

TOWN OF CAMDEN CONDITIONAL GIFTING ORDINANCE

Purpose: The purpose of this Ordinance is to provide an orderly method for receiving conditional gifts, authorizing the Select Board to accept such gifts, and to provide a method for perpetual or limited term compliance with the terms of all conditional gifts accepted by the Town of Camden. This Ordinance is adopted pursuant to 30-A M.R.S.A. 5654 relating to acceptance of conditional gifts, so as to promote the general health and welfare of the people of Camden through investment and betterment of public land, buildings and facilities used and enjoyed by the public.

1. Delegation of Authority to Select Board

It is hereby found by the Inhabitants of the Town of Camden that there exists a need to provide a mechanism for acceptance of conditional gifts as are offered to the Town of Camden from time to time. The conditional gifts can take the form of tangible or intangible property. The Inhabitants of the Town of Camden hereby find that in order to adopt a more efficient and orderly process of acceptance of conditional gifts in certain circumstances as described herein, the Inhabitants of the Town of Camden hereby delegate all authority of the municipality to accept conditional gifts as referenced in 30-A M.R.S.A. 5654, as amended from time to time, to the Camden Select Board.

2. Process for gifting or naming programs initiated by the Town of Camden

In the event that the Select Board determines, after notice and public hearing, that the Town wishes to engage in solicitation of conditional gifts related to donations for development of public lands, infrastructure, fixtures, buildings or parks, the Select Board may proceed as follows:

- (a) develop a scheme of gift or naming opportunity categories, based on a predetermined level of giving, and adopt such a scheme through a set schedule;
- (b) after adoption, the scheme and schedule shall be made available to the public and posted on the Town's official website;
- (c) after initial adoption, said scheme and/or schedule may be amended from time to time as an agenda item during any duly noticed Select Board Meeting;
- (d) the terms of conditional gifting may include certain naming opportunities related to

- improvements on property owned by the Town of Camden or property over which the Town of Camden has rights of public access and use. The naming opportunity may include fixtures, improvements, betterments, portions or particular architectural aspects of buildings such as particular rooms, meeting areas, other particularized facilities, as well as buildings themselves; and
- (e) any such scheme relating to conditional gift solicitation shall include a detailed outline of the terms and conditions of gifting, including the duration of the naming opportunity. A naming opportunity shall not exceed a period of fifty (50) years.

3. Conditional Gifts originating from the Donor

When the Select Board receives a written notice from a prospective donor or a representative regarding a proposed conditional gift, the Select Board shall proceed as follows:

- (a) submit the matter to public hearing to receive input from the community. Input from the community may include, but not be limited to, comment relating to the amount and scope of the gift received, the type of conditions that should be attached to it, the duration of the conditions of the gift and any other related comment and/or suggestions. Select Board shall be required to consider such comments from the public, but at all times the Select Board shall retain independent discretion to accept the gift and any naming opportunity and/or other conditions associated with said prospective gift.
- (b) Notice of the hearing shall be provided in a newspaper of general circulation in the Camden area and provide for seven (7) days notice prior to hearing. The caption of the notice shall read as follows: "Consideration of Conditional Gift to the Town of Camden from (name of prospective donor)." The notice shall indicate the general conditions associated with the proposed gift as written by the prospective donor and indicate that the Select Board may or may not accept the conditions and/or may impose other conditions prior to final acceptance.

4. Deposited or invested funds

- (a) After the date upon which any conditional monetary gift, shares, bonds or other

investment accounts, are received by the Town of Camden, but prior to the actual disposition of the money for the intended conditional gift, such as during a construction period prior to completion of a project, the Select Board may deposit or invest said conditional gift.

- (b) The Select Board may enter into agreement with any financial institution with trust powers authorized to do business in the State of Maine for the safekeeping of reserve funds as defined in 30-A M.R.S.A. 5801, or trust funds as defined by 30-A M.R.S.A. 5653, of the municipality; and at all times shall comply with 30-A M.R.S.A. 5706 as amended from time to time, regarding municipal deposit or investment of funds.

5. Exceptions

(a) Gifts, testamentary or *inter vivos* trusts naming the Inhabitants of the Town of Camden as beneficiaries, shall not be subject to this Ordinance so long as there is no condition of acceptance stated in the proposed gift or trust, which would obligate the Town of Camden to incur liabilities or convey any right, title or interest in any Town asset or Town property. It is intended that acceptance of such traditional unconditional gifts and trusts will be considered through an article in the annual Town Warrant.

(b) Town-owned Historic Buildings/Structures/Objects included within the Camden Historic Districts as depicted in the Camden Historic Area Overlay Map approved at the Camden Annual Town Meeting on June 28, 2007, and Buildings/Structures/Objects listed on any State or Federal Register of Historic Places shall be exempt from and not subject to this Ordinance.

(c) No conditional gift may be accepted which requires any form of naming, recognition or representation of any religious or political symbols or affiliation.

6. Effective date

This Ordinance will become effective pursuant to the time frames provided in the Charter of the Town of Camden.