

Erie County Parks and Recreation Donation Policy

A. Introduction

The County of Erie (COUNTY) recognizes the enormous value of direct community support. The COUNTY Department of Parks, Recreation, and Forestry (Parks Department) is very fortunate to receive support from community members who regularly give time, money, property, and individual expertise to help ensure the parks system continues to thrive and provide vital benefits and quality of life for COUNTY residents and visitors. Whether through foundations, corporations, non-profit organizations, service clubs, user groups, partners, or as individuals, community members work to augment park development, maintenance, and improvement.

This document has been adopted with the intent of insuring that philanthropic traditions are fostered, that Donors are treated with consistency and fairness, and that contributions are recognized in ways that support park resources and values. These guidelines shall be implemented through the authority of the Commissioner of the Department of Parks, Recreation, and Forestry (Commissioner).

B. Purpose

The purpose of this policy is to provide guidelines and procedures for accepting and acknowledging Donations of land, cash, Items, time, and expertise. It is not intended to compete with other partners or user groups with which the COUNTY works; but, rather, to provide those that specifically are interested in COUNTY Parks and Forests the opportunity to give.

C. Scope

Donations having an estimated fair market value of \$10,000 or less, including the cost of installation, shall be submitted to the Parks Department Commissioner with final approval by the COUNTY. Donations valued at more than \$10,000, and all Donations of real property, shall be submitted to the Parks Commissioner and the COUNTY with final approval by the Erie County Legislature pursuant to section 803 of the Erie County Charter.

D. Definitions

- Donation: The giving of cash or property without the expectation of an exchange transaction, including but not limited to in-kind donations, solicited donations, and unsolicited donations.
- Donor: An individual or organization wishing to donate to the Parks Department.
- Items: Shall include, but not be limited to, features, objects, artifacts, equipment, and/or materials.

E. Objectives

- Encourage the Donation of cash, Items, services and/or land to the COUNTY by establishing clear guidelines for giving.

- Ensure that Donations are consistent with the aesthetic and functional integrity of the COUNTY's existing and proposed facilities and goals.
- Ensure that Donations do not cause unbudgeted expenditures or significant ongoing maintenance responsibility for the COUNTY.
- Ensure that Donations do not create liability for the COUNTY with regard to the health and safety of visitors and users or COUNTY residents.
- Encourage gifts made in memory of, or in recognition of a person, event or other phenomenon.

F. General Policies

1. The Parks Department shall welcome Donations.
2. Donations must comply with an adopted plan or standard, or be compatible with existing amenities.
3. Donations to COUNTY programs must be consistent with established goals and objectives for the individual program, and/or the COUNTY and/or Parks Department and System as a whole.
4. All Donations shall be considered "gifts for public improvements" to the COUNTY for the enjoyment of the COUNTY's residents and guests. They will not be considered private or proprietary assets.
5. Corporate Donations are encouraged but shall not constitute an endorsement of or by the COUNTY or Parks Department. Donations implying or suggesting commercial advertising or solicitation will not be accepted.
6. All Items purchased or accepted by Donation will receive standard levels of maintenance during their normal life expectancy.
7. Items that are vandalized will be repaired or replaced as feasible, but the COUNTY does not guarantee replacement of any Items damaged beyond repair or where the cost to do so is not considered cost effective.
8. Exceptions to these guidelines may be made only through a pre-determined Donation program, fundraising campaign, or partnership agreement developed and administered by, or in cooperation with, the Parks Department.
9. The COUNTY reserves the right to deny any Donation.

G. Related Policies and Documents

1. Erie County Parks Master Plan adopted in 2019
2. Erie County Parks Protection Law
3. Applicable Federal, New York State, and Local Laws

H. Use of Legal Counsel

Donors and potential Donors are advised to consult with their own tax and/or legal counsel before making Donations to the COUNTY which require execution of an agreement between the COUNTY and the Donor. It is the Donor's responsibility to retain appropriate independent legal and tax counsel in these transactions. Prior to signing any agreements between the COUNTY and the Donor, it is recommended that counsel for the Donor should be given the opportunity to review and approve the documents.

I. Criteria

The following criteria will apply to all individuals, groups, and/or organizations wishing to make a Donation to the Parks Department:

1. **Monetary Donations.**

- a. All monetary Donations shall be directed to the Parks Department.
- b. The COUNTY for the purpose of providing programs, educational opportunities, or improving facilities will accept monetary Donations.
- c. Items typically purchased by means of monetary Donations include basic amenities such as equipment, landscaping, park amenities, etc. Donors are by no means limited to these Items, as any improvements or Items that are consistent with amenity standards will be considered.
- d. Monetary Donations may be made for any expense associated with the establishment, maintenance, or operation of a Parks Department facility.

2. **Item Donations.** The COUNTY may accept Item Donations under the following conditions:

- a. Donations of Items must be consistent with adopted standards and specifications or policies and plans.
- b. Donated Items shall be made of durable, high-quality materials and construction, and shall be in good condition to allow proper installation and long-term function.
- c. Donated Items must be free of inherent hazards or any other characteristics that could potentially cause harm or injury.
- d. In considering donated Items for specific sites, future plans for each site must be considered, including improvements, renovations, conversions, or other changes in use.
- e. Donated Items must be free of Donor-imposed encumbrances, except as agreed to in writing by the Parks Department.
- f. Donated Items must be deemed in keeping with the character of the specific park or facility with consideration to scale, materials, subject, and style of the Item and in relation to the physical site, its uses, and its users.
- g. Donated Items must be compatible with current COUNTY maintenance practices.
- h. Donated Items do not cause unbudgeted expenditure or significant ongoing maintenance responsibility for the COUNTY.
- i. Additional criteria for approval of Items not contained in adopted standards and specifications or policies and plans shall include:
 1. Consistency with adopted design, character, use, and safety at proposed location;
 2. Consistency with national and local health and safety standards and regulations such as ASTM standards for product performance, the Americans with Disabilities Act, local building codes, etc., and;
 3. Consistency with adopted long-range goals for specified facilities or programs as contained in existing COUNTY Plans.

3. **Land Donations.** All proposed land Donations are subject to the COUNTY's Parks Protection Law. If a proposal is deemed acceptable by the Commissioner, the proposal will be submitted to the COUNTY's Advisory Review Committee (ARC) for further review in accordance with the Erie County Parks Protection Law and applicable COUNTY plans.

- Two types of land acceptable as parkland:
 - Unobstructed, Continuous Open Space— Open space areas meeting the requirements listed below where view corridors/scenic views, wildlife corridors and area of land are not encumbered or are minimally obstructed by overhead utility lines, built structures, or paved surfaces (other than trails).
 - This type of open space is the most desirable, given highest preference, and viewed as the most favorable condition if it adjoins or is contiguous with other unobstructed open space and parks. This land is also considered desirable when formulated on existing natural or potentially restorative natural features, including landforms containing native prairie, range land, riparian, wetland and aquatic habitat, headwaters and waterway protection, and/or significant geologic features.
 - Open space areas that are either obstructed or unobstructed that provide cultural/historical resources and/or seasonal wildlife habitat, including grain fields, hedgerows, non-native mature trees that provide nesting or roosting habitat may be considered. Farm ponds within agricultural open space that provide wetland and riparian habitats are included in this category, if they are surrounded by additional land as described above.
 - The dedication of this open space for acquisition by the COUNTY will be more strongly encouraged than open space Donations that do not meet these parameters or are obstructed.
 - Obstructed or Fragmented Open Space— Obstructed open space refers to areas that contain impediments to wildlife and pedestrian travel, or are inhibited or fragmented by man-made structures or constructs such as roads, fences or buildings.
 - This type of open space may be dedicated to the COUNTY if determined to have high preservation values as determined by the COUNTY. The COUNTY will place a priority on the preservation of lands identified as part of the Parks and Recreation Master Plan when evaluating potential open space areas.
- Types of land unacceptable as parkland:
 - Those areas that do not provide functional open space for scenic views, recreational, or wildlife use. These lands may include unusable slivers or pieces of land used solely for linear storm drainages (other than storm drainage areas designed for dual use, such as recreation and drainage), irrigation canals/ditches, utility corridors, development monuments, or are left over and isolated by roadway alignments or lot layouts.
 - Although this type of land may be provided in a proposal, it will not be accepted as parkland or maintained by the COUNTY unless it is determined to have high preservation values as determined by the COUNTY. The COUNTY will place a priority on the preservation of lands

identified as part of the Parks Master Plan when evaluating potential open space areas.

- Active farmland, recently active farmland, or land otherwise determined to be viable agricultural land for farm and agricultural operations will not be considered.
 - Land in need of environmental remediation (i.e., brownfields) may not be considered.
 - **Priorities:**
 - Location—location should be contiguous to existing COUNTY parks and/or forests to the greatest extent possible and have significant value for the community and their intended purposes.
 - Recreation/ Environmental value and adjacent land uses
 - Cost/benefit of acquisition and long-term management
 - Cultural and historic value
 - Future maintenance impacts
4. **Services Donations:** The COUNTY and Parks Department goals are best served by the active participation of citizens of the community. To this end, the Parks Department accepts and encourages the donation of services (skilled and unskilled). Donation of services is to increase and improve the capabilities of paid staff through the effective utilization of community volunteers, and shall not infringe on Union labor responsibilities. Services donated are activities that facilitate the Parks Department’s operations and are put at the Parks Department’s disposal for a defined period of time or instance. (a recurring relationship can be established as a Partnership). Donations of services should not result in additional managerial or physical resources being required by the Parks Department.
- a. Unskilled services: the Donation must be useful and create or enhance a non-financial asset. Examples of unskilled services include trail or playground clean-ups and tree plantings.
 - b. Skilled services: the Donation must be useful, create or enhance a non-financial asset, and the services require specialized skills and are provided by individuals with those skills. Examples of skilled services include masonry, architectural design, horticulture, etc.

J. Guidelines and Procedures

1. An individual or organization wishing to donate to the Parks Department pursuant to this Donation Policy shall submit a proposal in writing to the Parks Commissioner on a form prepared by the COUNTY.
2. Upon receiving a written proposal, the Commissioner shall determine whether the proposed Donation is appropriate for approval, acquisition, placement, installation, or construction on COUNTY property. In making this determination, the Commissioner shall consider:
 - a. The type and value of the Donation(s);
 - b. The needs of the COUNTY and the Parks Department;
 - c. The proposed location;
 - d. The cost of installation and maintenance; and

- e. Any other relevant factors
3. No Donation shall be accepted if acceptance will imperil the tax-exempt status of any COUNTY property.
4. All Donations of land to the Parks System deemed acceptable by the Commissioner will be submitted to the Advisory Review Committee (ARC) for approval before final COUNTY approval, and before submission for consideration by the Erie County Legislature.
5. The COUNTY reserves the right to relocate or alter any Donation in the event the COUNTY determines it is in the COUNTY's best interests to do so. In this event, the COUNTY will attempt to notify the Donor at his or her last known address.

K. Recognition of Donations

The Parks Department shall recognize all Donations in one or more forms according to these guidelines. In order to protect park resources, values, and the experience of park users, methods of recognition and utilization of contributions shall fully respect the function, public values, needs, master plans, and priorities of park property and facilities. Such recognition and utilization of contributions shall be appropriate to the character of each individual park, shall not detract from park users' experiences or expectations or impair the visual properties of the park environment, shall not be perceived as advertising or commercializing the park, and shall not create a feeling or perception of proprietary interest.

- a. In the interest of equal treatment of Donors, recognition of Donations shall be made in accordance with standardized giving levels, with a preference for recognition of all Donations to be made by direct acknowledgment to the Donor (e.g. letter of acknowledgment) and other off-site recognition, and to minimize on-site forms of recognition. Exceptions may be granted in special circumstances with the approval of the Commissioner.
- b. In order to prevent the proliferation of signs and visual clutter in the park environment, off-site forms of recognition are preferred. When a physical form of on-site recognition is appropriate, temporary forms are preferable. Approved on-site recognition may be considered only in a manner that does not detract from the values, goals, and objectives of the Parks Department or the appearance or function of the donated Item, and that is otherwise consistent with Donation guidelines.
- c. All on-site recognition shall be subordinate to, and harmonize with, the characteristics of a park or facility and surroundings, and shall not inhibit routine park maintenance, use and enjoyment or detract from the park's values or interpretive message.
- d. In all forms of recognition, a Donor's wishes for anonymity shall be respected.
- e. Corporate tag lines or marketing messages shall not be permitted on any form of recognition.

L. Giving Level Standards

Recognition of Donations through the above-listed methods shall occur according to the following giving level standards. Each giving level may include one or more forms of recognition from lower giving levels where appropriate. Standards may be refined or modified through a pre-determined Donation program, fundraising campaign, or partnership agreement developed and administered by, or in cooperation with, the Parks Department. The dollar amounts below represent cash or equivalent, appraised value.

- \$1,000 and under: Letter of recognition
- \$1,000 - \$5,000: Off-site recognition in accordance with Parks Department approval.
- \$5,000 - \$10,000: Temporary sign in accordance with Parks Department approval.

- \$10,000 - \$25,000: Integrated sign in accordance with Parks Department approval. Approval of the Erie County Legislature pursuant to COUNTY Code will also be required.
- \$25,000 and above: Plaque or permanent marker in accordance with Parks Department approval. Approval of the Erie County Legislature pursuant to COUNTY Code will also be required.

M. Methods of Recognition

New and innovative methods of off-site recognition will continually be developed to honor the generosity of community Donors. Occasionally, significant Donor contributions are directly related to a park or facility, such as through land Donation, project sponsorship, or major restoration work. In such cases, it may be appropriate to mention a Donor's contribution during selected interpretive programs, events, or materials, or when the Donation is directly related to the subject of interpretation. Method of recognition examples include:

1. Off-Site Recognition:

- Letter of Recognition - A letter of recognition and thanks will be sent to all Donors. The letter will acknowledge the amount of the gift, the Donor, special circumstances that apply, and the date of acceptance. The letter will serve as evidence of the gift for the purpose of the Donor's tax records. The letter will not attempt to value non-monetary gifts.
- Website Donor List – Donor lists may be kept on the Parks Department website to recognize and appreciate Donor contributions. Typically, online Donor lists will be kept for a minimum of five (5) years.

2. On-Site Recognition:

May be proposed only for significant contributions (of time, money, land, etc.) that provide exceptional, long-term benefit to a park or facility. Signs shall be located in developed areas and preferably on or inside an existing structure. Signs may not be affixed to cultural resources. No commitment for sign maintenance for more than five years will be made by the COUNTY.

- Temporary Signs – Temporary signs may be used to acknowledge Donor contributions on-site during a project period (i.e. construction period, or the duration of a specific event or project). Temporary signs shall be uniform, of appropriate design and scale, and clearly indicate both the Parks Department and recognition of the Donor's contributions. Signs may carry a brief project-related or interpretive message. Signs shall be consistent with park sign design standards. Temporary signs shall be placed during the project period (e.g. construction period) and for no more than 90 days thereafter. However, phased or long-term projects may require appropriate exceptions, as determined by the Commissioner.
- Integrated Signs – Recognition of Donor contributions may be considered on certain directional, interpretive, and informational signs. For instance, a trail head map or sign may also recognize a Donor's significant contributions towards the construction of the trail. Similarly, interpretive displays may note that particular features such as overlooks or other facilities exist through the generosity of specific Donors or volunteers. Recognition shall be clearly and substantially subordinate to the sign's intended message or information, and shall be consistent with park sign design standards. Single-purpose recognition signs shall be avoided.
- Permanent Plaques – Permanent plaques may be permitted only with the approval of the Commissioner and may be proposed only for significant contributions (of time, money, land, etc.) providing exceptional, long-term benefit to a park or

facility. Permanent recognition plaques shall be placed only in developed areas in conjunction with existing facilities and shall be harmonious and integrated with the character and features of the park, as determined by Parks Department.

N. Naming

Naming rights will not be considered.

O. Recognition of Memorial Gifts

Memorial Donations (gifts made in memory of a deceased person and/or animal) may be recognized in the same way as other gifts, i.e. through any form of recognition described in Section M, and shall meet the criteria for each specific form of recognition. Inclusion of dates in on-site recognition is strongly discouraged. Instead, memorial Donation recognition may precede the name of the memorialized individual/ animal with the words, "In memory of," except as described otherwise through a pre-defined Donation program.

NOTE: Placement of personal, human or animal remains or other objects is expressly prohibited within the Parks System and shall not be approved or permitted.

P. Existing On-Site Recognition

A range of Donor recognition and memorials currently exist throughout the parks and open space system, some of which may not be in conformance with these guidelines. Out of respect for these Donors and their families, existing on-site recognition established prior to the enactment date of this document shall be allowed to remain until such time as they are removed or replaced in accordance with these guidelines.

Q. Catalog Programs

Catalog programs may be developed to raise funds for specific park-related needs. Catalogs may offer a variety of Items such as picnic tables, benches, trees, shrubs, perennials, and building materials at a pre-determined Donation amount. Catalog programs shall be reviewed and approved by the Parks Commissioner for content, methods, and adherence to these guidelines prior to establishment. Catalog programs shall include a price list and description of a variety of Items. All prices must include necessary administrative costs and a contribution to be placed in a maintenance endowment account.

R. Partnerships

The Parks Department may elect to enter into a partnership with other organizations for a specific program, project, or event. Partnerships represent a special relationship in which the Parks Department and partner organization(s) cooperatively pursue a common goal for community benefit supporting the mission of the Parks Department. A written agreement shall be drafted and signed by both parties. The agreement shall establish the goals, expectations, commitments and obligations, roles, time line, and specific outcomes, and other pertinent information for the partnership. Recognition of partner organizations' contributions shall follow guidelines for Donor recognition as established in this document, unless otherwise stated in the partnership agreement.

1. ADOPTION PROGRAMS

Adopt-a-Park, Adopt-a-Trail, and other adoption programs are designed to provide on-going significant community care and support of specific parks facilities through volunteer labor or other Donations in exchange for recognition of this support. Adoptions shall be considered Partnerships as detailed in the Parks Department Partnership Policy, documented in a signed

agreement, and may be recognized through a sign located at the place of adoption for the duration of the adoption. Adoption signs shall be consistent with park sign design standards, and shall be subject to the approval of the Commissioner.

2. EVENT SPONSORSHIP

Sponsorships are detailed in the Parks Partnership Policy.

This section of the Donation Policy applies to events approved and/or co-sponsored by the Parks Department.

- Signs or banners advertising privately-sponsored events may be placed within the park at the perimeter of the approved event venue and within the event venue. If requested and approved by the Commissioner, unobtrusive directional signs may also be placed at selected, approved locations within the park for purposes of way-finding. Signs typically must be placed no sooner than 24 hours preceding the event, and shall remain for no more than 24 hours following the event.
- For private events and events co-sponsored with the Parks Department, limited on-site use of event sponsors' logos and names on event facilities, signs, and printed materials at special events may be allowed at the discretion of the Parks Commissioner. The size, scale, and location of corporate logos and names shall be subordinate to the event facilities and area. Under no circumstances shall corporate logos and or names be displayed in a manner suggesting endorsement by the COUNTY or the Parks Department.
- If sponsorship of a special event requires on-site recognition of Donors or sponsors, a written agreement shall be drafted and executed prior to approval of the event wherein the responsibilities of each party shall be described, including specific language to eliminate the appearance of endorsement by the COUNTY. This documentation may be in the form of a memorandum of understanding, an exchange of letters, or other written agreement.

S. Corporate Logos

COUNTY Parks are not considered appropriate venues for advertising, and it is therefore desirable to minimize the use of corporate names, logos, and slogans within the park environment. The use of corporate logos may be permitted in conjunction with approved special events. Corporate names (but not logos, tag lines, or slogans) may be used in any form of recognition for Donations as described in Section M. In all cases, corporate logos shall be unobtrusive and subordinate to the Donation or event message, and shall not contain corporate tag lines or other marketing-oriented phrases.

T. Special Privileges

Making a Donation or co-sponsoring a special event does not entitle the Donor/sponsor to any special privileges, other than those described herein, or as authorized and administered by the Parks Department prior to acceptance of the Donation.

U. Maintenance

1. Improvements made in a public space become the property of the public and will be maintained accordingly by the Parks Department. The Parks Department can offer no 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. However, maintenance of donated Items may occur as follows:
 - a. At the time of the Donation proposal, the COUNTY will assess the annual cost anticipated for on-going maintenance of donated park elements and amenities. A

maintenance agreement may be required depending on the nature of the Donation and will be negotiated prior to acceptance of the Donation proposal.

- b. The responsibility of the Parks Department for maintenance or replacement of donated resources serving a direct, broad public benefit shall be treated as equal to the responsibility for maintenance and replacement of other COUNTY property, at the discretion of the Commissioner, for a maximum period of ten (10) years, unless other provisions for maintenance and/or replacement have been stipulated in a written agreement with the Donor. Typically, staff are able to respond only to major vandalism, graffiti or other damage. Donors should be aware that staff are unable to carry out higher levels of care such as cleaning, sanding, polishing, oiling, or other treatments that address normal age and use. The Parks Department reserves the right to remove or relocate donated Items or Donor recognition when reasonably required as a result of necessary park operations.
 - c. The maintenance or replacement of Donor recognition, except in association with signs or other materials providing direct, broad public benefit, shall be the responsibility of the Donor. The COUNTY reserves the right to remove or modify Donor recognition that is hazardous, damaged, in poor repair, or that interferes with park operations.
 - d. At any point after the ten-year period described above, if the condition of a donated Item requires extensive maintenance or removal, an effort will be made to contact the original Donor. Donors will be given the opportunity to replace the Item at the actual cost at the time of replacement. If the Donor declines to replace the Item, the Item may be removed and may become available again to the general public as a Donation opportunity.
 - e. If practical, Donation recognition shall be removed from deteriorated Items and returned to the Donor. If a Donor cannot be reached, recognition material shall be retained by the Parks Department for a period of one year to be claimed by the Donor. Unclaimed recognition may be recycled or discarded after one year.
2. Maintenance Fund Account: All Donations made pursuant to this policy may include a fee approximately equal to 20 percent of the value of the donated Item, which will be used to cover ongoing maintenance and replacement costs. These funds will be added to a maintenance fund account which may be used to cover materials and installation costs, as well as future replacement and maintenance needs, of all donated Items. The COUNTY also may purchase equipment necessary for maintenance of the donated Items using this fund.