

STATE OF WISCONSIN TOWN OF LAKE MILLS JEFFERSON COUNTY

ORDINANCE NO: _____

AN ORDINANCE TO CREATE SETION 1-18 CONCERNING GIFTS AND MEMORILS TO THE TOWN OF LAKE MILLS

WHEREAS, historically individuals and entities have generously provided donations to the Town of Lake Mills in a number of different formats; and

WHEREAS, the Town of Lake Mills seeks to assist potential donors in reaching the donor’s goal of a contribution to the Town; and

WHEREAS, the Town of Lake Mills to provide a thoughtful review process for proposed gifts and memorials, consistent with the mission, goals, plans, resources, and limitations of the Town of Lake Mills as a whole.

NOW, THEREFORE, the Town Board of the Town of Lake Mills, Jefferson County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS;

SECTION 1:

Town of Lake Mills Gifts and Memorials Policy

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EXHIBIT: APPLICATION

1-18-1: PURPOSE:

The purpose of this policy is to provide guidelines and procedures for considering and receiving proposed donations to the Town of Lake Mills. Historically, the Town of Lake Mills has been enriched by the generous donations of individuals and entities in support of the Lake Mills community. The Town 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 Town 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.

1-18-2: ORGANIZATIONS AFFECTED:

All departments and staff of the Town of Lake Mills, all Town residents, and all potential donors are to adhere to the guidelines set forth in this policy.

1-18-3: POLICY

This policy shall cover all donation(s) and gift(s) to the Town of Lake Mills and any of its departments or staff. The Town of Lake Mills 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 Town of Lake Mills regardless of whether the proposal meets any or all of the criteria lay out herein.

1-18-4: DEFINITIONS:

Donation(s)/Gift(s): Any item of substantial value proposed to be deeded or otherwise given or donated to the Town of Lake Mills, including, but not limited to, endowments; real property; public improvement projects or proposals; structures or portions of structures; money; negotiable securities; materials; equipment; improvements to facilities or land; statues; monuments; memorials; tributes; sculptures; murals and other public works of art; plaques; and graphics or signs. Substantial value shall be interpreted in the same manner as Wisconsin Statutes Section 19.59(1)(a) is interpreted by Wisconsin Courts, the Attorney General, and the State Ethics Commission, in the opinion of the Town Attorney.

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 Town of Lake Mills.

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) to a society. Projects recognizing groups such as persons with cancer or AIDS are also considered tributes.

1-18-5: 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 Town department at the earliest possible time to discuss the proposed gift and the process for review.

1) Donation Agreement Form

- a. Donors may be required to complete and submit a Donation Agreement Form. The recipient department shall assist the donor with completion of the form. This form shall be approved by the Town Chairperson 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 Town Chairperson may deem necessary and/or useful. The completed form will be submitted to the Town Chairperson for review and recommendation to the Town Board, for approval.

2) Monetary Gifts and Donations/Gifts and Donations of Negotiable Securities

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

- b. Undesignated/unconditional monetary gifts/donations: the Town Chairperson and/or department head, upon approval of the Town Chairperson, are hereby authorized to accept any undesignated monetary donations and any unconditioned monetary donations made to the Town and shall deposit such money with the Treasurer. The amounts shall be deposited in the account(s) most appropriate to the intentions of the donor(s) when identified.
 - c. 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 Town Treasurer shall return the donation to the donor. If appropriate, the Treasurer may establish a new fund or project within a fund for the donation.
 - d. Negotiable securities: the Town Chairperson is hereby authorized to accept donations of negotiable securities when in his/her professional judgment, in consultation with the Treasurer and the affected department head, acceptance of the proposed donation is in accordance with the statutes, rules and regulations governing municipal finances and investment; and, the proposed donation is not subject to conditions, is for a previously approved/established/budgeted fund or campaign, or is for a conditioned donation that has been approved pursuant to this policy. Negotiable securities may be held or sold at a marketable rate and the proceeds of such sale used as specified by the donor or as may be deemed appropriate and in the best interests of the Town.
- 3) Gifts of Real Property: The Town Chairperson shall review any proposed donation of real property and make recommendations to the appropriate boards or commissions and to the Town Board. Proposed gifts or donations of real property 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. All gifts or donations of real property shall be reviewed by the Plan Commission for recommendation to the Town Board, prior to Town Board action. All gifts or donations of real property that is intended to be used for park purposes shall be reviewed by the Park Committee, for recommendation to the Town Board, prior to Town Board action.
- 4) Non-Monetary Gifts and Donations (Excluding Real Estate)
 - a. The Town Chairperson and/or department heads, upon approval of the Town Chairperson, 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 \$1000 or less, and the donation is made without condition or restriction, and such items are typical for use in a Town department. If the estimated value exceeds this number, or if the donation is made subject to conditions or restrictions, then the matter shall be referred to the Town Board for the Town Board's possible approval.
 - b. The Public Works/Parks Superintendent 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.
 - c. 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 Town Chairperson for review and recommendation to any appropriate boards or commissions and to the Town Board, and the Town Board shall make the decision of whether to accept the donation. The Town Chairperson, Boards/Commissions and Town 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 Treasurer may establish a new fund or project within a fund for the donation.

- 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 Town of Lake Mills and to ensure that all gifts and donations are consistently, fairly, and thoughtfully reviewed, the Town will be guided in its review of proposed gifts and donations by the following guidelines.
- a. 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.
 - i. Consistency with the mission and policies governing the Town of Lake Mills and/or the particular department or division
 - ii. Whether the proposed donation/gift provides improvements to an area of the Town which may be deficient in public amenities
 - iii. Whether the proposed donation/gift promotes the preservation of historical and cultural aspects of the community
 - iv. Whether the proposed gift/donation has an educational Component
 - v. Whether the proposed gift/donation helps to promote conservation, preservation and protection of the natural environment.
 - vi. Whether the proposed donation helps to promote preservation of natural areas an green space where such preservation is suitable, is contemplated by plans, or is otherwise desirable.
 - vii. Whether the proposed gift/donation is suitable for the purpose proposed
 - viii. Whether the proposed gift/donation is compatible with the proposed location, if one has been identified, and other users of the public space.
 - ix. Whether the proposed gift/donation contributes to, or detracts from, the aesthetic qualities of the surrounding area and other improvements
 - x. Whether the proposed gift/donation quality, scale and character is harmonious with the surrounding public or park setting
 - xi. Whether the proposed gift/donation replaces aging, outdated or unsafe infrastructure or reuses, rehabilitates or restores an existing park or municipal feature
 - xii. Financial implications to the Town 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
 - xiii. Provision by the donor for ongoing maintenance and cost of relocation and removal, if necessary
 - xiv. Susceptibility of the gift/donation to wear and vandalism
the gift/donation to wear and vandalism
 - xv. 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
 - xvi. Whether the proposed gift/donation complies with all applicable codes including building codes and Americans with Disabilities Act, requirements, and related laws
 - xvii. Whether the proposed gift/donation is restricted in any manner and the impact of those restrictions or contingencies
- 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.
- a. Quality of the work based upon a professional assessment of the work, detailed written proposal, drawing or photographs
 - b. Suitability of the theme of artwork to a public venue

- c. Appropriateness of the artwork to the site, in the case where a particular site has been requested or identified
 - d. Appropriateness of the process for selecting the artist or artwork
 - e. Qualifications of the artist based on documentation of past work and the artist's professional qualifications

- 7) Memorials/Tributes/Naming: The Town respects the desire of individuals to commemorate special events or the lives of loved ones, living and deceased. However, the Town also recognizes that other community members who visit public places may desire not to be burdened with a constant reminder of mortality, death or traumatic events. The Town 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 Town shall consider the following criteria, as may be appropriate to the particular donation, in addition to those criteria identified above.
 - a. The proposed donation must represent a person or event deemed significant to the Town of Lake Mills' history; names of individuals who have made a significant contribution directly and locally to the Town shall be preferred over the names of national figures.
 - b. 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
 - c. 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.
 - d. 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.

- 8) Donor Recognition Objects: The Town of Lake Mills 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 Town 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 Town Chairperson and department heads are hereby authorized to approve donor recognition objects which are proposed in accordance with this policy.

- 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 and state wage rate laws. The donor will 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 Town.
 - a. Proof of compliance with the Town's insurance requirements for contractors will be required before work may commence on any public improvement project.
 - b. Improvements made in a public place become the property of the Town of Lake Mills and are subject to the laws, policies, and procedures of the Town.

- 10) Removal of Donations and Recognitions: The Town is not obligated to replace any gift/donation or improvement if it is lost, stolen, damaged or worn. The Town also reserves the right to remove any donation, donation recognition object, monument, memorial, park amenity, public art, public improvement project, tribute, or other item or recognition for any reason, which may include but not be limited to safety reasons, deterioration caused by age, neglect or vandalism, and/or the Town's inability to finance ongoing maintenance or repairs.


- 11) Acknowledgements and Anonymity: All donations for which the donor does not request anonymity shall be acknowledged by the Town Chairperson, 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 Town of Lake Mills is a municipal entity and subject to the provisions of Wisconsin Public Records Laws, the Town 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.
- 12) Appraisals: The Town may, at its discretion, request or require an appraisal of real or personal property prior to the acceptance of any gift or donation.
- 13) Waiver of Terms of this Policy: The Town Board may waive any of the criteria specified within this policy upon a finding that it is in the best interests of the Town to do so.
- 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 Town, 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 Town of Lake Mills makes no representations or guarantees as the tax implications of any gift or donation made to the Town. Donors are responsible and are advised to obtain their own tax and financial advice from appropriate professionals.
- 15) Reports to the Town Board: Annually, after the close of the fiscal year, the Treasurer may provide a report to the Town Board including the details of all gifts/donations with a value greater than \$5,000.

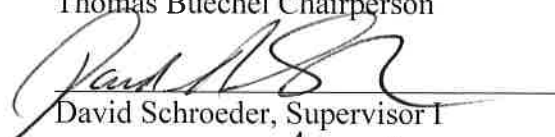
SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

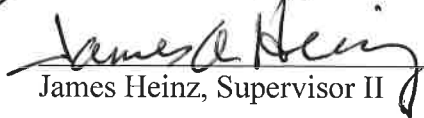
SECTION 3: EFFECTIVE DATE: This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.

Adopted this 11 day of January, 2022

Attest: 
Robin Untz, Town Clerk


Thomas Buechel Chairperson


David Schroeder, Supervisor I


James Heinz, Supervisor II

Town of Lake Mills Monetary Donation Form

Town of Lake Mills Personal Property Donation Form

Town of Lake Mills Donation Form for Public Improvement Projects, Memorials, Tributes, and Works of Art

**Title 1 Chapter 18
Gifts and Memorials Policy**

Town of Lake Mills Monetary Donation Form

Donor Information:

Name: _____ Date: _____

Address: _____ Phone number: _____

E-mail address: _____

Hereby gives to the Town of Lake Mills \$ _____, which is:

- for unrestricted use; or
- for the purpose of:

Any funds in excess of the amount required for the above purpose (if specified):

- may be used for _____
- shall be returned to the donor
- may be applied to any other project or fund deemed appropriate by the Town Chairperson

The Town of Lake Mills will make reasonable efforts to accommodate the intended purpose of the donation but reserves the right to utilize, relocate, and/or dispose of any item funded through donated funds as the Town may deem fit.

If this donation is in the amount smaller than \$10,000, the Town will not create a separate trust account. For amounts greater than \$10,000, the donor may request and the Town may establish a separate trust account for the donated funds.

This donation is subject to the Town Gifts and Memorials policy.

Donor Date

Donor Date

Town Treasurer Date

Town Chairperson Date

**Title 1 Chapter 18
Gifts and Memorials Policy**

Town of Lake Mills Personal Property Donation Form

Donor Information:

Name: _____ Date: _____

Address: _____ Phone number: _____

E-mail address: _____

Hereby gives to the Town of Lake Mills _____ Tax ID # _____

for the purpose of _____

Legal description of location: _____

All right, title and interest in the above stated item(s) is hereby given, donated and transferred to the Town of Lake Mills, its successors and assigns forever and without limiting conditions, except as may be specifically stated herein. It is understood and agreed that I/we as donor(s) retain no right, title or interest in the donated property.

To the best of our knowledge this gift/donation is free and clear of all encumbrances and restrictions. The Town will make reasonable efforts to accommodate the intended purpose of the donation but reserves the right to utilize, relocate and/or dispose of any item as the Town may deem fit. If this donation is conditioned or requires the establishment of a new program or fund, this agreement shall not take effect until the Town Board has specifically accepted this donation. This donation is subject to the Town Gifts and Memorials policy.

Donor Date

Donor Date

Town Treasurer Date

Town Chairperson Date

**Title 1 Chapter 18
Gifts and Memorials Policy**

**Town of Lake Mills Donation Form for Public Improvement Projects, Memorials, Tributes, and
Works of Art**

Donor Information: (Use additional pages if necessary)

Name: _____ Date: _____

Address: _____ Phone number: _____

E-mail address: _____

Hereby makes a proposal to fund and/or construct a public improvement project, memorial, tribute, or work of art consisting of: _____

The intended purpose of this donation is: _____

Legal description of location: _____

Donation subject to the following restrictions (if any): _____

Condition, conservation and maintenance requirements:

What type of materials will be used in the propose project? _____

What is the intended lifespan of the project? _____

What short and long-term maintenance may be required and what is the anticipated cost of such maintenance? _____

The Town will make reasonable efforts to accommodate the intended purpose of the donation but reserves the right to utilize, relocate and/or dispose of any item funded through donated funds as the Town of Lake Mills may deem fit.

This agreement shall not take effect until the Town Board has specifically accepted this donation. This donation is subject to the Town Gifts and Memorials policy.

Donor Date

Donor Date

Town Treasurer Date

Town Chairperson Date

