

# TITLE 10

## SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

### SUBTITLE 3 — POLICIES

#### POLICY 27

#### MUSEUM COLLECTIONS AND PARKS DONATIONS POLICY

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#### I. BACKGROUND

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#### 27.010 Purpose

To establish guidelines for the consistent decision-making process related to the acceptance, placement, and long-term maintenance of public requests for memorial, tribute, and/or gift donations to the Linn County Historical Museum or any Linn County Park.

[Adopted nn-nnn eff mm/dd/yy; amd 93-    eff mm/dd/93; 95-   eff mm/dd/95; amd 2020-306 eff 10/27/20]

#### 27.020 Definitions

As used in this policy, the following definitions apply:

(A) "**Administrative Officer**" means the Linn County Administrative Officer.

(B) "**Board**" means the Linn County Board of Commissioners.

(C) "**Department**" means the Linn County Parks and Recreation Department.

(D) "**Donor**" means an individual, group, company, or organization who seeks to donate a gift, memorial, or tribute to the Linn County Historical Museum or a Linn County Park.

(E) "**Donation**" means a gift, memorial, or tribute donated to the Linn County Historical Museum or a Linn County Park.

(F) "**Gift**" means any artwork, historical items or heirlooms, and other non-designated cash donations, that is not a memorial or a tribute.

(G) "**Memorial**" means an object or monument offered in recognition or remembrance of a deceased person(s) or an event that occurred in the past.

(H) "**Museum**" means the Linn County Historical Museum.

(I) "**Museum Archives**" means the historical collection of items and records maintained by the Linn County Historical Museum.

(J) "**Park**" or "**Linn County Park**" means any Linn County public park, Linn County forest, or Linn County recreation area, as each term is respectively defined under LCC 610.

(K) "**Parks Donation Form**" means the form document by which a donor may propose a donation to a Park. The Parks Donation Form must substantially comply with, in form and in content, Appendix 1.

(L) "**Tribute**" means an object or monument designed to acknowledge the contributions of living people to society.

[Adopted 2020-306 eff 10/27/20]

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## II. MUSEUM COLLECTIONS

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### 27.210 Linn County Historical Museum Generally

The general purpose of the Museum is two-fold:

(A) To conserve the historical and cultural heritage of the Pacific Northwest, Oregon and Linn County, and to provide historical, educational and research opportunities for the public; and

(B) To collect, preserve, exhibit and interpret material that pertains to the historical, cultural, anthropological, economic and natural histories of the Pacific Northwest with special emphasis on Linn County.

[Adopted 2020-306 eff 10/27/20]

### 27.220 Donations to the Museum

(A) Donations to the Museum are considered outright and unrestricted and shall be used in any manner which is found to be in the best interest of the Museum.

(B) Usually, accepted donations are considered extremely important or the best available at the time acquired. However, no individual or institution can predict nor govern the changing attitudes of future generations, nor guarantee permanency beyond the best available procedures.

(C) The Museum staff has full discretion on determining how and when objects will be exhibited.

[Adopted nn-nnn eff mm/dd/yy; amd 93-    eff mm/dd/93; 95-   eff mm/dd/95; amd 2020-306 eff 10/27/20]

### 27.230 Expendable Materials

(A) Over the course of time, certain material in the collection may become expendable.

(B) Expendable materials include that which is surplus, duplicate, non-relevant, in a deteriorated condition, or of limited use.

(C) Such material will be used in the best interest of the Museum, including, but not limited to, sale and exchange programs to acquire other needed materials, loans to other institutions and disposal if the condition or value so warrants.

(D) The Linn County Historical Museum Advisory Commission, or its agent, must review any article considered for reacquisition.

[Adopted nn-nnn eff mm/dd/yy; amd 93-    eff mm/dd/93; 95-   eff mm/dd/95; amd 2020-306 eff 10/27/20]

### 27.240 Tax-Deductible Donations

(A) Donations to the Museum may be tax deductible. However, the Museum cannot appraise donations for tax purposes or give tax advise. For the protection of the donor, it is recommended that such materials be appraised by a qualified appraiser before title to the material is conveyed to the Museum. Appraisals after conveyance will not be permitted.

(B) Donors are urged to check with their accountants or tax professionals about current tax laws.

[Adopted nn-nnn eff mm/dd/yy; amd 93-    eff mm/dd/93; 95-   eff mm/dd/95; amd 2020-306 eff 10/27/20]

### 27.250 Literary Rights

(A) Unless otherwise restricted by copyright or by the donor and agreed to by the Museum at the time of acquisition, all literary rights are conveyed to the Museum.

(B) The Museum can assume no responsibility for misuse of literary or copyright restrictions by the users of Museum material.

(C) Material placed in the Museum Archives is primarily for research, exhibit, and educational purposes.

[Adopted nn-~~nnn~~ eff mm/dd/yy; amd 93-\_\_ eff mm/dd/93; 95-\_\_ eff mm/dd/95; amd 2020-306 eff 10/27/20]

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## II. PARKS DONATIONS

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### 27.310 Parks Donation Approval Criteria

All proposed donations to a Park shall be evaluated by the Department according to the following criteria:

(A) The integrity, natural, and architectural features of the Park will be preserved, and the donation will not detract from a user's experience. Design specifications, if any, must be compatible with existing management and operations plans.

(B) Donations shall be consistent with, and relevant to, the stated purpose, scope, and activities of the existing Park.

(C) Donations shall not detract from or overpower the scenic or architectural values of the existing environment.

(D) Donations shall be constructed of materials that meet the design and maintenance considerations of the Department.

(E) Donations which are large in scale may be considered on a case-by-case basis as they relate to Park-planning processes.

(F) Non-designated cash donations shall be used to meet current needs of the Department as recommended by the Department Director.

[Adopted 2020-306 eff 10/27/20]

### 27.320 Board Approval Required for Parks Donations Greater than \$10,000

All donation proposals with a value greater than \$10,000, and which satisfy the approval criteria as provided in LCP 27.310, shall be submitted to the Board for final approval.

[Adopted 2020-306 eff 10/27/20]

### 27.330 Parks Donation Procedures

(A) The donor shall submit a Parks Donation Form to the Department. Department staff shall review and determine the appropriateness of the

proposal as measured by approval criteria provided in LCP 27.310.

(B) Department staff shall contact the donor, in writing, within 30 business days if any final conditions need to be met before final approval.

(C) When all conditions are satisfied, Department staff shall submit the Parks Donation Form, along with any additional documentation, to the Department Director for final approval.

(D) The Department shall contact the donor within ten (10) business days of the Department Director's decision to inform of the decision and to discuss subsequent logistics, if any.

[Adopted 2020-306 eff 10/27/20]

### 27.340 Parks Donation Conditions

(A) The Director's approval must be received before proceeding with ordering and installing a donation.

(B) The protection of the natural environment is a high priority. To this end, the Director may limit a donation in order to promote resource management and sustainability of natural landscapes.

(C) The decision as to location of a donation shall be determined by the Department Director.

(D) Donations shall not have a commercial appearance or corporate label.

(E) Once installed, or for certain gifts, once delivered, the donation becomes Linn County property.

(F) The Department does not guarantee permanency of a donation.

(G) If a donation must be relocated, Department staff will attempt to notify the donor, in writing, at the address shown on the completed Parks Donation Form.

(H) The Department takes no responsibility to replace stolen or vandalized donations or for maintenance or replacement of a donation where a donor has agreed to accept responsibility for maintaining the donation.

(I) All costs associated with a donation are to be covered by the donor. The Department may, on a case-by-case basis, establish a reasonable ad-

ministrative fee to coordinate projects of large value and/or logistically complicated donations.

[Adopted 2020-306 eff 10/27/20]

### **27.350 Appeal Process**

(A) The decision of the Director may be appealed to the Administrative Officer, if submitted in writing within five business days of the Director's decision.

(B) The appeal should contain the following information:

(1) A statement of the action causing concern;

(2) The action requested by the applicant and the reasons supporting it; and

(3) Any other relevant information and impacts.

(C) The appeal will be considered by the Administrative Officer within five business days. If practical, the matter may be resolved by telephone or office visit.

(D) The Administrative Officer's decision will be final.

(E) For donations with a value greater than \$10,000, the decision of the Board shall be final.

[Adopted 2020-306 eff 10/27/20]

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### **References and Authorities:**

ORS 203

### **Legislative History of Policy 27:**

Adopted eff mm/dd/yy

Amendments to

#1 93-\_\_ eff mm/dd/93

#2 95-\_\_ eff mm/dd/95

#3 2020-306 eff 10/27/20

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# LINN COUNTY PARKS & RECREATION MEMORIAL, TRIBUTE & GIFT DONATION FORM

## DONOR INFORMATION

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Email \_\_\_\_\_

## DONATION DESCRIPTION

Memorial       Tribute       Gift

Item Description \_\_\_\_\_

Desired Location \_\_\_\_\_

Projected Timeline \_\_\_\_\_

Plaque Text \_\_\_\_\_

Add'l Info \_\_\_\_\_

\_\_\_\_\_

## TERMS & CONDITIONS

- Location. The final decision as to location shall be determined by the Parks & Recreation Director.
- Restrictions. Donations shall not have a commercial appearance or corporate label.
- Ownership. Once installed, the memorial, tribute, or gift donation becomes property of the County.
- Relocation. The County does not guarantee permanency of a memorial or tribute. If a memorial or tribute must be relocated, the County will attempt to notify the donor, in writing, at the address shown on the completed Memorial, Tribute & Gift Donation Form.
- Replacement. The County takes no responsibility to replace stolen or vandalized donations or for maintenance or replacement of memorials or tributes, including trees where a donor has agreed to accept responsibility for maintenance of the donation.
- Costs. All costs associated with a donation are to be covered by the donor. The County may, on a case-by-case basis, establish a reasonable administrative fee to coordinate projects of large value and/or logistically complicated donations.

The donor understands and agrees with the conditions set forth in this Memorial, Tribute & Gift Donation Form:

Donor Signature \_\_\_\_\_

Date \_\_\_\_\_

◦ FOR OFFICE USE ONLY ◦

ACCEPTED       REJECTED

Authorized Signature: \_\_\_\_\_

Donation Amount: \$ \_\_\_\_\_  
 Administrative Fee Charged: \$ \_\_\_\_\_  
 Receipt to Donor:   
 Staff Initials: \_\_\_\_\_