

## PARKS, FACILITIES, AND RECREATION PROGRAM DONATIONS

### *Purpose*

The City Council recognizes the need to promote community involvement and active participation in quality of life components throughout the community, and the need to establish a fair, equitable, and uniform procedure ~~for~~ by which gifts may be donated to the City. This policy establishes criteria for donations to assure area compatibility, attractiveness, usefulness, and ~~the capability~~ sustainability ~~to be maintained~~ of maintenance. Each donation considered for inclusion in the City's parks ~~public improvement~~ and streets system will be subject to established limitations and guidelines for ~~the~~ each particular area.

### *Policy*

#### A. Acceptance of ~~d~~Donations ~~of cash or tangible items~~

1. Based on the value of the donation, appropriate City staff will review the acceptability of any donation and determine if the benefits to be derived warrant acceptance of the donation.
2. Criteria for evaluation includes consideration of any ~~immediate or~~ initial expenditure required in order to accept the donation, the potential and extent of the City's obligation to maintain the donation for a minimum ~~maximum~~ of 10 years, and the community benefit to be derived from the donation. After 10 years, or at the end of the donated item's useful life, the donated item may be removed or replaced by the City.
3. The cost of a tangible donation shall also include a ~~10%~~ maintenance fee equal to 50% of the estimated 10-year maintenance cost of the donated item, paid for in full by the donor at the time of the donation, and at renewal if the donor elects to renew the donation as part of the first right of refusal process, per section G. This maintenance fee is in addition ~~to any other fees or charges.~~ the cost and installation of the donated item.

#### B. Types of Donations

Donations may only be received in the form of ~~cash, real, or personal property~~ a check. Restricted donations are those donations that the donor specifies for a particular City location or purpose. Unrestricted donations are those donations that are given to the City for unspecified use.

## 1. ~~Cash Gifts~~

- a. ~~Donation of cash or items valued at or below the amount set in City Council Policy F-3 may be accepted by the City Manager. However, any donation considered a park facility improvement that would result in an installation of a permanent fixture in the parks must be in compliance with subsection 4 of this policy, *Park, Public Improvement, and Street Amenities*.~~
- b. ~~Donations above the amount set in City Council Policy F-3 for the City Manager may be accepted by the Parks, Beaches and Recreation Commission.~~
- c. ~~Gifts of funds may be designated for restricted or unrestricted use. Gifts of cash or items that have a restriction must first be approved by the City Council. Gifts of funds designated for unrestricted use shall be programed and spent on City parks as determined by the City.~~
- d. ~~Gifts of funds accepted by the City imply no other obligation besides using donated funds for the specified purpose.~~

## 2.1. ~~Trees~~

~~Tree d~~Donations for trees add beauty to City parks and facilities. ~~Trees~~ Donations for trees may be ~~donated~~ used to install a tree or trees ~~and installed~~ at parks ~~and parkway locations~~ recommended by the Deputy Public Works ~~Municipal Operations~~ Director, Municipal Operations and approved by the Parks, Beaches and Recreation Commission. ~~The~~ Depending on availability, the minimum ~~size~~ cost of tree donations must be ~~36~~ equal to the price of a 48" boxed ~~containers~~ container plus maintenance costs, unless waived by the Commission. Tree donations are limited to specific species ~~listed on the Parkway Tree Designation List and/or matching~~ that match the landscape in park locations.

## 3.2. ~~Benches~~

~~Bench d~~Donations for a bench will be used to ~~may be donated and~~ installed a bench in different areas ~~of placement~~ including parks, streets, along the beachfront, within villages, commercial districts, neighborhoods, on a specific island, etc. The Parks, Beaches, and Recreation Commission, with

the assistance of Public Works Department ~~Municipal Operations~~ staff, shall designate the type, style, design, and placement of City-owned benches on City property.

- a. An inventory of designated benches and available bench locations will be maintained ~~in~~ by the City ~~Donation Catalog~~.
- b. Donation requests must be submitted to the Public Works - Municipal Operations ~~Department~~ Division and meet the following requirements:
  - i. Bench donations along a city street, beachfront or other public right of way will require the approval of the Deputy Public Works Director. ~~Municipal Operations Director~~.
  - ii. ~~Bench~~ Donations for a bench within a commercial district will require notification of, and an endorsement from, the local business association, if applicable.
  - iii. ~~Bench~~ Donations for a bench to be located at a park or facility for parks and facilities within a residential community will require notification of residents and any established homeowners association or common interest development, when applicable, within 300 feet of the proposed location for placement.
  - iv. Donations for four types of benches, and any exception to the following, must be approved by the Parks, Beaches and Recreation Commission. Donors can choose from the following:
    1. Santa Monica Style - Standard Park Bench with concrete legs and composite bench seat slats;
    2. Huntington Beach Style - Standard Concrete Park Bench;
    3. Victoria Style - Backless Standard Concrete Park Bench; or
    4. Infinity Style - Standard Park Bench with metal legs and composite bench slats. Comes in standard or backless.

#### 43. Park, Public Improvement, and Street Amenities

Donations for ~~Other~~ amenities such as drinking fountains, tables, and other equipment that will improve public places in parks, in and/or around public buildings, streets, walkways, and trails may be ~~donated~~ offered to the City.

- a. Donations for ~~Other~~ amenities ~~that may be donated~~ will be identified and approved ~~in the City by City Staff~~ Donation Catalog.
- b. Donation of funds for public amenities valued at or below the amount set forth in City Council Policy F-3 may be accepted by the City Manager.
- c. Donation of funds for public amenities valued at the amount set forth in City Council Policy F-3, and above, ~~may be accepted or declined by the Parks, Beaches and Recreation Commission~~ requires City Council approval.
- d. Donations of funds for public amenities to be installed on public sidewalks shall meet the criteria described in Policy L-~~15-6~~ Encroachments ~~on-in~~ Public Sidewalks-Rights-of-Way and be approved by the Public Works Director, ~~and Municipal Operations Director~~.

#### C. Naming Rights

Donors may receive naming rights on capital improvement projects for which any donation matches or exceeds 75% of the total budgeted cost for the area benefiting from the donation. All such donations will be submitted to the City Council for acceptance of the donation and the name to be applied to the project in keeping with City Council Policy B-9 – *Naming of City Parks & Facilities*.

#### D. Sponsorships

Special Events are recognized as fundraising activities. Where donations or sponsorship of a special event will require some form of recognition, and, in order to provide recreational opportunities, corporate or organizational sponsors may be recognized by use of logos and name on event banners and signage. Signs and literature at all such special events ~~would be~~ is at the discretion of the appropriate Department Director. The size, scale and location of corporate logos and names should not dominate the event facilities or area. Corporate logos and/or names

should not be displayed in a manner that would, in any way, suggest ~~the~~ endorsement of the Department or the City. All signs must comply with the City's existing sign code and Council Policies B-3 and B-8.

E. Right to Decline

The City of Newport Beach reserves the right to decline any donation if, upon review, acceptance of the donation is determined to ~~be not~~ be in the best interest of the City.

F. Special Privileges

Making a donation or co-sponsoring a special event does not entitle a sponsor/donor to any special privileges other than those stated in this policy such as recognition, ~~plaques~~ or displays at events, unless otherwise agreed upon and approved by the Department Director or the City Council when appropriate.

G. ~~Reserved~~ Timeliness

All donations are limited to a period of 10 years or until the end of the useful life of the item. After 10 years, or the end of the useful life of the item, whichever comes first, reasonable effort will be made to contact the original donor (City will attempt to make contact for no more than 30 days if donor is unable to be reached) for a right of first refusal to keep the donation in their name. If denied, or the donor is unable to be reached, the location may become available for a new donation.

H. Acknowledgements

1. Letter of acceptance of donation will be sent to the donor.
2. In some cases, recognition of donations may be given at Commission or Council Meetings.
3. A donor will receive a certificate of acknowledgement for the donation and their name will be placed on the GIS Donation map, with coordinates of the location of their donation.
4. Donations are not eligible for donation plaques, however the donor will be provided with a certificate acknowledging the donation and the location of the donated item.

~~3. — Plaques are reserved for donations meeting the following criteria:~~

- ~~a. Donors providing donations valued at \$15,000 to less than \$410,000 may elect to provide a dedicatory plaque not exceeding 2" x 6" with a name designated by the donor preceded by one of the following: "Donated by" or, "Donated for.", "In recognition of", "In Loving Memory" or "In Memory of". Trees are not eligible for donation plaques.~~
- ~~b. Donors providing donations valued at \$410,000 or greater may elect to provide a dedicatory plaque not exceeding 5"x7" with name, date and dedication wording not exceeding 25 words. Plaque content must be approved by the Parks, Beaches & Recreation Commission. Trees are not eligible for donation plaques.~~
- ~~c. Donors providing donations valued at least \$1,000 that recognize individuals or organizations that have provided distinguished long term and/or significant service to the City may include a dedicatory plaque not exceeding 5"x7" with name, date and dedication wording not exceeding 25 words. Individuals can include City employees with 25 or more years of distinguished service, as determined by the PB&R Commission.~~
- ~~d. Plaques are at the expense of the donor and, the City will assume ownership and maintenance of both the donated item and plaque however, the City does not assume replacement costs due to vandalism or theft. Plaques will remain on a donated item during its useful life, or up to 10 yearsrs. If the donated item becomes unusable or unsightly within the 10-year period due to natural causes, the City does not assume responsibility to keep and/or maintain the item. The City reserves the right, without permission of the donor, to remove and/or relocate the donated item. for any reason. The year of the donation will be included on all plaques.~~
- ~~e. Plaque information will be entered on the Gift Donation Catalog application form and ordered by the City.~~

### *History*

Adopted I-15 - 7-22-1991 ("Park Improvement Donation")

Amended I-15 - 1-24-1994 (changed to G-5)

Amended G-5 - 6-27-1994

Amended G-5 - 6-24-1996

Adopted B-17 - 5-9-2006 ("Park, Facilities, & Recreation Donations", incorporation G-5)

Amended B-17 - 2-24-2009

Amended B-17 - 6-26-2012  
Amended B-17 - 8-8-2017  
Amended B-17 - 9-10-2019