptance of donated improvements and amenities ("donations") for parks. It is the intent of this ordinance to encourage the donation of parks facilities and amenities that will supplement the City's capital funds available for such purposes in accordance with current needs.

**SECTION 3:** The City Council believes that a single City division or department should have responsibility for managing and maintaining donations. The city manager should identify which division or department is best suited for such responsibility.

**SECTION 4:** To ensure that the integrity of the donation is maintained, the City Council determines that the City Manager should establish uniform procedures, in conjunction with The City's naming policy for reviewing and accepting donations to the City and for placing donations or amenities on public property. Any procedure promulgated by the City Manager will include:

- A. Aesthetic considerations to ensure that the donation is of the highest quality and its benefits to the city are measurable, based on a detailed written proposal and concept drawings for the proposal, or photographs of the existing donation, documentation of the donations history and, in some instances, a current certified appraisal of the donation.
- B. Financial considerations based on the cost of installation, sources of funding for the project, a maintenance agreement between the City and the donor, and the estimated cost of maintenance and liability associated with the donation, based on the susceptibility of the donation to damage and vandalism, potential danger to the public, and special insurance requirements. Donations that are not in accordance with identified needs per Section 5.B must be accompanied by sufficient funds for long term maintenance of such donations over their expected useful life.

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- C. Environmental considerations based on the physical appropriateness of the donation to the site and the scale of the donation.
  - D. Legal considerations, including an instrument of conveyance showing that the donation is free of any encumbrances, claims, or defects in title.
  - E. If a temporary loan is offered to the City, the person offering the temporary loan must submit the following:
    - 1. A description and documentation of the donation including photographs, slides, size, media, title, and the current value of the donation.
    - 2. Information regarding the proposed length of the loan, any maintenance requirements, and any special conditions.
  - F. Plaques or monuments in conjunction with the donation will be limited to specific language, i.e., "in memorial of ", and may include a name and date. The Parks and Recreation Commission must approve any other language for signage or plaques.
  - G. Any private/public partnerships, and or leases between City partners and private entities will need to follow the donation policy. Additional language may be written into leases or contracts regarding donations, but at minimum, improvements, hard structures, or donations will follow the donation policy and require approval from the Parks and Recreation Commission.
  - H. The following should be excepted from any procedure promulgated by the City Manager:
    - 1. Proposed gifts or donations that have a current appraised value of less than \$1000.
    - 2. Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States that may be accepted by the City Council or City Manager on behalf of the City. Such gifts will be reviewed as follows: Permanent placement of donations will be determined jointly by the appropriate city department and subject to the approval of the City Council. Appropriate recognition and publicity will be the responsibility of the city department with jurisdiction over the site of permanent placement of the donation. If not provided by the donor, maintenance of the donation will be the responsibility of the department with jurisdiction over the site.
    - 3. Donations loaned for display on public property for ninety (90) days or less will not be subject to the standard review process. Review and approval in these instances will be the responsibility of staff in conjunction with the department with jurisdiction over the site of the display or exhibition.

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**SECTION 5:** The Council recognizes that many city facilities were developed without complete amenities. City departments are therefore encouraged to allocate funds to enhance their offices and facilities. In doing so, city departments should abide with the following procedure:

- A. Parks and Recreation Commission will be consulted by departments planning to acquire amenities for park facilities with public funds if the value of the proposed amenities exceeds \$1000.
- B. Interested donors should contact the Parks, Recreation and Community Partnerships Department to obtain a list of planned unfunded capital improvement projects for city parks facilities and other parks amenities (by site) in need of installation, replacement or improvement. While donors may propose worthy projects, the first priority of the Parks, Recreation and Community Partnerships Department is to guide prospective donors toward donations which meet identified City's parks needs.
- C. Amenities proposals must be accompanied by the following Information:
  - 1. Slides, photos, or a model of the proposed work.
  - 2. Proposed site and installation plans
  - 3. Cost of the amenity and budget for installation
  - 4. Maintenance requirements for the work once installed
  - 5. Specifications and technical drawings
- D. Amenities in private offices on non-public areas of city facilities are not Subject to Parks, Recreation and Community Partnership Department review.

**SECTION 6:** To ensure that donations are kept current and well maintained, the City Council establishes the following procedures for administering the Program's donation collection:

- A. At least once in every ten year period, the donation will be evaluated By the Parks, Recreation and Community Partnerships Department for the purposes of donation management and in order to assess the donation's future.
- B. The Parks and Recreation Commission will establish a review process meeting the following objectives:
  - 1. Establish a regular procedure for evaluating the value, whether monetary or artistic, of the donation.

2. Ensure that deaccessioning process of donations is governed by careful procedures.
3. Insulate the deaccessioning process from fluctuations in taste.

C. Donations may be considered for review toward deaccessioning from the Parks, Recreation and Community Partnership's donations if one or more of the following conditions apply:

1. The donation has received consistent adverse public reaction over a period of ten (10) years as determined by letters, memorialized verbal comments, and or other ascertainable methods.
2. The site for the donation has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or altered in a significant way.
3. The donation is found to be fraudulent or not authentic.
4. The donation possesses demonstrated faults of design or workmanship.
5. The donation causes excessive or unreasonable maintenance.
6. The donation is irreparably damaged, or is in a condition where repair is unreasonable or impractical.
7. The donation represents a physical threat to public safety.
8. A suitable place for display of the donation no longer exists.
9. The donation is not, or is rarely, displayed within a period of ten (10) years.
10. A written request for deaccessioning has been received from the original donor.

D. Unless a significant issue of public safety, or the site for a public donation has been lost, no donation will be considered for deaccessioning unless the donation has been in the City's care for a minimum of ten (10) years.

E. Should the City choose to deaccession a donation, the following procedures will apply:

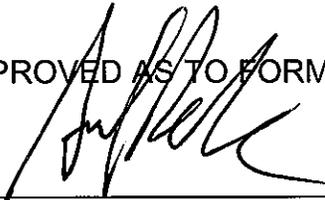
1. The City will give the original owner first opportunity to purchase the donation back at its current fair market value.
2. The City may obtain current fair market value of the donation and advertise it for sale.
3. The City may seek competitive bids for the purchase of the donation.
4. The City may dispose of the donation through its standard surplus property procedures.

PASSED AND ADOPTED this 14 day of July, 2011.



Elaine M. Preston  
Interim City Clerk

APPROVED AS TO FORM

By: 

Ariel Pierre Calonne  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF VENTURA         ) ss  
CITY OF SAN BUENAVENTURA    )

I, Roxanne Fiorillo, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a special meeting on July 14, 2011, by the following vote:

AYES:       Councilmembers Weir, Morehouse, Andrews, Monahan, and  
              Deputy Mayor Tracy.

NOES:       None.

ABSENT:     Councilmember Brennan and Mayor Fulton.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on July 18, 2011.

  
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Deputy City Clerk

