



CITY OF GILROY ARTS AND CULTURE COMMISSION REGULAR MEETING AGENDA



TUESDAY, OCTOBER 10, 2023 | 6:30 PM

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA 95020

Chair: Melanie Reynisson

Vice Chair: Ruben Dario Villa

Commissioners: Camille McCormack, Adilene Moreno, Alexandra Perdew, & Sandra Ramirez

Staff Liaison: Bryce Atkins, Assistant to the City Administrator



In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at least 72 hours prior to the meeting at (408) 846-0204 or cityclerk@cityofgilroy.org to help ensure that reasonable arrangements can be made.



Materials related to an item on this agenda submitted to the City of Gilroy Arts and Culture Commission after distribution of the agenda packet are available with the agenda packet on the City website at www.cityofgilroy.org subject to Staff's ability to post the documents before the meeting

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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PUBLIC COMMENT GUIDELINES:

During the **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** portion of the meeting, each person wishing to speak should prepare a presentation of not more than three (3) minutes. Persons wishing to address the Commission are requested, but not required, to complete a Speaker's Card located at the entrances. Completion of this speaker's card is voluntary. All persons may attend this meeting and speak, regardless if a card is completed or not. Speaker's slips should be submitted to the Secretary **BEFORE** this portion of the meeting begins. Anyone wishing to address the Commission on any other item on this **AGENDA** is requested, but not required, to fill out a speaker's slip as well and submit it to the Secretary **BEFORE** the Commission takes action on the item.

The agenda for this regular meeting is as follows:

1. CALL TO ORDER

2. **ROLL CALL**
3. **SECRETARY'S REPORT**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF MINUTES**
 - 5.1. **Minutes of the September 12, 2023 regular meeting of the Arts and Culture Commission**
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
7. **FUTURE AGENDA ITEMS**
8. **OLD BUSINESS**
 - 8.1. **Commission Work Plan Update**
 1. Staff Report: Bryce Atkins, Assistant to the City Administrator
 2. Public Comment
 3. Possible Action:

Commissioners and sub-committees update the Commission on plans and progress of work plan items.
9. **NEW BUSINESS**
 - 9.1. **Potential Donation and Fundraising Policy**
 1. Staff Report: Bryce Atkins, Assistant to the City Administrator
 2. Public Comment
 3. Possible Action:

Commission discussion and recommendations regarding the draft policy.
10. **COMMISSION COMMENTS**
11. **STAFF COMMENTS**
 - 11.1. **Commissioner E-mail Access Instructions**
12. **ADJOURNMENT**

FUTURE MEETING DATES

Tuesday, November 14, 2023 – 6:30 PM – City Council Chambers

Tuesday, December 12, 2023 – 6:30 PM – City Council Chambers

Tuesday, January 9, 2024 – 6:30 PM – City Council Chambers

City of Gilroy
Arts and Culture Regular Meeting Minutes
Tuesday, September 12, 2023 | 6:30 PM

1. CALL TO ORDER

The meeting was called to order at 6:36 PM.

2. ROLL CALL

Attendance

Attendee Name

Melanie Reynisson, Chair

Ruben Dario Villa, Vice Chair

Camille McCormack, Commissioner

Adilene Moreno, Commissioner

Alexandra Perdew, Commissioner (arrived at 6:50 PM)

Sandra Ramirez, Commissioner (arrived at 6:40 PM)

3. APPROVAL OF AGENDA

A motion to approve the agenda was made by Vice Chair Villa, seconded by Commissioner McCormack; unanimously approved.

4. SECRETARY'S REPORT

The agenda was posted on the bulletin board and online at 2:57 PM on September 8, 2023.

5. FUTURE AGENDA ITEMS

None.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Sharon Goei with the Leadership Gilroy Class of 2023 presented to the Commission information on the Art Showcase to be held on September 16, 2023.

7. APPROVAL OF MINUTES

7.1. Minutes of the August 8, 2023 Regular Meeting

A motion to adopt the minutes was made by Vice Chair Villa, seconded by Commissioner Moreno; unanimously approved.

8. OLD BUSINESS

8.1. Commission Work Plan Update

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Commissioners and sub-committees update the Commission on plans and progress of work plan items.

The subcommittees of the Arts and Culture Commission provided updates on the status of the projects contained in the adopted work plan.

9. NEW BUSINESS

9.1. Discussion of Sponsorship Request - Third Friday Art Walk

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Commission Discussion

Atkins presented the staff report and identified the list of items needed to carry forward a recommendation for a sponsorship, and that several of the items would not be met by sponsoring the proposed activity. The Commission and staff had further discussion on the topic, including the types of events that could be sponsored, and that there is no budget for such sponsorships approved by the City Council. It was also discussed that if the Commission wishes to approach Council about wanting funding allocated for a sponsorship, it can send a request e-mail through the Executive Sponsor to the Commission and it will be routed to Council. If a Council Member wishes to take the matter up, that Council Member may suggest to the Council to discuss the matter.

9.2. Annual Presentation to the City Council

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Discussion and planning for the Arts and Culture Commission's annual presentation to the City Council.

Atkins introduced the item, and discussion was held on the typical way commissions provide updates to the Council, discussion on the new template for commissions to use in presentations, and the general topics usually discussed as part of the annual update.

9.3. Arts and Culture Commission Community Pop-Up Processes, Materials and Budget

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Commission discussion.

Atkins introduced the item, and discussion was held that there is no budget allocated for the Commission, that the Commission may check out items that the City currently possesses, and that requesting the items should occur as early as possible to grant enough time to collect the materials.

9.4. Arts and Culture Commission Financial Matters - Budget Requests, Fund Balance Report, Financial Obligations and Fundraising

1. Staff Report: Bryce Atkins, Assistant to the City Administrator
2. Public Comment
3. Possible Action:

Commission discussion.

Atkins introduced the item, and discussion was held regarding the two trust accounts for public art, that there was no assigned budget from the City's funds, that there are no financial obligations of the Commission as the Charter identified tasks for the Commission do not have a financial component aside from fundraising, and the need for a donation and fundraising policy to be adopted, along with training.

10. COMMISSION COMMENTS

A comment was provided about recognition of the 50th Celebration for the Southern Symphony.

11. STAFF COMMENTS

11.1. Exclusive use of city-issued e-mails

Atkins stated that all correspondence would transition to be purely to the Commissioner's City-issued e-mails. It was discussed that the login credentials were not known by most of the commissioners. The process was delayed to a future date until the login credentials could be updated and instructions provided to the commissioners.

11.2. Future Agenda Items

Atkins requested of the Commissioners that if there are any items that are desired to be discussed to please use the future agenda items section of the agenda meetings, as new items added as the agenda is prepared makes it difficult to produce a staff report with minimal time to conduct any needed research or analysis.

12. ADJOURNMENT

The meeting was adjourned at 8:30 PM.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Gilroy Arts and Culture Commission.

/s/ Bryce Atkins

Recording Secretary to the Arts and Culture Commission



City of Gilroy Arts and Culture Commission

STAFF REPORT

Agenda Item Title:	Commission Work Plan Update
Meeting Date:	October 10, 2023
From:	Bryce Atkins, Assistant to the City Administrator

RECOMMENDATION

Commissioners and sub-committees update the Commission on plans and progress of work plan items.

BACKGROUND

The Commission assigned a Lead Commissioner and Sub-Committee Members at the June 13, 2023 regular meeting. The work plan table is attached to this staff report which has the assignments. This is a recurring agenda item to discuss the projects and tasks on the work plan among the Commissioners.

Attachments:

1. ACC FY24 & FY25 Work Plan.

2024 and 2025 Arts and Culture Commission Work Plan

Project Name	Work	Lead Commissioner	Sub-Committee Members	City Council Priority	Status
Community Outreach	Have a booth present and participate in at least two community events.	Villa	McCormack; Moreno	Neighborhood Equity	The Commission will identify community events to make a presence as an outreach effort into the community. Activities will include establishing booth equipment and materials, and identification of community events in which to participate.
Elementary and Middle School Art Program Support	Collaborate with GUSD on a potential pilot program to get art into the middle and elementary schools.	Perdew	Ramirez; Moreno	Neighborhood Equity	This item will involve collaboration with GUSD to see how the Commission can support the development and implementation of a pilot program of arts education in middle and elementary schools.
Cultural Event	Host or facilitate a community cultural event.	Reynisson	Villa; Perdew	Promote Economic Development Activities; Neighborhood Equity	The Commission will explore the feasibility and process to host or facilitate a community cultural event. Details will be explored as part of this effort.
Fundraising	Develop and implement a fundraising program.	McCormack	Reynisson; Villa	Financial Resilience; Neighborhood Equity,	The Arts and Culture Commission is working to develop a list of fundraising goals and targeted projects to present to Council for authorization to begin raising funds. Training will also be a component. This will be in addition to the bench plaque program.

Updated May, 2023



City of Gilroy Arts and Culture Commission

STAFF REPORT

Agenda Item Title:	Potential Donation and Fundraising Policy
Meeting Date:	October 10, 2023
From:	Bryce Atkins, Assistant to the City Administrator

RECOMMENDATION

Commission discussion and recommendations regarding the draft policy.

BACKGROUND

Per the City Charter, the Arts and Culture Commission is tasked with fundraising for public arts for the City of Gilroy. The Charter language about this task is below:

Charter Section 909(c) states: *“Encourage and coordinate a fund-raising committee of Gilroy residents duly appointed by the Council of Gilroy to develop and implement fund-raising activities to support the arts and culture in and for the City of Gilroy”*

However, there has not been an established policy on fundraising and donations, nor training on how to conduct fundraising activities.

ANALYSIS

Attached to this staff report is an initial draft of a Donation and Fundraising policy. The policy has been assembled from established policies in other organizations, and modified to meet the City of Gilroy’s purposes.

The draft document is currently proceeding through the review process. This is an early look to get initial thoughts on the concepts in the policy. The policy is concurrently running through the Finance Department, the City Attorney’s Office, and other commissions for input into the policy. The comments and edits from each of these will be combined into a second draft, which is anticipated to come before the Arts and Culture Commission for final recommendation and/or comments before going to the City Council at one of their future regular meetings.

Staff is asking for the Commission to review the policy and give extra attention to the portion about the requirements of a donation, sponsorship, and/or fundraising program, beginning on page 3 under the heading of “Fundraising process”.

Attachments:

1. Draft Donation and Fundraising Policy

DRAFT Donation and Fundraising Policy

PURPOSE

The purpose of this policy is intended to provide direction to City officials, appointees, and employees regarding the acceptance of donations by the City from donors, as well as the development and implementation of fundraising efforts. This policy is meant to formalize the process of receiving donations, and how to fundraise as may be commenced by the City or one of its commissions, committees, or boards.

POLICY

Unsolicited Donations

1. Requirements for accepting donations.
 - a. The donation or must have a purpose consistent with City goals and objectives.
 - b. The City may decline any donation without comment or cause.
 - c. The donation will not be in conflict with any provision of law.
 - d. Any non-cash donation will be aesthetically and functionally acceptable to the City.
 - e. The donation will not add to the City's workload unless it provides a net benefit to the City.
 - f. The donation will not bring hidden costs such as starting a program the City would be unwilling to fund when the donation is exhausted.
 - g. The donation places no restriction on the City, unless agreed to by the City Administrator or Council.
 - h. The donation shall become property of the City.
 - i. All donations 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. Any naming of parks and recreation facilities shall be consistent with any City policy on the naming of such facilities. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community. The appearance of traditional commercial advertising shall be avoided.
 - j. Donations exceeding \$5,000 shall be accepted through a written agreement consistent with the procedures herein. In-kind capital donations will be subject to normal City review, permitting, inspection, and insurance requirements.
 - k. All information regarding a donor or donors and their respective donation are public information and are subject to disclosure pursuant to the California Public Records Act.

2. Procedures for Accepting Donations.

a. Procedures for all Donations.

- i. A report must be completed on all donations accepted, which shall be provided to the Finance Department if under \$5,000 in value and to Council if the value is greater, which shall contain the following information:
 1. The amount of each donation. If the donation is non-monetary, the estimated value must be listed.
 2. The date of the offering and receipt of the donation.
 3. The name of the employee, department, or individual or entity that solicited the donation, if applicable.
 4. The name of the donor.
 5. An explanation of any restrictions placed on the donation or the expenditure or allocation of any funds and increases derived thereof, and compliance, if any should be required, with conditions or restrictions on the funds received.
 6. Such other information as the City may prescribe in its administrative guidelines or as provided further in this policy.
- ii. An inappropriate donation is one that meets one of the criteria below, and is to be rejected:
 1. Any donation that would violate the requirements of Section 1 of this policy.
 2. Any donation that may be of offensive or morally questionable material.
 3. Any donation that is connected with a restriction that entails special consideration or favors beyond any other resident, donating or non-donating, as it pertains to activities or functions undertaken by the City in the provision of services or goods.
 4. Any other concern, real or perceived, that may result in a loss of reputation, appearance of impropriety, or other negative impact on the City from accepting the donation.

b. Donations under \$5,000.00.

- i. The City Administrator must approve of receiving the donation before it can be accepted.
- ii. If the donation is appropriate and to be received, the City Administrator or their designee must complete the report to be given to the Finance Department as described above.
- iii. The City Administrator or designee shall determine the appropriate recognition, if the donation is accepted, for the donor(s).

c. Donations at or over \$5,000.00

- i. The donation must be approved by City Council action for acceptance of receiving the donation before it can be received by City staff.
- ii. If the donation is appropriate and to be received, the City Administrator or designee must complete the report as described above to be given to the City Council as an action item at a public Council Meeting.
- iii. The City Council shall determine the appropriate recognition for the donor(s) if the donation is accepted.

Donation, Sponsorship, and/or Fundraising Programs

Fundraising may only:

1. Happen after a fundraising campaign is designed and established through a donation, sponsorship, and/or fundraising program approved by either the City Administrator or City Council, depending upon the nature of the program.
2. Be for official fundraising campaigns. The City does not accept fundraising for anything other than what is authorized in an approved program.
3. Be conducted in the manner as outlined in an approved program.

While fundraising may be conducted by other boards, commissions, committees or City staff, the donations are to be issued and tendered to the Finance Department. The Finance Department will refer to the City Administrator or City Council's acceptance of the donation regarding its acceptable status.

Fundraising process

1. Boards, commissions, committees, and individual departments shall develop their donation, sponsorship, and/or fundraising programs in consultation with the City Administrator's Office and the Finance Department, and which shall be approved by the City Administrator. In its simplest form, a program may consist of a memorandum to the City Administrator indicating the following:
 - a. Goal of the sponsorship, donation, and/or fundraising activities.
 - b. Timeframe for the program.
 - c. Target audience and method of outreach.
 - d. Procedure for acceptance and reporting of activities, ensuring internal controls.
 - e. The types of donor or sponsor recognition that is available for specified value of donorship or sponsorship, subject to City Council approval if the value of recognition is beyond the contract authority of the City Administrator or greater than the authority provided under this policy.
 - f. The sponsorship level or range of sponsorship levels for the naming of the City property if permitted, and sponsorship naming for parks or recreation facilities must also comply with the City of Gilroy Parks or Recreation

Facilities Naming, Community and Memorial Contribution, and Gift and Sponsorship Policy, or otherwise approved by the City Council.

- g. Specified or maximum sizes and identification of location(s) of any signage in recognition of the donation or sponsorship and any restrictions on the text of the recognition signage.
 - h. A net benefit analysis may be conducted which may only be utilized for the City's internal review of the proposed donation or sponsorship and is not intended to provide any information to third parties. This net benefit analysis should include evaluation of factors such as:
 - i. The administrative costs of obtaining the donation or sponsorship.
 - ii. The anticipated additional costs and/or anticipated savings in the following areas:
 - 1. Capital costs.
 - 2. On-going operational costs.
 - 3. On-going maintenance costs.
 - 4. Repair costs.
 - 5. Clean-up costs.
 - iii. Costs for compliance with any restriction on the donation or sponsorship or estimated reduction in value of benefit due to the restriction.
 - iv. Any additional potential liability that the City may assume by accepting the donation or sponsorship including any requests for deviation from the City's typical standard requirements, such as the level of indemnification, insurance, bonding, or warranties requested. Requests for modification of an indemnification provision in relation to a donation or sponsorship would require approval from the City's Risk Manager.
 - v. Costs of management of City's obligations of a donation or sponsorship.
 - vi. The financial ability of the donor or sponsor if some of these costs are to be covered by the sponsor or donor.
 - vii. The City's ability to fund any uncovered costs set forth above.
- 2. The department staff designated to oversee the department's donation, sponsorship and/or fundraising activities will ensure that the proposed donation, sponsorship and/or fundraising program does not conflict with existing City Code provisions, City policy or existing City sponsorships. Department staff shall also ensure that the City property involved is not subject to restrictions that would limit or prohibit the proposed donation or sponsorship.
 - 3. The department staff accepting items donated to the City will ensure that the items are safe and durable, and meet any applicable City design or quality specifications, standards, and policies.
 - 4. Where applicable, the department's donation, sponsorship and/or fundraising program shall set forth the conditions for acceptance of funds. Conditions shall

be fair, impartial and shall not discriminate on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, national origin, or political views of the proposed donor.

5. Any department considering acceptance of a donation or sponsorship that may impact or affect other departments shall consult with those departments prior to acceptance of the proposed donation or sponsorship.
6. It shall be the goal of any departmental donation, sponsorship and/or fundraising program to find donors or sponsors providing the highest net benefit to the City, along with consideration of the quality of product or service to be received by the City.
7. All donations in cash shall be deposited and recorded with the Finance Department and deposited in a manner as stated within current policies.
8. Unaccepted Donations will be returned to the Donor.

Sponsorship Agreements

After the selection of a sponsor by the City Council, City Administrator or a department head, as appropriate, the terms of the sponsorship, including any expectation of a significant return or recognition, shall be set forth in a written sponsorship agreement approved as to form by the City Attorney.

The City Administrator may include renewals of a sponsorship agreement at the City's option, provided that the aggregate of all the renewals is within the City Administrator's contract authority under the City Code. Any renewal shall be subject to annual appropriation by the City Council if City funding is involved.

Sponsorship agreements for parks or recreation facilities shall be subject to additional requirements as outlined in the City of Gilroy Parks or Recreation Facilities Naming, Community and Memorial Contribution, and Gift and Sponsorship Policy.

Costs, Accounting and Record Keeping

Departments shall maintain records that provide an audit trail for the receipt of all sponsorships and donations. Departments shall also comply with the following requirements:

1. All donations and sponsorships and the revenue, products, and services received shall be recorded and maintained for at least the expected life of the item or service, or for a specific time frame that has been established in the donation agreement or sponsorship agreement.
2. Donations or sponsorships paid for with a monetary contribution shall not be paid to staff in cash unless approved, in advance, by the Finance Department and department director and receipt of cash is properly documented.
3. A record of all sponsorships and donations including name, type, contact name if a company, amount, and disposition of sponsorship shall be kept up-to-date and accurate.

4. Departments shall report any donations or sponsorships received by the department through reports to the City Administrator's Office and the Finance Department.

Other Donations or Contributions

1. Real Property Contributions

Restricted donations of real property may be offered to the City for specified purposes. The City will review the conditions of the restrictive donations of real property and determine if the benefits to be derived warrant the acceptance of the donation. All donations of title to real estate, no matter how small, require City Council approval after proper investigation and due diligence is conducted by staff.

For any buildings and structures donated to the City, City staff shall conduct a net benefit analysis comparing the benefit of the donation against the City's costs in receiving and managing the donated real property.

A donation involving real estate is more complex than cash donations and the donation agreement documenting a real estate-related donation should be prepared and approved by the City Attorney's Office. Terms and conditions of such donations may vary from this policy's general requirements, based on approval of the City Council on a case-by-case basis.

2. Works of Art Contributions

If a contribution is proposed related to a work of public art covered by the City's Public Art Policy, the City's review and acceptance of the proposed contribution of public art shall be conducted in accordance with the City's Public Art Policy, which shall include the review and recommendation of the City's Arts and Culture Commission and compliance with any policies adopted regarding donations of works of public art. Any time a donation of a work of art or a contribution toward the acquisition of a work of art that would not ordinarily be covered by the City's Public Art Policy is proposed for the City, the City department that operates or maintains the site of the proposed work of art shall submit the proposed donation to the Arts and Culture Commission for the Commission's recommendation regarding acceptance of the proposed donation of public art.

DISCLAIMERS AND MISCELLANY

1. Different forms of contributions to the City present different opportunities and challenges. Therefore, it is not possible to establish blanket guidelines to cover all types of donation or sponsorship activity that the City may decide to pursue.
2. Unless expressly stated otherwise, the City does not intend to modify or change the non-public forum status of any City property by providing donor recognition or sponsorship recognition on City property.

3. The making of a donation or sponsorship to the City will not provide any extra consideration to the donating or sponsoring party in relation to any City procurement, any regulatory activities of the City, or other City business. No City employee or other City official is authorized to offer any such extra consideration to a donating party.
4. Any donation or sponsorship which, if accepted, would obligate the City to enter into a service or procurement agreement should be reviewed under the City procurement process.
5. The City encourages donations of materials with the understanding that such items have a useful life, and that the City assumes no responsibility for replacement or upkeep. Once a donation is accepted, it becomes City property and the City may maintain, replace or dispose of the item unless the donation is explicitly restricted and accepted by the City as such.
6. The City cannot guarantee the tax deductibility of a donation but may provide the donating party with a letter of acknowledgement and a statement of the City's intended use. Fundraising may be tax deductible, but no Council Member, appointee, employee, volunteer, or agent of the City may state that a donation is tax deductible. Each donor must make the determination as to whether a donated item or monetary contribution is tax deductible, and they may consult with a tax attorney if there are questions.
7. City staff shall maintain the highest standard of ethics in fundraising activities. All donations or sponsorships must directly enhance the City's ability to provide goods or services to the public or for another valid public purpose and may not be used for the personal financial gain of any City employee.
8. City employees who have primary responsibility for the procurement of services, supplies, materials and equipment or public works should not engage in solicitation of donations or sponsorships.
9. City employees may only solicit donations or sponsorships pursuant to the individual department's donation, sponsorship, and/or fundraising programs approved by the City Administrator. City employees working in an enforcement or regulatory City position (i.e., Police, Fire, Code Enforcement, Building Inspection) shall not solicit donations or sponsorships from the public while they are wearing a City uniform, unless they receive explicit permission from the City Administrator via their department's written donation, sponsorship, and/or fundraising program(s).
10. At any time, the City Administrator, or a department if approved by the City Administrator, may reject any donation or sponsorship offered to the City.
11. Restricted donations that land outside of an authorized fundraising plan or restricted to a degree where staff determines that the restriction is too limiting for effective use will not be accepted and will be returned to the donor. This includes pass-through donations to individuals or organizations via the City. These will not be accepted.

DEFINITIONS

“Amenity” means an improvement located on City property which is less than the entire portion of a City property, such as a wall at a park, a plaza in front of a City building, a trail located along City property, an interior room or rooms in a building. A fully enclosed structure such as a City building with walls and roof (examples being a community center, stand-alone gym, warehouse, or stand-alone building housing a restroom and locker room) is more substantial than an amenity, and City Council approval is required before granting naming rights. An amenity may include any of the following if located on City property: plazas that constitute only a portion of a larger parcel of City property, gazebos, archways, paths, athletic facilities that are not fully enclosed structures, playing fields, portions of aquatic facilities that are not enclosed structures or City buildings, picnic areas, tot lots, play structures, hard courts, and trail segments.

“Donation” means a person or entity providing the City with financial support or property of a value exceeding the City’s payment for such item. Furthermore, a donor typically does not expect to receive a substantial return or recognition from the City in return for the donation. A donation may consist of cash, real property (land) or an in-kind donation. Donations may be unrestricted or restricted by the donor.

“Donor” means a company, organization or individual who provides the City, or one of the City departments, an item or service without expectation of significant return or recognition.

“Fundraising” means any activity conducted with the intent of soliciting donations, sponsorships or other financial contributions to the City or to a particular department or activity of the City. Fundraising activities may include, but are not limited to, City grant proposals, City responses to request for proposals issued by other agencies, foundations or funding agencies, endowment programs, adoption or pledge drives, and contacting individuals, companies, foundations, or other entities with the primary purpose of receiving financial support for the City.

“In-kind contributions” mean a contribution of an item or object other than cash or real property, which would serve a useful purpose in the provision of City services. Examples of in-kind contributions may include equipment, materials or services.

“Intended use” when applied to donations means the direction or limitation placed upon a donation by the donor which the City must agree to as a condition of acceptance and use of the donation.

“Restricted donation” means a donation made to the City where the donor has restricted its use to a specified purpose. Also, conditions placed upon a donation by the donor and/or any limitation on the use of a donation to the City placed on said item by the donor that impairs the ability of the City to dispose of or use the donation in any manner it determines appropriate is considered a restricted donation.

“Restricted account” means the account or accounts into which the City deposits the donation that shall be used only for purposes for which it was donated.

“Sponsor” means a company, organization or individual who provides the City with funding support for a program, activity or facility in the form of a sponsorship, and who expects significant recognition in return.

“Sponsorship” typically means a person or entity that provides the City with financial support for an activity, City program or City facility, typically in exchange for the City providing more than nominal recognition of its financial support, which distinguishes a sponsorship from a donation. Financial assistance provided by a sponsor may consist of cash and/or in-kind contributions.

“Sponsorship agreement” means a negotiated agreement between the City and a company, organization or individual whereby the City makes a sponsorship opportunity available and enters into an agreement with a company, organization or individual to pay a fee in cash, products, services or a combination thereof, for recognition rights related to certain identified City-owned commercial or marketable assets. A sponsorship agreement may permit a limited form of advertising opportunity for a company, organization or individual in exchange for the fee paid to the City, subject to the terms of this policy and subject to the approval of the City Administrator and the City Attorney's Office.

“Stock donations” mean stocks, which are the proprietorship element in a corporation usually divided into shares and represented by transferable stock certificates.

“Unrestricted donations” means a donation made to the City where the donor has placed no limitation on its use.

“Works of art” means and includes, but is not limited to, physical art that may be an integral part of a public site or building, or that may be integrated with the work of other design professionals. Examples of public works of art include sculptures, murals and paintings, earthworks, neon, glass, organic materials, mosaics, photographs, prints, film, any combination of media forms, or hybrids of any media.