

MUNICIPALITY OF MURRYSVILLE
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 614-02

AN ORDINANCE ESTABLISHING A GIFTING POLICY WHICH PROVIDES A
PROCESS FOR INDIVIDUALS AND GROUPS TO DONATE GIFTS OF REAL AND
PERSONAL PROPERTY TO THE MUNICIPALITY OF MURRYSVILLE.

WITNESSETH:

WHEREAS, individuals and groups periodically contact the Municipality seeking to make a gift of real or personal property to Murrysville; and

WHEREAS, the Council of the Municipality of Murrysville ("Council") has the sole authority under the Murrysville Home Rule Charter (M.C. §C-26D) to receive and accept gifts or donations of real or personal property or interest therein in the name of the Municipality; and

WHEREAS, the Council desires to encourage and facilitate such gifts and donations to the Municipality by establishing a gifting policy and Acceptance Review Committee ("ARC") to provide: (i) a process that identifies a variety of public needs suitable for gifting, and (ii) an opportunity for interested donors to communicate with the ARC to select an identified public need for gifting to the Municipality; and

WHEREAS, the Council declares that compliance with the provisions of this Ordinance in the making of gifts or donations of real or personal property to the Municipality of Murrysville shall constitute an act of receipt and acceptance of same by the Council of the Municipality of Murrysville, provided, however, that the gifting policy established herein and as amended from time to time shall be subject to reaffirmation by Council every two (2) years. A reaffirmation is to be undertaken by each new Council within 90 days after the Organizational Meeting following a municipal election.

NOW THEREFORE:

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Municipality of Murrysville, Westmoreland County, Pennsylvania, it is hereby ordained and enacted by the authority of the same, as follows:

SECTION I. DEVELOPMENT PLAN. - The Council of the Municipality of Murrysville shall create and maintain a Development Plan (the "Plan") for all foreseeable improvements and services that Murrysville desires to be undertaken on all lands now owned or hereafter acquired by the Municipality for active, passive or open space recreational purposes. The Administration shall prepare a Development Plan for Council's review and approval. Amendments to the Plan will be undertaken by Council from time to time. In addition, the Administration shall prepare an annual "Special Events Plan" for Council's review and approval in order to implement the within Gifting Policy.

SECTION II. APPROVED GIFTS. - Prospective Donors may select any public need identified in (i) the Development Plan, or (ii) Murrysville's Annual Budget, or (iii) the prevailing five (5) year Capital Improvements Program, or (iv) the annual Special Events Plan, all as duly approved by the Council of the Municipality of Murrysville. A donor may also propose other possible gifts which the donor believes can serve a public need of the Municipality, and such alternative gift shall be subject to Council's review and approval.

SECTION III. ACCEPTANCE REVIEW COMMITTEE. - An Acceptance Review Committee ("ARC") is herein established and whose members shall be appointed by Council. The Review Committee shall have the following responsibilities:

(A) to meet with prospective donors and assist them in making a selection from the identified items which have already been approved for acceptance by Council, as aforesaid, and

(B) to entertain other possible gifting opportunities, and

(C) to promote the gifting program in the community, and

(D) to make periodic recommendations to Council for the continuing effectiveness of the program. An annual committee report for such purpose shall be submitted to Council no later than September 30 of each year.

SECTION IV. MEMBERSHIP AND TERM OF ARC. - The ARC shall be composed of five (5) members who will serve a two (2) term at the pleasure of Council, and whose continued service shall be subject to reaffirmation every two (2) years at the Organizational Meeting of Council following a municipal election.

SECTION V. GIFTING POLICY. - A gifting policy is herein established for the Municipality of Murrys ville, the major elements and provisions of which are as set forth in the within exhibits that are incorporated herein and made a part of this Ordinance:

Exhibit "A" - Purpose of Gifting Policy

Exhibit "B" - Mission Statement for Gifting Policy

Exhibit "C" - Chart Illustrating the Gifting Process

Exhibit "D" - Rules for Gifting Committee Decisions

Exhibit "E" - Definition of Terms

Exhibit "F" - Current Parkland Naming Opportunities

Exhibit "G" - Donor Gift Release Form

SECTION VI. APPLICATION REVIEW PROCESS. - The ARC's and Administration's utilization of the Flow Chart at Exhibit "C" shall at all times conform to the within Application Review Process.

Application Review Process

A. Gifts of Land

The Review Committee shall review all applications for a proposed gift or donation of land. If the land in question clearly does not meet any current or anticipated future needs of the Municipality, or poses environmental or other concerns to its use or development by the Municipality, the Committee shall inform Council of the rationale as to why Council should reject the said application. The Committee will utilize the services of the Administrative staff and municipal boards and commissions in making its evaluation of all applications. For all other applications, the Review Committee shall pass the application and supporting evaluation to the Council for review and probable acceptance.

B. Gifts of Personal Property

1. A gift of personal property can encompass tangible property, intangible property (i.e., money, securities or like property) and services.

2. The Review Committee shall review all applications for a proposed gift of personal property. The Review Committee shall receive all gifts on behalf of the Council of the Municipality of Murrys ville

that conform to a public need identified in the Development Plan, Murrysville's Annual Budget, or the prevailing five (5) years Capital Improvements Program.

3. For all proposed gifts that are not expressly or impliedly contemplated within the Development Plan, Murrysville's Annual Budget or the Capital Improvements Program, said applications shall be referred by the Review Committee to the Administration. A recommendation for either an acceptance or rejection of a proposed gift will be undertaken by the Chief Administrator after consultation and evaluation by the heads of all affected departments. The Chief Administrator's recommendation shall be communicated to Council together with supporting reasons for his recommendation.

C. Special Events Gifts

1. Special Events gifts of personal property (i.e., tangibles, intangibles and services), whether solicited or unsolicited, shall be directed to the attention of the Administrative Staff member assigned to the Event Committee with responsibility for overseeing the conduct of said Special Event and also the Chief Administrator. All proposed gifts for an event identified in the Special Event Plan for said year, or for a public need expressly or impliedly contemplated within the Development Plan, Murrysville's Annual Budget or the prevailing Capital Improvements Program, shall be received by the Chief Administrator on behalf of the Council of the Municipality of Murrysville.

2. For all gifts that do not conform thereto, the Chief Administrator, after consultation with both the administrative staff member assigned to the Event Committee and the heads of all affected departments, shall communicate to Council his recommendation for either acceptance or rejection of the proposed gift with the supporting reasons for his recommendation.

SECTION VII. REAFFIRMATION OF GIFTING POLICY. - The major elements and provisions of the Gifting Policy that are as set forth in Exhibits "A", "B", "C", "D" and "E" shall also be subject to reaffirmation every two (2) years by each new Council. Consideration of said reaffirmation is to be undertaken by each new Council within 90 days after the Organizational Meeting following a municipal election.

SECTION VIII. APPEALS TO COUNCIL. - A decision by the ARC to reject a proposed gift or donation of real or personal property for whatever reason may be appealed to the Council for review. The appeal of an ARC decision is to be filed with the Chief Administrator within thirty (30) days of the action complained of, and Council shall extend applicant an opportunity to be heard in such matter. Council may then either remand the application to the ARC/Administration for further consideration, or in the alternative, it may either reject or accept the proposed gift or donation with or without conditions.

THIS ORDINANCE ORDAINED AND ENACTED AT A REGULARLY CONSTITUTED DULY CONVENED MEETING OF THE COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE THIS ____ DAY OF _____, 2002.

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE

Lawrence W. Keller, President
ATTEST:

Donald Pepe, Municipal Secretary
(SEAL)

APPROVED:

Joyce K. Somers, Mayor

Dated: _____, 2002

Member

Yes

No

Absent

Abstain

Robert J. Brooks

John Cardwell

Joan C. Kearns

Lawrence W. Keller

G. Ted Mallick

Theo van de Venne

Andrew S. Yourish

GIFTING POLICY

Summary of Exhibits

Exhibit "A" - Purpose of Gifting Policy

Exhibit "B" - Gifting Policy Mission Statement

Exhibit "C" - Chart Illustrating the Process

Exhibit "D" - Rules for Gifting Committee Decisions

Exhibit "E" - Definitions of terms used

Exhibit "F" - Current Parks and Naming Opportunities

Exhibit "G" - Donation Release Document

EXHIBIT "G"

Donor Gift Release

All gifts become property of the Municipality of Murrysville and the Municipality of Murrysville will endeavor to utilize any gift received for the donor's stated purpose(s). Acceptance of a gift by the Municipality of Murrysville, however, shall not be deemed to be a commitment to continue such stated purpose(s) in perpetuity. The Municipality of Murrysville reserves the right on the dedication of a gift for a particular purpose (e.g.; the purchase, planting or installation of a tree, flower garden, park bench, playground equipment, pavilion, etc.; or the naming right of a planned or existing municipal property or facility), to (1) discontinue such stated purpose(s) at the end of the useful life of any tangible personal property and/or improvements to land, and/or to designate time period naming right of any property or facility, or to (2) relocate the same while during its useful life at any time , if the Municipality of Murrysville, in the exercise of its good faith discretion, determines such relocation is in the best interests of the Municipality of Murrysville and substantially consistent with a donor's stated purpose(s), (3) the Municipality of Murrysville reserves the right to rescind the use of any name in the event the donor's image or character is proven socially unacceptable. Such Administrative decision(s) will be undertaken by the Park Director, subject to the advice and consent of the Council of the Municipality of Murrysville, and all such decisions shall be final and binding and not subject to review by a Court of competent jurisdiction. It is understood that no financial adjustment will be made to the donor for any change above.

Land Donation Regulations

All land donations must also be reviewed for their benefit, cost and for environmental impact to the Municipality of Murrysville before acceptance.

Major Gift Regulations

Naming rights associated with major gifts, as defined in the Municipality of Murrysville's Gifting Policy, will be for a defined period of time to be established with each donor for a designated physical improvement, facility, field, trail, etc., and that time period will be consistent with guidelines established by the Municipality of Murrysville and revised from time to time. The Municipality of Murrysville reserves, however, the right to assign such naming rights to another comparable facility, either at the same or another location within the Municipality. The Municipality of Murrysville shall provide prior written notice of any such proposed change directed to the last known address provided by the donor to the Municipality. In the case of a gift exceeding \$100,000 the notice will also request the consent of the donor, which consent shall not be unreasonably withheld.

Approved by donor

Date

Name and Value of Gift