

**POLICY NO. 05-22-2018(a)**  
**VILLAGE OF PRAIRIE DU SAC**  
**GIFTS AND DONATIONS POLICY**

1.0 PURPOSE:

The purpose of this policy is to provide guidelines and procedures for considering and receiving proposed donations to the Village of Prairie du Sac. Historically, the Village of Prairie du Sac has been enriched by the generous donations of individuals and entities in support of the Prairie du Sac community. The Village 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 Village 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, and useful life. In considering gifts and donations, the Village will give high regard and preference to gifts of cash.

2.0 ORGANIZATIONS AFFECTED:

All departments and staff under the direct authority of the Village of Prairie du Sac Board of Trustees, are to adhere to the guidelines set forth in this policy.

3.0 POLICY:

THIS POLICY SHALL COVER ALL DONATIONS AND GIFTS TO THE VILLAGE OF PRAIRIE DU SAC AND ANY OF ITS DEPARTMENTS UNDER THE DIRECT AUTHORITY OF THE BOARD OF TRUSTEES. THE VILLAGE OF PRAIRIE DU SAC 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 VILLAGE OF PRAIRIE DU SAC REGARDLESS OF WHETHER THE PROPOSAL MEETS ANY OR ALL OF THE CRITERIA LAID OUT HEREIN, WITHOUT APPROVAL OF THE VILLAGE OF PRAIRIE DU SAC.

4.0 DEFINITIONS:

Donation(s)/Gift(s): Any item proposed to be deeded or otherwise given or donated to the Village of Prairie du Sac including, but not limited to, endowments; real property; public

improvement projects or proposals; structures or portions of structures; money; materials; equipment; improvements to facilities or land; statues; monuments; memorials; 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 Village of Prairie du Sac.

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: May include a funded, partially funded or unfunded 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) or group to society.

## 5.0 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 strongly encouraged to contact the recipient Village department at the earliest possible time to discuss the proposed gift and the process for review.

5.1 Donation Agreement Form

Donors may be required to complete and submit a Donation Agreement Form (application). The recipient department shall assist the donor with completion of the form. This form shall be approved by the Village Administrator and shall include, as appropriate and applicable, the intent of the proposal, cost estimates, size, proposed location, timeline, site drawing, future maintenance requirements and any other information the Village Administrator may deem necessary and/or useful. The completed form shall be submitted to the Village Administrator for review and recommendation to the Village Board, if required.

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

5.2.1 Previously established funds or campaigns: the Village Administrator and/or department head, upon approval of the Village Administrator, are hereby authorized to accept any monetary gifts or donations to be made for a previously approved/established/budgeted fund or capital campaign.

5.2.2 Undesignated/unconditional monetary gifts/donations: the Village Administrator and/or department head, upon approval of the Village Administrator, are hereby authorized to accept any undesignated monetary donations and any unconditioned monetary donations made to the Village and shall deposit such money with the Village Treasurer.

5.2.3 Conditioned donations: in the event that a monetary donation is conditioned or donated specifically for a new public improvement project, memorial, work of public art, tribute, or new program; the recipient department shall assist the donor to complete a donation agreement form and the donation shall follow the procedures set forth in this policy as if the donation were to be made of the actual program or item proposed to be acquired or constructed. If the donation is not accepted, the Village Treasurer shall return the donation to the donor. If appropriate, the Village Treasurer may establish a new fund or project within a fund for the donation.

5.2.4 Negotiable securities: the Village will not accept donations of negotiable securities, i.e. bonds or stocks.

### 5.3 Gifts of Real Estate Property

Donors of real estate will be required to complete and submit a Donation Agreement Form. The Village Administrator shall review any proposed donation of real estate and make recommendations to the appropriate boards or commissions and to the Village Board. Proposed gifts or donations of real estate 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 or obtained by the Village. All gifts or donations of real estate shall be reviewed by the Plan Commission for recommendation to the Village Board, prior to Village Board action. All gifts or donations of real property that are intended to be used for park purposes shall be reviewed by the Parks Committee in addition to the Plan Commission, for recommendation to the Village Board, prior to Village Board action.

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

5.4.1 The Village Administrator and/or department heads, upon approval of the Village Administrator, are 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 \$5,000 or less, and the donation is made without condition or restriction, and such items are typical for use in a Village department. All other donations shall be referred to the Village Board for the Village Board's possible approval.

5.4.2 The Director of Public Works, upon approval of the Village Administrator, is hereby authorized to accept donations of typical park amenities such as benches, replacement playground equipment and sports facilities, gifts of trees and other similar items.

5.4.3 For other gifts and donations including, but not limited to, substantial gifts such as public art, memorials, tributes, and public improvement projects, the recipient department shall assist the donor in completing a donation agreement form and forward the completed form to the Village Administrator for review and recommendation to any appropriate boards or commissions and to the Village Board, and the Village Board shall

make the decision of whether to accept the donation. The Village Administrator, Boards/Commissions and Village Board shall consider all of the circumstances surrounding the proposed gift including the criteria as enumerated within this policy and as may be applicable to the proposed donation. If the donation is approved and if appropriate, the Village Treasurer may establish a new fund or project within a fund for the donation.

## 5.5 Criteria for Evaluating Gifts and Donations

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

5.5.1 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.

5.5.1.1 Consistency with the mission and policies governing the Village of Prairie du Sac and/or the particular department or division

5.5.1.2 Whether the proposed donation/gift provides improvements to an area of the Village which may be deficient in public amenities

5.5.1.3 Whether the proposed donation/gift promotes the preservation of historical and cultural aspects of the community

5.5.1.4 Whether the proposed gift/donation has an educational component

5.5.1.5 Whether the proposed gift/donation helps to promote conservation, preservation and protection of the natural environment

- 5.5.1.6 Whether the proposed donation helps to promote preservation of natural areas and green space where such preservation is suitable, is contemplated by plans, or is otherwise desirable
- 5.5.1.7 Whether the proposed gift/donation is suitable for the purpose proposed
- 5.5.1.8 Whether the proposed gift/donation is compatible with the proposed location, if one has been identified, and other users of the public space
- 5.5.1.9 Whether the proposed gift/donation contributes to, or detracts from, the aesthetic qualities of the surrounding area and other improvements
- 5.5.1.10 Whether the proposed gift/donation quality, scale and character is harmonious with the surrounding public or park setting
- 5.5.1.11 Whether the proposed gift/donation replaces aging, outdated or unsafe infrastructure or reuses, rehabilitates or restores an existing park or municipal feature
- 5.5.1.12 Financial implications to the Village based on 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
- 5.5.1.13 Provision by the donor for ongoing maintenance and cost of relocation and removal, if necessary
- 5.5.1.14 Susceptibility of the gift/donation to wear and vandalism
- 5.5.1.15 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
- 5.5.1.16 Whether the proposed gift/donation complies with all applicable codes, regulations and law; including building codes and Americans with Disabilities Act, requirements, and related laws

- 5.5.1.17 Whether the proposed gift/donation is restricted in any manner and the impact of those restrictions or contingencies

## 5.6 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.

- 5.6.1 Quality of the work based upon a professional assessment of the work, detailed written proposal, drawing or photographs
- 5.6.2 Suitability of the theme of artwork to a public venue
- 5.6.3 Appropriateness of the artwork to the site, in the case where a particular site has been requested or identified
- 5.6.4 Appropriateness of the process for selecting the artist or artwork
- 5.6.5 Qualifications of the artist based on documentation of past work and the artist's professional qualifications

## 5.7 Memorials/Tributes/Naming

The Village respects the desire of individuals to commemorate special events or the lives of loved ones, living and deceased. The Village 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 Village shall consider the following criteria, as may be appropriate to the particular donation, in addition to those criteria identified above.

- 5.7.1 Whether the proposed donation represents a person or event deemed significant to the Village of Prairie du Sac's history; names of individuals who have made a significant contribution directly and locally to the Village shall be preferred over the names of national figures.

- 5.7.2 Whether any increased use of the park or public area resulting from the placement of the memorial tribute is appropriate to the surrounding context and uses.
- 5.7.3 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.
- 5.7.4 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.

5.8 Donor Recognition Objects

The Village of Prairie du Sac appreciates the desire of some donors to be recognized either personally or on behalf of another for their generous donations. 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 for approval. In general, it is the policy of the Village to limit donor recognition objects to plaques or other recognition objects which are small in scale, which 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 Village Administrator and department heads are hereby authorized to approve donor recognition objects which are proposed in accordance with this policy.

5.9 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 laws. The donor shall 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 Village.

- 5.9.1 Proof of compliance with the Village's insurance requirements for contractors will be required before work may commence on any public improvement project.

5.9.2 Improvements made in a public place become the property of the Village of Prairie du Sac and are subject to the laws, policies, and procedures of the Village.

5.10 Sale and/or Removal of Donations and Recognitions

The Village shall not be obligated to replace any gift/donation or improvement if it is lost, stolen, damaged or worn. The Village also reserves the right to sell, lease, remove, or otherwise dispose of any donation, donation recognition object, monument, memorial, park amenity, public art, public improvement project, tribute, or other item or recognition for any reason if deemed in the Village's interest to do so; which may include but not be limited to safety reasons, deterioration caused by age, neglect or vandalism, and/or the Village's inability to finance ongoing maintenance or repairs.

5.11 Acknowledgements and Anonymity

All donations for which the donor does not request anonymity shall be acknowledged by the Village Administrator, Village Treasurer or appropriate department head with a letter of appreciation. 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 Village of Prairie du Sac is a municipal entity and subject to the provisions of Wisconsin Public Records Laws, the Village 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.

5.12 Appraisals

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

5.13 Waiver of Terms of this Policy

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

5.14 Tax liability

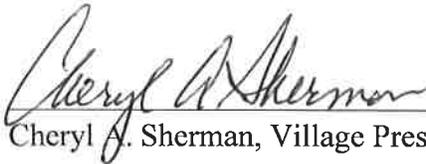
It is the responsibility of the donor to assign a monetary value to the gift for tax purposes. Information provided by the Village, its officials, employees or agents in connection with gifts/donations is intended to be informational only and is not intended to be a substitute for professional financial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

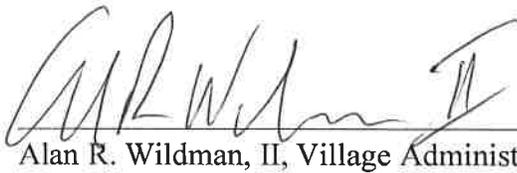
5.15 Reports to the Village Board

As gifts and donations are received, the Village Treasurer will provide a report to the Village Board of the gifts and donations to the Village, including the details of all gifts/donations with an individual value greater than \$5,000. In August of each year, the Village Treasurer will provide a report to the Village Board of the gifts and donations to the Village during the previous twelve months with an individual value greater than \$5,000.

This policy shall be in full force and effect upon its passage by the Board of Trustees of the Village of Prairie du Sac.

Approved and adopted this 22<sup>nd</sup> of May, 2018.

  
Cheryl A. Sherman, Village President

  
Alan R. Wildman, II, Village Administrator