

**CITY OF MONROE
RESOLUTION NO. 015/2019(B)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONROE, WASHINGTON, ADOPTING THE CITY OF
MONROE DONATION ACCEPTANCE POLICY AND
AMENDING THE CITY OF MONROE PUBLIC ART POLICY

WHEREAS, the City does not have a formal process for acceptance and documentation of donations made to the City of Monroe; and

WHEREAS, the City's Public Art Policy, adopted March 15, 2016, does not have a formal process to make memorial public art considerations; and

WHEREAS, the Monroe City Council desires development of a donation acceptance policy and amending the City's Public Art Policy to include a section for Memorial Public Art Considerations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Adoption of the City of Monroe Donation Acceptance Policy.
The City of Monroe Donation Acceptance Policy is adopted in its entirety and attached as Exhibit A.

Section 2. Amendment of the City of Monroe Public Art Policy.
The City of Monroe Public Art Policy is amended in its entirety and attached as Exhibit B.

Section 2. Effective Date. The City of Monroe Donation Acceptance Policy and amended Public Art Policy will be effective July 23, 2019.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 23rd day of July, 2019.

Approved: July 23, 2019
Effective: July 23, 2019

CITY OF MONROE, WASHINGTON

(SEAL)



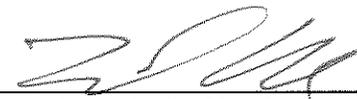
Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney

EXHIBIT A



City of Monroe
Donation Acceptance Policy
Adopted July 23, 2019

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1.0 PURPOSE:

- 1.1** The purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City of Monroe. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapters 2.52 MMC, Code of Ethics, and 3.40 MMC, Donations of Property to City. All donations are subject to be included in the City's asset inventory listing as applicable.

2.0 TYPES OF DONATIONS:

- 2.1** Donations may be offered in the form of cash, real or personal property. Designated donations mean those that the donor specifies for a particular City department, location, or purpose. An undesignated donation means those donations that are given to the City for an unspecified use.

3.0 CONSISTENCY WITH CITY INTERESTS

- 3.1** Designated donations may only be accepted when they have a purpose consistent with the City's long range strategic plans, goals and objectives, comprehensive planning documents, municipal code, policies and are in the best interest of Monroe. The City must always consider the public trust and comply with all applicable laws when accepting donations.

4.0 ACCEPTANCE OF UNDESIGNATED DONATIONS OF CASH OR TANGIBLE ITEMS

- 4.1** All donations to the City, including art as defined in the City's Public Art Policy, shall immediately be submitted for consideration for acceptance. Based on the value of the donation offered as outlined below, appropriate City staff shall review every donation and determine if the benefits to be derived warrant the acceptance of the donation. A subject matter expert shall estimate the value of any nonmonetary donation not supported by a bona fide appraisal for purposes of compliance with this section. (MMC 3.40) The following points list the threshold amounts for donation acceptance:
- 1.** All monetary and nonmonetary donations with a current value of up to five thousand dollars may be approved and accepted for the City by the Mayor.
 - 2.** All donations with a value greater than five thousand dollars must be approved by the City Council before acceptance.
 - 3.** Offers of donations of cash or items valued more than five thousand dollars must be approved by the City Council before acceptance (MMC 3.40.030). A subject matter expert shall estimate the value of any non-monetary donation not supported by a bona fide appraisal.

5.0 ACCEPTANCE OF DESIGNATED DONATIONS OF CASH OR TANGIBLE ITEMS

5.1 Based on the value of the donation offer as outlined in Section 4 above, appropriate City staff or Council will review the conditions of any designated donation and determine if the benefits to be derived warrant acceptance of the donation. Requirements for accepting donations or gifts:

1. The donation or gift shall have a purpose consistent with City Interests as stated above in Section 3.
2. The City may decline any donation or gift without comment or cause.
3. The donation or gift will not be in conflict with any provision of the law.
4. Any non-cash donation or gift will be aesthetically acceptable to the City.
5. If acceptance of the donation or gift would likely necessitate the expenditure of additional monetary and/or personnel resources by the City, the City may in its discretion: (i) decline the donation or gift, or (ii) condition the City's acceptance of the donation or gift upon the donor's agreement to fund or otherwise provide such resources.
6. The donation or gift places no restrictions on the City, unless agreed to by the Council.
7. All donations or gifts will receive recognition appropriate to the level and nature of the donation, as determined by the City. For those of a capital nature, that may be in the form of signage, marking, naming, or any other means the City should deem appropriate by an executed agreement. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community.

6.0 ACCEPTANCE OF MEMORIAL TREE AND BENCH DONATIONS

6.1 The purpose of this section is to establish guidelines for a consistent decision-making process related to the acceptance, placement and long-term maintenance of public requests for memorial tree and bench donations in City-owned facilities, parks, natural areas and trail system.

Memorial Public Art considerations shall be subject to requirements of both this Policy and the City's Public Art Policy.

6.2 The City may limit memorials in order to promote resource management and sustainability of natural landscapes. The integrity, natural and architectural features of parks, natural areas and facilities will be preserved and not detract from a user's experience. Final decision on placement of memorials will be made by the Department receiving the donation. Memorials with a commercial appearance or corporate label will not be allowed.

- 6.3** All proposed donations will be evaluated by the Department Head according to the following criteria:
1. Placement of enhancements must be compatible with existing development plans.
 2. Final decision as to location of donated item will be determined by the receiving Department.
 3. Memorials shall not detract from or overpower the scenic or architectural values of the existing environment.
 4. All memorials will be constructed of materials that meet the design and maintenance considerations of the Department.
 5. Large scale memorial donations may be considered on a case-by-case basis as they relate to park planning and other city approval processes, including, but not limited to an executed agreement.

- 6.4** Application/Donation Procedure will be as follows:
1. Donor talks/meets Department Head to share ideas for memorial donations.
 2. Donor makes a proposal in writing to Department requesting acceptance of proposal.
 3. City Administrator and Department staff will review and determine the appropriateness of the proposal as measured by the approval criteria.
 4. Department staff will notify the donor within twenty business days of the review decision, identifying any final conditions of approval. Conditions will include information on where donor can purchase and deliver agreed upon donated items and also any additional installation or equipment charges that may be applicable.
 5. With a positive review decision, Department staff will finalize and execute an Agreement for Services.
 6. Donor is responsible for the purchase or memorial benches or trees.
 7. Donor will remit any applicable additional payments to the City to cover the cost of installation and materials.

6.5 Improvements made in a public space become the property of the public and will be maintained accordingly by the Department. Neither the City, nor the Department, can offer any guarantee or obligation, legal or otherwise, to maintain or replace signs, plaques, materials, equipment, structures, or other donated resources that are vandalized, lost, stolen or otherwise damaged or destroyed. The City does not guarantee permanency of any memorial.

6.6 Written approval must be received before order and installation of the memorial may proceed. The City will install the item and provide maintenance for a period of five years. Once installed the memorial becomes the property of the City of Monroe.

7.0 ACKNOWLEDGEMENT OF DONATIONS

7.1 A Donation Acceptance Form is required to be completed by the receiving Department Head or the City Administrator and/or City Finance Officer for all donations provided to the City.

7.2 Acknowledgement of the donation should be in writing and be the responsibility of the Department Head who is the beneficiary of the donation. Undesignated donations shall be acknowledged by the City Administrator and/or City Finance Officer. A copy of the acknowledgement agreement shall be provided to the donors.

7.3 The Donor Acceptance Form including the donor names and donations amounts are public information subject to disclosure pursuant to the Revised Code of Washington (RCW) 42.56, Public Records Act.

8.0 DECLINED DONATIONS

8.1 The City of Monroe reserves the right to decline any donation if, upon review, acceptance of the donation offer is determined in the sole discretion of the City to not be in the best interests of the City. A declined donation may be one that would violate the requirements of Section 5.

1. Appeal Procedure.

a. The donor shall have the right to appeal a declined donation.

b. Written Notice of Appeal. A written notice of appeal shall be filed within five days after the mailing or personal delivery of a notice of a declined donation. This appeal shall set the grounds for the appeal.

c. Appeal to Mayor or Designee. The Mayor or his designee shall hear the donor or a designated representative, receive any relevant information and documents, and act on the appeal within five business days. The decision of the mayor or designee is appealable to the City Council if there is sufficient time to be placed on the agenda for the next regular meeting.

d. If Sufficient Time for Council Appeal. If there is sufficient time for a timely appeal to be heard by the City Council, on a decision made by the Mayor or designee, the donor may, at their option, request that the matter be scheduled before the City Council. The decision of the City Council is final and is not subject to further challenge.

9.0 DISTRIBUTION OF DONATIONS

7.1 Tangible items will be distributed to appropriate City departments for use or, at the discretion of the Department Head or City Administrator, disposed of in an appropriate manner according to this policy.

7.2 Donations of cash for designated donations will be deposited into the appropriate revenue account for the designated City department.

10.0 DISSEMINATION OF INFORMATION

- 10.1** A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the Finance Department and the designated department for which the donation was assigned.
- 10.2** Each original Donation Acceptance Form shall be maintained by the City Finance Officer.
- 10.3** A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the City Council by the City Administrator and/or City Finance Officer.

EXHIBIT B

CITY OF MONROE

POLICY SUBJECT: Public Art

REFERENCE NUMBER:

EFFECTIVE DATE: (~~March 15, 2016~~)July 23, 2019

APPROVED:

_____ Mayor _____ City Administrator

SUBMITTED TO COUNCIL:

_____ N/A X Yes Date: (~~March 15, 2016~~)July 23, 2019

1.0 PURPOSE:

- 1.1 The City of Monroe views public art as integral to the Monroe community's fabric by improving quality of life, enhancing community identity, strengthening economic development and tourism, and enriching the spirit and pride of its citizens. To this end, the City may periodically acquire, fund or otherwise commission the creation of certain works of art for installation and display on designated areas that are owned or controlled by the City. The purpose of this policy is to establish the standards and procedures that will inform the selection of such public art and its location. **All acquired art are subject to be added to the City's asset inventory listing as applicable.**
- 1.2 This policy only addresses the selection of public art that that is acquired, funded or otherwise commissioned by the City. This policy does not address or otherwise purport to regulate the display of art by members of the public in places and/or in the manner otherwise allowed under applicable federal, state and local law. Without prejudice to the foregoing, nothing in this policy is intended to create a public forum for the purpose of expression.
- 1.3 The City may periodically designate one or more areas of public property for temporary artistic displays, including without limitation art shows, contests similar events. The standards and procedures governing such temporary displays shall be established by separate policy and are not set forth herein.

2.0 KEY TERMS

- 2.1 **"Public Art"** means: (i) any visual work of art; (ii) that is lawfully displayed on a permanent or semi-permanent basis in an area owned or controlled by the City, including without limitation on the exterior of any City-owned facility, inside any City-owned facility, or on other property that is leased or otherwise controlled by the City; and (iii) that is acquired, funded or otherwise commissioned, in whole or in part, by the City.
- 2.2 **"Work of art"** includes, but is not limited to, the art forms of: sculpture, monument, mural, fresco, relief, fountain, banner, benches, architectural furniture, and performance art facilities. Work of art includes, but is not limited to, the art mediums of: weaving, carving, painting, assemblage, collage, welding, casting, and sculpting.
- 2.3 **"Selection Committee"** is a body composed of City staff and invited representatives from local organizations such as: the Monroe Park Board, Monroe Planning Commission, Monroe Arts Council, Monroe Chamber of Commerce, and Downtown Monroe Association, as appointed by the Mayor.

3.0 PUBLIC ART GOALS

- A. To curate a diverse public art collection.
- B. To facilitate exposure to public art.
- C. To use public art to reflect the characteristics of the greater Monroe community.

4.0 SELECTION CRITERIA

Proposed public art acquisitions will be evaluated on the following criteria:

4.1 **Work shall exhibit artistic quality and craftsmanship.**

Does the proposed artwork have a strong aesthetic merit? Criteria for aesthetic quality should include:

- A. Durability and craftsmanship in fabrication;
- B. Relationship of artwork to other works in the City's public art collection as a whole;
- C. Appropriateness of artwork scale to the proposed site;
- D. Appropriateness of artwork to other aspects of its surroundings; and
- E. Artist's credentials and recognition.

4.2 **Work shall be original.**

4.3 **Works that incorporate and/or reflect Monroe's natural geographical features, rich history and cultural diversity shall be encouraged (*media, subject matter, size, etc.*).**

4.4 **Works shall not include nudity, pornography, obscenity, profanity or overtly partisan and/or political advocacy.**

4.5 **Work shall be suitable size and media for the recommended site.**

4.6 **Budget and Contractual Information.**

- A. Projected costs must be accurate and realistic as demonstrated by artist/fabricator and/or installer estimates.
- B. If the site present special obstacles (e.g. poor drainage, steep slope) have these obstacles been adequately addressed?

4.7 **Vandalism and Safety.**

In considering the type, size and location of proposed works of art, any relevant concerns regarding potential vandalism and public safety issues shall be taken into account.

- A. Description of potential safety hazards and how they have been addressed.
- B. Describe elements of the artwork that might the work be prone to vandalism and how this potential for vandalism has been addressed.
- C. Describe how specific issue of graffiti vandalism has been addressed.

4.8 Durability - Routine and Long-Term Maintenance.

- A. Estimated accounting of on-going maintenance requirements and cost.
- B. Dimensions.
- C. Materials.
- D. Colors.
- E. Power, plumbing or other utility requirements.
- F. Construction/installation method.
- G. Fabricator is qualified to install the work and carries adequate insurance to meet city standards.

4.9 Timeline

Can the proposal/ artist meet the timeline established?

5.0 AQUISITION, MEMORIAL PUBLIC ART CONSIDERATIONS, RELOCATION AND DEACCESSION PROCEDURES

5.1 Acquisition

5.1.1 Call for Art

A. Eligibility:

Whenever the City desires to commission the creation of a work of art, the City shall develop and issue a call specifying the general parameters of the proposal.

B. Selected Location for Public Art Display:

City shall select public locations for public art display subject to space availability, applicable regulations and policies, and prioritization of public uses. The City Council shall make the final determination regarding the specific location for the installation of public art.

C. Specifications:

1. City shall select a suitable scale for dimensions and artistic quality of public art.
2. Each work of art must require minimum maintenance and be able to withstand the effects of weather, be as resistant as possible to vandalism, able to withstand possible pedestrian contact, and not impede either walking or driving traffic.
3. It is the artist's responsibility to deliver the work of art at the specified site by the established deadline.
4. The City of Monroe reserves the right to reject any work of art that, when completed, differs from the original proposal, or does not meet standards of durability, safety, and quality.
5. Installation/Anchoring specifications to be determined by the City of Monroe for installation of the selected sculpture.

D. Purchase Amount:

To be determined on a case-specific basis through dedicated budgeting funding actions taken by the City Council.

E. Selection Process:

City shall develop a case-specific selection process utilizing selection criteria described in Section 4 of this policy.

5.1.2 Unsolicited Donation

A. All accepted donated works become part of the City art collection and, as such, may be relocated at the City's discretion unless otherwise specified by contract.

B. Unrestricted monetary donations to help fund public art acquisitions may be accepted by the City at any time. Donations with conditions or restrictions, such as use for acquisition of a specific artwork or theme, will be reviewed and accepted in accordance with this policy and any other applicable regulations, and shall be declined if the conditions or restrictions are not approved.

C. For a work proposed for loan to the City and/or temporary display, the owner or owner's representative will be required to enter into an Art Display Agreement, in a form approved by the City Attorney, setting forth the length of the loan and other terms such as location, maintenance requirements, insurance, value of art work, installation and removal responsibility, and other conditions pertinent to the agreement.

D. Donated or loaned/temporary art work will include identifying plaques if accepted by the City at the sole cost of the donor.

E. If applicable, loaned artwork may be subsequently purchased by the City if there is sufficient public support to acquire it via public fundraising or City Council action.

F. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapter 3.40 MMC.

5.1.3 Memorial Public Art Considerations

A. Donation of memorial artwork can honor the memory of an event (contemporary or historical), an occasion, an outstanding member of the community, or serve a similar purpose.

B. Proposed commissioned memorial art shall not ordinarily honor a living person, unless that person has made a significant and

outstanding contribution to the arts, sports, sciences or civic service. A waiting period of at least one year should elapse from the time of (1) the initial nomination of the living individual, (2) the passing away of the deceased individual(s) or, (3) the occurrence of the event in order to be eligible for consideration as a commissioned memorial public art work.

- C. Proposed memorial public art shall be reviewed by a Selection Committee with recommendation to the City Council. The Selection Committee will work with the donor and relevant City Departments to recommend an appropriate site for the work. For proposed memorial public art to be sited in a park, a recommendation from the Monroe Park Board will also be requested. The recommendation may endorse one of the proponent's proposed ideas or may recommend a different design approach or public art location.
- D. Memorials accepted by the City become a part of the City art collection and, as such, may be relocated.
- E. Proposed memorial public art will be evaluated on the following criteria:
1. The fit of the art work with the overall character of public art already on display throughout the City.
 2. It's consistency with City interests as defined in Section 3 of City's Donation Acceptance Policy.
 3. The timeless qualities of the art work, including its significance and appeal to future generations. Memorial proposals honoring individuals or a personal event should be represented in a form that has a broader community interest and moves the viewer to a special experience. Examples include community parks, landscaped gardens and plazas, sculpture and art works, plaques about history or the environment, poetry, fountains, park benches, and site furnishings.
 4. The art work's success in expressing the spirit of the person(s) or event to be commemorated.
 5. Memorial artwork should not set a precedent that goes against the criteria outlined above. Artwork should be congruent with the existing collection, its immediate environment and site specific existing artwork.
 6. The artistic merit of the art work.
 7. The proposed location of the art work. The location should be an appropriate setting for the memorial and should not interfere with existing and proposed circulation and use patterns. It is recognized that a particular location may reach a saturation point and it would then be appropriate to consider

limitations or a moratorium on future memorial installations at that location or area.

- 8. The fit in terms of the size, scale, material, form and style for the area in which it is to be placed.**
- 9. Condition, durability, installation, and maintenance requirements of the art work.**

5.2 Relocation

The purpose of this section is to provide procedures for the relocation of City owned or loaned art work.

The City may relocate any public art work((-upen)) if one or more of the following criteria are satisfied:

- A.** The condition or security of the art work cannot be reasonably guaranteed in its present location.
- B.** The art work presents a public safety risk in its present location.
- C.** Significant changes in the use, character or actual design of the site require a re-evaluation of the art work's relationship to the site.
- D.** A more suitable location for the artwork has been identified by the City **that may include other civic organization sites within the City by written agreement between the City and civic organization.**
- E.** The site is needed, in the City's sole discretion, for different public use.
- F. The art work no longer meets the mission and goals of the Public Art Policy.**

5.3 Deaccession

To provide procedures for the deaccession of City owned art work.

- A.** Review of any restriction which may apply to the specific work.
- B.** Assessment of options for storage or disposition of art work, which may include sale, trade, return to the artist, or gift.
- C.** Analysis of reasons for deaccessioning and recommendation to City Council for the final decision.

6.0 Modification; Third-Party Rights.

The City may modify, supplement and/or repeal this policy at any time in the City's sole discretion. This policy is for the exclusive use and convenience of the City. Nothing herein shall be construed as vesting any enforceable rights in or for any other parties.

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