

**POLICY OF THE CITY OF MADISON PARKS DIVISION
REGARDING DONATIONS VIA
THE MADISON PARKS FOUNDATION**

The City of Madison Parks Division (“Madison Parks”) is proud to partner with Madison Parks Foundation (“MPF”) as the historic and primary fiduciary agent for philanthropic support of the park system. The Cooperative Agreement between the City and MPF establishes roles and responsibilities of both parties as it relates to projects, programs, and initiatives.¹ Through this partnership, Madison Parks encourages donations to the park system that reinforce its mission and core services. The purpose of this policy is to establish guidelines, standards, and procedures for the installation and care of donations to Madison Parks via the Madison Parks Foundation and for recognition of these donations.² Madison Parks desires to encourage donations while at the same time ensuring equitable access to parks, managing aesthetic impacts, and mitigating on-going maintenance costs that come with increased park amenities.

It is the policy of Madison Parks:

1. To encourage and facilitate public and private donations, bequests, and contributions through the Madison Parks Foundation that enhance, beautify, improve, supplement, support, or otherwise benefit the park system.
2. To accept only those donations that are consistent with the mission and policies of Madison Parks and the Madison Parks Foundation.
3. To accept only those donations given with the full understanding that they become the property of the City of Madison and are subject to the laws, policies, and procedures that govern Madison Parks.
4. To promote the goal of system-wide equity, by encouraging donations that help reduce or eliminate disparity in the quality of facilities and services across the city.
5. To promote defined priorities for Madison Parks, to proactively offer potential donors a variety of meaningful and relevant donation programs or ideas, and to work to ensure wide geographic distribution.
6. To accept donations which:
 - a. Are in compliance with all Madison General Ordinances (“MGO”) and established policies and procedures;
 - b. Bear no emblem of, or reference to, firearms, tobacco, alcohol, or sexually explicit materials; and
 - c. Acknowledge that Madison Parks is not obligated to replace if the donation is stolen, vandalized, worn out, irreparably damaged or destroyed.
7. To recognize donors in a manner consistent with established relevant MGO, Madison Parks, and Madison Parks Foundation policies.
8. To establish clear parameters, which limit plaques and visible recognition objects to areas of the park system recognized as “built” environments, i.e., benches, picnic tables, buildings, play areas, ballfields, tennis courts, etc.

¹ The Cooperative Agreement was entered into on November 16, 2023, and was approved on October 19, 2023 by the City of Madison Common Council (Leg File #78401).

² Madison Parks recognizes that other Affiliate Organizations, such as the Olbrich Botanical Society, also provide generous philanthropic support, to which this policy does not apply.

PROCEDURE FOR DONATIONS

All donations, both in-kind and cash, must be made through one of the following mechanisms:

1. Through the Madison Parks Foundation, an official Affiliate Organization of the Madison Parks Division, as defined and governed by Madison General Ordinance 4.29.
2. In-kind donations may be made in coordination with Madison Parks Foundation or in direct coordination with Madison Parks.
3. Other donations may be made directly to Madison Parks under certain circumstances, to be approved by the Superintendent of Parks.

GUIDELINES FOR ACCEPTING DONATIONS

Madison Parks welcomes these ~~generous~~ donations as an opportunity to enhance services as long as they are consistent with City and agency policies and regulations; respect the physical beauty of public spaces; and reaffirm Madison Parks' mission and core services. In considering any proposed donation, the following questions should be considered:

1. Is the donation consistent with the mission, values, priorities, Park and Open Space Plan and approved park master or development plans of Madison Parks?
2. Is there community or neighborhood support for the donation?
3. Does the donation meet City of Madison Board of Public Works and Madison Parks specifications, such as construction quality?
4. Does the donation enhance existing programs and facilities?
5. Does the donation reinforce the City's priorities?
6. Does the donation address Madison Parks' goal of equity of services and facilities across the city?
7. Is there an accompanying condition (preferential access or a specific recognition) that conflicts with the department's mission, values, or services?
8. Is there adequate budget and staffing to maintain the donation?
9. Does the donation include the creation of a Life Cycle Care Fund (defined below)?
10. Does the donation include the appropriate percentage of the donation that goes to the Madison Parks Foundation "Parks for All" fund?

Donations that are subject to conditions will be considered on a case-by-case basis. These types of donations include, but are not limited to:

1. Any monetary donation that is time-limited or requires subsequent donor approval of project plans;
2. Any monetary donation that is restricted to a specific use;
3. A real property donation subject to defeasible fee, reversionary interest, or life estate;
4. Any donation that requires or restricts the public use or access to the donation in a manner not in conformance with federal or state law, Madison General Ordinances, or agency policies and rules and regulations;
5. Any donation that requires action by a City agency other than Madison Parks; and
6. Any donation that requires a substantial financial commitment or a "maintenance of effort" by the City or agency as a prerequisite for or in association with a donation.

APPROVAL OF DONATION ACCEPTANCE

Donation acceptance is conditioned upon the following:

1. The Madison Parks Superintendent may approve or decline any proposed donation;
2. The Madison Parks Foundation may approve or decline any proposed donation with which it is involved;
3. Any donation that requires the amendment of the Parks Division's Adopted Capital or Operating budget must be approved by Common Council and relevant committees;
4. Some donations may require express Common Council approval.

IMPLEMENTATION OF DONATION

1. **Cost:** Madison Parks has an interest in ensuring that the donor covers the full cost of the purchase, including any site preparation, installation, recognition plaques, shipping, and maintenance during the expected life cycle of donated park elements. Madison Parks also has an interest in ensuring that on-going maintenance costs do not negatively impact the resources available for maintenance of other park facilities under the purview of the Madison Parks. Consequently, the Madison Parks will consider future operation and maintenance costs, and may require, at the time of donation, an amount sufficient to cover anticipated on-going maintenance of donated park elements during their life expectancy.
2. **Parks for All Fund:** Madison Parks has an interest in ensuring that the donations to parks do not unintentionally create significant disparities between the amenities and quality of parks throughout the system. Therefore, for donations over the amount of \$5,000, Madison Parks may require that a minimum of 10% of the donation be allocated to the Madison Parks Foundation's "Parks for All Fund." The "Parks for All Fund" is a trust established to support park amenities and programs that make Madison Parks more accessible for all. This requirement will be established by the Superintendent.
3. **Acquisition or Purchase:** Madison Parks has an interest in ensuring that park elements purchased and installed be of high quality related to style, appearance, durability, and ease of maintenance. The Division staff will be responsible for the purchase and installation of all park elements, unless otherwise agreed to between Madison Parks and the donor. All furnishings including, but not limited to, park benches, picnic tables, etc., will conform to the style of furnishings installed at the site already or of a standard style as determined by Madison Parks, unless specially agreed to by the Parks Superintendent.
4. **Appearance and Aesthetics:** Madison Parks has an interest in ensuring the best appearance and aesthetic quality of its public facilities. Park elements and/or their associated donation acknowledgements should reflect the character of the park or facility. All park elements will be installed in such a manner that will not substantially change the character of a facility or its intended use. All donations shall contribute to the overall park visitor experience and preserve the visual character of the park setting.

5. **Notification:** It is the responsibility of the donor to provide to Madison Parks and the Madison Parks Foundation a current address for purposes of notification regarding their donation. For the purposes of notification, the Madison Park Foundation will attempt to send a letter to the donor, notifying the donor of changes related to the status of the donation (i.e., a need to remove, relocate, or comply with conditions set forth in this policy).
6. **Board Approval:** The City of Madison's Board of Park Commissioners has authority over the use of the City's parklands. As a result, some improvements, depending on their nature, may need to be approved by the Board before the donation can be made.

MAINTENANCE AND REPAIR OF DONATIONS

The long-term care and maintenance of donated park elements is important to both the donor and Madison Parks. The following outlines the requirements for the maintenance and repair of donations to Madison Parks.

1. **Maintenance:** Donated park elements and/or their associated donation acknowledgements, become the City's property at the time of acceptance by the City. Accordingly, the City has the duty to maintain the donation only for the expected life cycle of the donation. If current information is on file, the donor will be informed and given the opportunity to take further action at the expiration of the original life cycle. If Madison Parks is unable to contact the donor or the donor chooses not to renew, any plaque ~~will~~may be removed. It is important that the donor always keep their contact information current with the Madison Parks Foundation.
2. **Repair:** Madison Parks has an interest in ensuring that all park elements remain in good repair. Repair parts and materials must be readily available. Donated park elements must be of high quality to ensure a long life, and be resistant to the elements, wear and tear, and to acts of vandalism. In the event of natural disaster or extenuating circumstances that render donated park elements irreparable, Madison Parks will not be responsible for repair or replacement.
3. **Life Cycle Care Fund:** The establishment of ~~the a~~ Life Cycle Care Fund ensures that Madison Parks will care for the donation for the estimated life of the donation, or until such time the Division determines that the donation must be removed and/or relocated due to unforeseen circumstances.

~~The A~~ Life Cycle Care Fund ~~is~~will be established with the intent of providing a regular revenue source dedicated and sufficient to reasonably maintain donations for the duration of their expected life cycle. The cost of a donation will include the cost of purchase, planning and design services, site preparation, installation, shipping, and the estimated cost of sufficient maintenance based upon the expected life cycle for a donated item. Madison Parks will determine the level of maintenance required for the donated property based upon the type of care needed to reasonably maintain the donation.

At the end of the life-cycle term, the donor may choose to extend the life-cycle term by paying for the current value of a new donation and its associated maintenance cost. The Division reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation or if the ~~Department~~ Division has not been able to contact the original donor.

RECOGNITION FOR DONATIONS

Sponsorship and Donor Recognition Policies will be managed by the Madison Parks Foundation. Recognition for donations may be made through signage, plaques, or other visible recognition objects and will only be added to areas of the park system recognized as “built” environments, i.e., benches, picnic tables, buildings, play areas, ball fields, tennis courts, etc. Any sponsorship or donor recognition signage is subject to the City’s sign code (MGO Chapter 31). Naming of park amenities in recognition of a donor is managed by the Madison Parks Foundation and approved by the Superintendent. Park naming is subject to the [Park Naming Policy](#).