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**RESOLUTION #04-06**

**A Resolution of the Albany City Council Establishing a Policy for  
Approval and Acceptance of Memorials and Other Capital Gifts to the  
City.**

**WHEREAS**, the City of Albany wishes to establish a uniform policy and set of procedures for the acceptance of capital gifts to the City, including memorials, recognition items, and other capital improvements, such as volunteer based projects for landscaping, recreational facilities, and street or park amenities; and

**WHEREAS**, the City of Albany wishes to provide the opportunity to recognize citizens or organizations who have made significant contributions to the well-being of the City and the overall community; and

**WHEREAS**, the City of Albany also wishes to ensure that the placement of capital projects, memorials, plaques or other recognition items are suitable for the location proposed, in terms of overall number of such items, correlation with existing or future City plans or projects, and correspondence with existing or planned streetscapes; and

**WHEREAS**, the City of Albany wishes to ensure that memorials or other capital gifts are appropriate for the City and can be maintained properly so as to provide a long-term asset to the City;

**NOW, THEREFORE, BE IT RESOLVED** that the Albany City Council authorizes the approval of the following policy regarding acceptance of memorial or other capital gifts to the City:

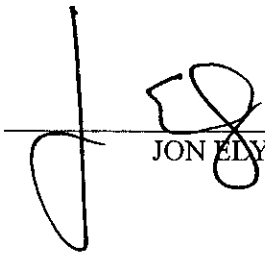
1. Applications for donation of memorial items or capital projects will be received by the City Administrator or his/her designee. The City Administrator will designate the appropriate staff person for site and project review.
2. The application may be reviewed by an appropriate City commission or committee. That commission or committee will then recommend the approval (or

1 disapproval) of the project to City Council. City Council will provide the final  
2 approval or disapproval for such projects.

- 3 3. All applications will be subject to the regular permit requirements of the City of  
4 Albany.
- 5 4. All costs, including any staff time for installation will be included in the price for  
6 the project.
- 7 5. All such capital assets become the property of the City of Albany, unless  
8 otherwise designated. As such, these assets may be removed if said asset is not  
9 included in future City plans or capital improvement projects.
- 10 6. Maintenance of such capital assets may become the responsibility of the City of  
11 Albany or the responsibility of the sponsor. A signed maintenance agreement will  
12 be required for any such projects.
- 13 7. All volunteer maintenance activities must be approved by the City. If volunteer  
14 construction or maintenance is an integral part of the project, a volunteer  
15 agreement must be signed with the City.
- 16 8. Administrative procedures shall be established regarding the application, review  
17 and acceptance process for all such gifts.

18 In considering a request for the approval and acceptance of memorials and other capital  
19 gifts to the City, Council shall weigh the following policy considerations:

- 20 A. Compatibility with City infrastructure, with existing or future plans or  
21 projects, and with existing or planned streetscapes;
- 22 B. Maintenance needs for the gift being donated
- 23 C. Contribution of the individual or organization to the well-being of the City  
24 and the overall community
- 25 D. Number and type of other memorials or other capital gifts in the immediate  
26 area or the community at large.

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JON ELY, MAYOR

## ADMINISTRATIVE PROCEDURES

3/1/2004

### Acceptance Of Gifts To The City: Memorial Or Recognition Requests and Proposed Capital Projects

#### A. Requests for Memorial Benches

1. Requests shall be made in writing to the City Administrator or his/her designee, on a form provided by the City.
2. The appropriate City department staff (public works or recreation) will review the application with regard to location, bench style and cost.
  - a. Location
    - i. Preapproved locations shall include any existing bench that is in need of repair/replacement or any location on a City plan that has already been approved.
    - ii. Other locations will be reviewed for the following criteria:
      1. ADA requirements
      2. # of benches already in the area
      3. conflicts or negative impacts to neighboring prop. Owners
      4. safety or public health issues
  - b. Style: The bench should conform to the existing style of street furniture in the closest adjoining area. If the City has an existing or proposed plan for upgrading the street furniture, the bench shall conform to the new plan.
  - c. Cost: The donor shall pay for all costs, including purchase, tax, freight, plaques and engraving costs, and all City installation cost, including the need for a concrete pad, sidewalk repair, or other improvements which are required by the installation of a bench.
3. Recommendation to Approve acceptance of Gift
  - a. Based on the criteria above, staff shall recommend approval or disapproval to the City Administrator
  - b. The recommendation may be brought to the appropriate Commission or Committee of the City (Park & Recreation, Waterfront, Arts Council or other) for review and a final recommendation to City Council, as determined by the City Administrator. If recommended for approval, the donation will be brought to City Council for final approval.
  - c. City Council shall consider approval of the placement of the bench and acceptance as a "gift to the City," per AMC 2-27.8.

4. Installation:

- a. The donor shall pay for all costs for purchase and shipment of the item before it is ordered.
- b. The donor shall pay for 50% of the estimated installation costs prior to installation and will be billed for the remaining installation costs subsequent to installation.
- c. City shall install the bench
- d. A ceremony at the time of installation is permitted, but must be arranged in advance with City staff. The donor shall be responsible for any permits that may be required.

5. Maintenance:

- a. The City shall maintain the bench at no additional cost to the donor, unless otherwise authorized by the City.
- b. If a bench has deteriorated to the point that it is hazardous, requires more maintenance than the cost of a new bench, or otherwise needs to be replaced, the bench can be removed by the City at any time.
  - i. If still available, the donor will be notified and given the opportunity to pay for a new bench, or will be given their plaque back. The plaque will be kept by the City for up to one year. If it is not claimed, the plaque will be discarded.
  - ii. If the City will replace the bench the plaque will be removed from the old bench and reaffixed to the replacement bench.
- c. If the City needs to move the bench for any reason, the bench and plaque shall be moved intact.

**B. Request for Memorial or Recognition Plaques**

1. The process for requesting a plaque shall be the same as Section A (benches) above.
2. Memorial or recognition plaques must be no larger than 8 1/2" by 11."
3. Memorial or recognition plaques may be placed on existing benches, beneath existing trees, or on landscaping rocks in appropriate areas.
4. Plaques in recognition of a capital project installed by a group or club are subject to review as part of the overall plan review and permitting of the project, per Section D below.

### **C. Memorial Trees**

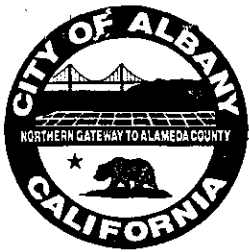
1. The City does not guarantee the survival of any memorial tree and will not replace the tree if it dies.
2. An existing tree may be memorialized with a plaque placed at the foot of the tree, mounted on a cement platform or a landscaping rock.
3. Any request for a new memorial tree in a park, recreational area or open space must be approved by the Parks & Recreation Commission. The maintenance of a memorial park tree will be the responsibility of the City.
4. Memorial trees shall not be planted at the Waterfront.
5. A memorial street tree may be planted. This should be coordinated with the City of Albany Environmental Resources Coordinator. The maintenance of a memorial street tree is the responsibility of the donor.

### **D. Volunteer Capital Projects or gifts to City on City property, including parks, recreational or other facilities, open space, public right-of-way and medians**

1. Present a written plan to the City Administrator. Plan must include project purpose, project description and scope of work, project location, sponsoring agency, estimated cost, financial commitment, maintenance plan, primary contact person and contact information, and proposed project schedule. Preliminary drawings, as appropriate, are also requested.
2. The City Administrator will direct the proposal to the appropriate staff to determine potential impacts to the City, including fiscal, liability, maintenance or other.
3. City Administrator will determine the appropriate reviewing entity or entities, including relevant Commissions and Committees.
4. Project sponsor will present project to reviewing Commission, Committee and/or Council for conceptual approval. Potential impacts to City will also be presented.
5. Once the project has been conceptually approved, staff liaison directs the proposal to the Community Development director who designate appropriate staff for review of the project to determine requirements including but not limited to:
  - a. Permitting
  - b. Design review
  - c. Additional drawings and plans
  - d. Utilities
  - e. Land tenure agreement

- f. Maintenance agreement
- g. Hold harmless and insurance requirements
- h. Other requirements as deemed necessary.

- 6. These requirements will be provided to the project sponsor.
- 7. A written agreement will be drafted by City and reviewed by City attorney that formalizes the project sponsor's requirements and responsibilities.
- 8. Upon completion of the project the city will inspect the project to assure that the project was constructed as per specifications.



# City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

**CITY ADMINISTRATOR**  
PH. (510) 528-5710  
FAX (510) 528-5797

**CITY ATTORNEY**  
PH. (510) 524-9205  
FAX (510) 526-9190

**CITY CLERK**  
PH. (510) 528-5720  
FAX (510) 528-5797

**CITY COUNCIL**  
PH. (510) 528-5720  
FAX (510) 528-5797

**COMMUNITY DEVELOPMENT &  
ENVIRONMENTAL RESOURCES**  
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• Engineering  
• Environmental Resources  
• Maintenance  
• Planning  
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**FINANCE & ADMINISTRATIVE  
SERVICES**  
**CITY TREASURER**  
PH. (510) 528-5730  
FAX (510) 528-2743

**FIRE & EMERGENCY MEDICAL  
SERVICES**  
PH. (510) 528-5771  
FAX (510) 528-5774

**PERSONNEL**  
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FAX (510) 528-5797

**POLICE**  
PH. (510) 525-7300  
FAX (510) 525-1360

**RECREATION & COMMUNITY  
SERVICES**  
1249 Marin Avenue  
PH. (510) 524-9283  
FAX (510) 528-8914  
• Friendship Club/  
Childcare Program  
PH. (510) 524-0135  
• Senior Center  
PH. (510) 524-9122  
FAX (510) 524-8940  
• Teen Center  
PH. (510) 525-0576

**RESOLUTION NO.** 04-6

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 1st day of March, 2004, by the following votes:

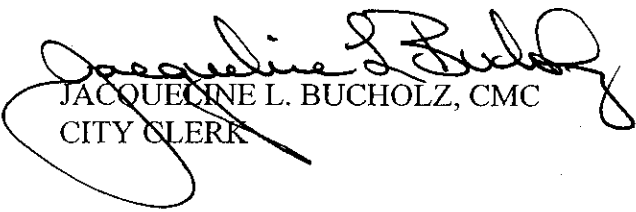
AYES: Council Members Good, Maris, Okawachi, Thomsen & Mayor Ely

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 2nd

day of March, 2004.

  
JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.*



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