

Policy Statement 178 Legacy Gift Program

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Replaces: N/A

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PURPOSE:

To establish a Legacy Gift Program under which funds may be donated to the Town for the purchase and installation of items or features that enhance Town public spaces. These donations may be made in honor or memory of individuals, organizations, or events.

This Program is designed to accept gifts to the Town of Cary for which the Donor has no expectation of reciprocity beyond the following:

- private acknowledgement by the Town to the Donor and honoree or family of a person memorialized, if desired by Donor;
- notation of the gift on a Town maintained Legacy Gift Program record, which record will not be publicized but which is a public record; and
- the placement of a small plaque on a Feature purchased with the Gift, if desired by Donor. (The Town must approve all text on plaques.)

Gifts under the Legacy Gift Program are not sponsorships. If the Director determines that a proposed donation is a sponsorship, funds shall be handled under the Town's Sponsorship Policy.

COVERAGE:

This Policy is designed to include all donations of funds to install Features, as defined below, that enhance Town Public Spaces. Features desired by Donor must be approved by the Parks, Recreation and Cultural Resources Director as provided in this Policy.

The Legacy Gift Program shall be administered by the Parks, Recreation & Cultural Resources Department, in coordination with the Public Works and Transportation & Facilities Departments.

DEFINITIONS:

- Director – The Director of the Parks, Recreation and Cultural Resources Department of the Town, or designee.
- Donor – An individual or entity, or a group of individuals or entities, who make a Legacy Gift.
- Legacy Gift – A gift of funds to the Town of Cary designed to enhance Public Spaces and which may be made in honor or in memory of an individual(s) or event.
- Features - Benches, trees, landscaping material, pavers, and similar items and features that have been determined by the Director or Director's designee to be appropriate in terms of safety, utility, maintenance, and appearance for the Public Space in which they are proposed to be located.
- Public Spaces – Parks, greenways, open spaces, and other Town owned sites, including venues.

POLICY:

The Town has an interest in ensuring the best appearance and aesthetic quality of Public Spaces, and in ensuring that Features in Public Spaces are safe, useful, have maintenance requirements like those of other Town improvements, and are otherwise consistent with other Town improvements. All Legacy Gift donations for Features shall be used for Features that reflect the character of the particular Public Space in which they are proposed to be located. All Features purchased with Legacy Gift donations shall be installed in such a manner that will not negatively change the character of a Public Space or limit the intended use of the Public Space.

Design specifications and Feature locations will be compatible with existing master, management, and operations plans for each particular Public Space. Final decision on a Feature placement location will be made by the Director. No Feature may contain a commercial message or corporate label; provided, however, if a business entity makes a Legacy Gift, the name of the entity may appear on the plaque or recognition device as discussed herein.

Proposed Features must:

- meet a need of the Public Space in which they are proposed to be located;
- not interfere with the intended current or future use of the Public Space; and
- not require relocation of other items, features, equipment or infrastructure unless such relocation is desired by the Town.

The Town Manager or designee shall develop and periodically update a list of acceptable Features and their cost which shall be the cost for a Legacy Gift of that Feature.

Donors may desire to donate funds for items not identified as Features in the Town's Legacy Gift Program ('Alternative Features'). The following criteria shall be used to evaluate whether or not the Town will accept a donation of funds for such Alternative Features, and shall be used to determine appropriate locations for Features and Alternative Features:

- a. Guidelines and policies established in the following Policy Statements:
 - i. Policy Statement 116, Art in Public Places;
 - ii. Policy Statement 130, Acceptance of Gifts or Loan of Furniture, Equipment and/or Exhibits;
 - iii. Policy Statement 171, Town Facilities Naming Policy; and
 - iv. Policy Statement 156, Sponsorships
- b. Placement of Features and Alternative Features in Public Spaces must be compatible with the existing Parks, Recreation and Cultural Resources Master Plan, the Facility Management Plan, Facility Operations Manual, and/or Capital Improvement Program (CIP) requirements.
- c. No Feature or Alternative Feature may be placed in areas where human activity is discouraged to protect habitat or sensitive lands, or where such use of the land or space is otherwise restricted by law, policy, or procedure.
- d. No Feature or Alternative Feature shall detract from or overpower the scenic or architectural values of the existing environment.
- e. All Features and Alternative Features shall be constructed of materials consistent with design guidelines of the Town.
- f. The age, general condition, and anticipated maintenance requirements of Features and Alternative Features shall be taken into consideration to ensure that no undue maintenance or other burden is placed on the Town, except as provided herein.

The Town shall not accept donations for proposed Features or Alternative Features that the Town deems to be unsuitable for the proposed Public Space or contrary to the community standards of appropriateness for the Public Space or that adversely impacts the mission, image, values, or goals of the Town of Cary.

The Town will retain a record of each Legacy Gift Donor; the amount and date of the donation; the Feature or Alternative Feature purchased with the donation; the general location of Features and Alternative Features installed; and the installation date. A small plaque may be installed on Features or Alternative Features, in a size, manner, and location deemed suitable by the Director. The text of such plaque must be acceptable to the Town of Cary, consistent with the Town's mission and statement of values, and all Town laws, policies, procedures, and goals.

Upon installation, PRCR staff will send notification to the Donor and, if requested, to the honoree or the family of the individual memorialized or to another person or entity as requested by the Donor.

All Legacy Gift donations and all Features and Alternative Features purchased with a Legacy Gift are the property of the Town of Cary. Although the Town gives due consideration to the need, location, and appropriateness of all Features and Alternative Features, there is no promise or guarantee that the Feature or Alternative Feature will be maintained at the chosen location or on any Public Space. A Feature or Alternative Feature shall be removed at the end of its useful life and not replaced.

Related Policy Statements:

116 – Art in Public Places

130 – Acceptance of Gifts or loan of Furniture, Equipment and/or Exhibits

171 – Town Facilities Naming Policy

156 – Sponsorships