



TO THE HONORABLE MAYOR AND COUNCIL:

DATE: April 22, 2014

SUBJECT: ADOPTION OF POLICY AND PROCEDURE NO. 169 ESTABLISHING A FORMAL POLICY ON MEMORIAL AND COMMEMORATIVE ITEMS

Report in Brief

The City lacks formal policy and procedure on the installation of memorial and commemorative items which are requested by the general public. This staff report presents a history of the City's Memorial Tree Program and makes a staff recommendation for the City Council to adopt Policy and Procedure No. 169 entitled "Memorial and Commemorative Items."

Background

On May 27, 1968 at a regular City Council meeting, a motion passed by unanimous vote of the City Council to approve a memorial tree planting project proposed by the Concord Women's Garden Club. While gathering information about the 1968 memorial tree planting project staff obtained an unofficial document from the Garden Club which offers a rough outline of the project (see Attachment A). The following summarizes the main points listed in the informal document which was obtained from the Garden Club:

- The Garden Club collects and deposits donations to be used for purchasing trees (the initial donations ranged from \$7.50 to \$25.00 per memorial tree request)
- The City plants and maintains the trees
- The Garden Club provides the plaques, sends acknowledgement cards, and maintains the records and bank account
- The Garden Club provides funds for certain trees and concrete if the City requests it
- Trees can be planted in any City Park except for Todos Santos and Markham Nature Park
- Funds come from the Memorial Tree Account and not the General Fund

As time passed, the Garden Club's 1968 memorial tree planting project transitioned into what is now referred to by staff as the City's Memorial Tree Program. In addition to trees, memorial plaques and other commemorative items began being installed by City staff somewhat haphazardly. In some cases benches with accompanying memorial plaques have been installed, in other cases plaques have been installed on City assets which already exist. In all cases the memorial items are installed without any guiding policy or direction from the City Council.

The placement of new memorial items (including trees) has been on hold since the beginning of this calendar year. Staff placed a hold on the program so that a guiding document which addresses future requests could be developed.

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The Memorial Tree Program that was initiated by the Garden Club in 1968 continues today, although changes over time have painted a slightly different picture of the program. The following table compares the 1968 program with how the memorial tree program functions today:

1968 Program	Current Program
The Garden Club collects and deposits donations to be used for purchasing trees (the initial donations ranged from \$7.50 to \$25.00 per memorial tree request)	The Garden Club collects and deposits a \$50 fee The fees are deposited into a Garden Club account which is periodically used for planting projects
The City plants and maintains the trees	The City plants and maintains the trees The City purchases the trees
The Garden Club provides the plaques, sends acknowledgement cards, and maintains the records and bank account	The Garden Club sends acknowledgement cards and maintains the records and bank account The City provides the plaques
The Garden Club provides funds for certain trees and concrete if the City requests it	The City provides funding for all materials
Trees can be planted in any City Park except for Todos Santos and Markham Nature Park	Parks Maintenance staff consider individual requests as they are made
Funds come from the Memorial Tree Account and not the General Fund	The City's General Fund fully funds all program costs

On February 10, 2014, City staff presented a draft Memorial and Commemorative Policy to the Policy Development and Internal Operations Council Committee (Grayson/Leone) (Attachment D). The Committee concurred with the staff recommendation and directed staff to present a draft policy to the Parks Recreation and Open Space Commission (PROSC). Staff presented the draft Policy to PROSC on March 12, 2014; PROSC endorsed the staff recommendation to the City Council to adopt formal policy.

Discussion

In recent months, requests have been made to install memorial plaques on buildings and other City assets. Because of the increase in requests to place memorial items, staff recommends that policy be established which provides appropriate oversight and consistent approach when the City receives a request for the placement of memorial or commemorative items in public spaces (including but not limited to trees and benches). Staff recommends that memorial and commemorative items should contribute to the priorities and purpose of City planning efforts and preservation of the unique

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characteristics of existing City-owned facilities, parks, open space areas, trail systems and neighborhoods.

Staff considered a multitude of issues while drafting the proposed memorial policy (Attachment B). First and foremost, staff contemplated who (or what) might qualify to receive remembrance. Should only concord residents be remembered? Should the individual have to have made some memorable contribution to the community? Does the individual need to be human or will the City allow canines (for example) to also have the opportunity to be remembered in some way? Staff felt the range of possibilities too great to attempt to narrow down policy specific to these questions. Staff believes that if the policy is too narrowly focused, requests for exceptions will begin being made thus adding complexity. To address this concern, the draft policy was written with the idea in mind that staff can use its own discretion while considering requests—which is consistent with the City’s historical process. These decisions will not be made entirely without limitations. Staff recommends that the following guidelines be used when considering a request for the placement of a memorial or commemorative item:

- a. Contributions the remembered individual has made to the community
- b. Future maintenance
- c. Enrichment to the public space
- d. Appropriateness to the setting
- e. Compatibility with master planning efforts
- f. Parks, Recreation and Open Space Commission review (if necessary)¹

Staff recommends that once installed, memorial and commemorative items should become City property and the City should not guarantee their permanency. If an item must be relocated or removed, the City can attempt to notify the applicant to inform them of the action. Because of cost and other factors, staff further recommends that the City not take responsibility for the replacement or maintenance of stolen or damaged memorial or commemorative items, or the replanting of trees which fail to survive. The City should reserve the right to remove or modify these items without notice when necessary, and should not commit to manually-watering memorial trees.

Additionally, staff recommends that applicants be charged for time and material costs to achieve full cost recovery for placement and or installation of memorial and commemorative items. Fees should be calculated at the time of application using current labor and material rates, the City should also apply additional fees as necessary to recover the cost of existing assets when used for memorial purposes (Example: the cost of a new park bench when a request is made to place a plaque on an existing bench).

A menu of limited items (e.g. bench type or tree variety) that can be requested which would be consistent with other city assets will be developed for this purpose. When fees are collected for existing assets they should be set aside to support the enhancement of City facilities and Park projects. It should be noted that the exception to full cost recovery for the placement of memorial items would exist when the request is driven by the City Council.

¹ Memorials would require Parks, Recreation and Open Space Commission review if they had a significant impact on the public setting (e.g. statues).

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With regard to a request to name a City structure concurrent with the placement of a memorial, and or the placement of memorials within existing City buildings, it will be discouraged unless the City Council is the proponent of said naming or placement. If a request is made by the community to name a structure the decision shall be guided by the City's Policy and Procedure No. 159 "Naming of City Facilities."

Staff believes that formal policies and procedures which address memorial and commemorative items and which contain the afore-mentioned staff recommendations are necessary for a consistent and deliberate approach when considering these items. As it is now, City staff will respond to requests without guidance and direction, and the General Fund subsidizes the cost of running the program in lieu of established cost recovery methods.

Fiscal Impact

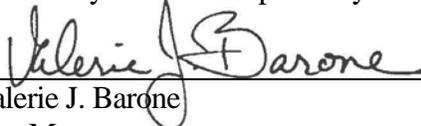
The General Fund currently subsidizes the cost of installing memorial items. This staff recommendation will establish a method for achieving full cost recovery for the placement and or installation of memorial and commemorative items which would relieve the General Fund of this obligation.

Public Contact

This item was presented to the Policy Development and Internal Operations Council Committee on February 10, 2014, at which time the agenda was posted and one member of the public addressed the Committee. The Committee concurred with the staff recommendation and directed staff to present a draft policy to the Parks Recreation and Open Space Commission (PROSC). Staff presented the draft Policy to PROSC on March 12, 2014; PROSC endorsed the staff recommendation to the City Council to adopt formal policy. The agenda for this April 22, 2014 meeting was posted.

Recommendation for Action

The PD&IO Committee, the Parks, Recreation and Open Space Commission, and staff recommend that the City Council adopt Policy and Procedure No. 169 "Memorial and Commemorative Items."



Valerie J. Barone

City Manager

Valerie.Barone@cityofconcord.org

Prepared by: Justin Ezell

Director of Public Works

Justin.Ezell@cityofconcord.org

Attachments:

Attachment A – Garden Club document

Attachment B – Policy and Procedure No. 169 "Memorial and Commemorative Items"

Attachment C – Proposed Memorial and Commemorative Item Request and Agreement Form

Attachment D – Annotated Agenda from the 02/10/14 PD&IO Sub-Committee Meeting

ATTACHMENT A

CONCORD GARDEN CLUB MEMORIAL TREES PROGRAM

THE CONCORD GARDEN CLUB IN CONJUNCTION WITH THE CITY OF CONCORD PROVIDES THIS MEMORIAL PROGRAM. THE CITY PLANTS AND MAINTAINS THE TREES. CONCORD GARDEN CLUB PROVIDES THE PLAQUES, SENDS THE CARDS AND MAINTAINS THE RECORDS AND BANK ACCOUNT. THE CLUB ALSO PROVIDES FUNDS FOR CERTAIN TREES AND CONCRETE IF THE CITY REQUESTS IT. THESE MONIES COME FROM THE MEMORIAL TREES ACCOUNT * NOT OUR GENERAL FUND.

THE MEMORIAL TREES CHAIRMAN MUST:

1. COLLECT AND DEPOSIT ALL DONATIONS.
2. MAIL CARDS TO DONOR AND NEXT OF KIN DESIGNATED
3. REPORT ALL DONATIONS TO CITY EMPLOYEE IN CHARGE OF PROGRAM

THE FOLLOWING INFORMATION MUST BE RECORDED:

1. DATE OF DONATION
 2. AMOUNT OF DONATION (\$20.00 minimum)
 3. NAME TO BE ENGRAVED ON PLAQUE
 4. NAME AND ADDRESS OF KIN OF HONOREE
 5. NAME, ADDRESS AND PHONE NUMBER OF DONOR
 6. LOCATION TREE TO BE PLANTED IN (if requested)
- REPORT ONLY ITEMS 1,2,3, and 6 to city
RECORD ALL ITEMS IN CLUB RECORD BOOK

DO NOT MAIL CARDS UNTIL DONATION IS RECEIVED
CHECKS MUST BE MADE PAYABLE TO CONCORD GARDEN CLUB MEMORIAL TREES
IF DONATION IS IN EXCESS OF \$20.00 DISCUSS APPROPRIATE PLANTING WITH CITY
CHECK PERIODICALLY WITH CITY TO BRING RECORDS UP TO DATE ON PLANTINGS
TREES CAN BE PLANTED IN ANY CITY PARK EXCEPT TODOS SANTOS AND NATURE PARK
REQUESTS FOR USE OF THE PLAQUES IN ANY OTHER SITUATION MUST BE DENIED
PLAQUES ARE KEPT AT THE CITY CORPORATION YARD

MAKE PERIODICAL FINANCIAL REPORTS AT CLUB MEETINGS
HAVE FINANCIAL RECORDS CHECKED BY CLUB AUDITOR AT THE END OF THE YEAR

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Number: **169**
 Authority: Council Motion
 Effective: 04-22-2014
 Revised:
 Reviewed:
 Initiating Dept.: PW

MEMORIAL AND COMMEMORATIVE ITEMS

1. PURPOSE

This Memorial and Commemorative policy has been established to make certain that appropriate oversight and consistent approach is provided when the City receives a request for the placement of memorial or commemorative items in public spaces (including but not limited to trees and benches). The intent of the City Council is to ensure that memorial and commemorative items contribute to the priorities and purpose of City planning efforts and preservation of the unique characteristics of existing City-owned facilities, parks, open space areas, trail systems and neighborhoods.

2. POLICY

Once installed, memorial and commemorative items become City property; the City does not guarantee their permanency. If an item must be relocated or removed, Public Works staff will attempt to notify the applicant, in writing, at the address shown on the completed Memorial and Commemorative Request and Agreement Form. The City is not responsible for the replacement or maintenance of stolen or damaged memorial or commemorative items, or the replanting of trees which fail to survive. The City reserves the right to remove or modify these items without notice and will not manually-water memorial trees. The City highly discourages requests to place plaques within or on existing City buildings.

3. APPROVAL PROCESS

- 3.1 The Director of Public Works or assigned designee will approve requests.
- 3.2 Requests may be made on the *Memorial and Commemorative Request and Agreement Form*; Public Works will process requests in the order received.
- 3.3 Requests for memorial and commemorative items will be considered on a case by case basis; a limited number of new installations will be considered on an annual basis with priority given to City initiated requests. Approval considerations will include, but not be limited to:
 - 3.3.1 Contributions the remembered individual has made to the community
 - 3.3.2 Future maintenance
 - 3.3.3 Enrichment to the public space
 - 3.3.4 Appropriateness to the setting
 - 3.3.5 Compatibility with master planning efforts
 - 3.3.6 Parks, Recreation and Open Space Commission review (if necessary)¹
- 3.4 The Director of Public Works or assigned designee must approve a request prior to the ordering and installation of memorial or commemorative item materials.

4. FEES

The Public Works Department will charge time and material costs to achieve full cost recovery for placement and or installation of memorial and commemorative items. The fee will be calculated at the time of application using current labor and material rates. Additional fees will be applied to recover the cost of existing as-

¹ Memorials would require Parks, Recreation and Open Space Commission review if they had a significant impact on the public setting (e.g. statues).

sets when used for memorial purposes (Example: the cost of a new park bench when a request is made to place a plaque on an existing bench). Final approval will be contingent upon payment of fees.

5. APPEAL PROCESS

If a request is denied by the Public Works Department the applicant has the right to appeal to the City Manager or designee for reconsideration. Conversely, if a request is approved and a citizen opposes the memorial or commemorative project, that citizen also has the right to appeal to the City Manager or designee for reconsideration. The decision of the City Manager shall be final.

6. UNVEILING

Applicants will be provided the opportunity to be present when the memorial or commemorative item is placed. Applicants wishing to hold unveiling ceremonies may do so at their own scheduling and expense provided that the ceremony does not cause a disruption to City operations or events. Fees for the purpose of recovering City staff labor costs which are incurred as the result of an unveiling event shall be assessed using current labor rates and shall be payable to the City upon scheduling the unveiling.



Name of Applicant: _____

Name of Organization (if applicable): _____

Mailing Address (number and street): _____

City: _____ Zip Code: _____

Phone: () _____ Email: _____

Describe request: _____

Inscription (if applicable): _____

Once installed, memorial and commemorative items become City property; the City does not guarantee their permanency. If an item must be relocated or removed, Public Works staff will attempt to notify the applicant, in writing, at the address shown on the completed Memorial and Commemorative Request and Agreement Form. The City is not responsible for the replacement or maintenance of stolen or damaged memorial or commemorative items, or the replanting of trees which fail to survive. The City reserves the right to remove or modify these items without notice and will not manually-water memorial trees. The City highly discourages requests to place plaques within or on existing City buildings.

The undersigned has read, understands and agrees to this Memorial and Commemorative policy:

Applicant Signature: _____ Date: _____

Mail completed form to: Public Works Department, 1455 Gasoline Alley, Concord, CA 94520

FOR CITY USE ONLY

Director of Public Works (or assigned) Name: _____

Approval Signature: _____ Date: _____

Amount paid by applicant: \$ _____ Date: _____

Comments and or item description (attach location map): _____

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CITY COUNCIL COMMITTEE

**POLICY DEVELOPMENT
AND INTERNAL OPERATIONS**

Mayor Tim Grayson, Chair
Ron Leone, Committee Member

5:30 p.m.
Monday, February 10, 2014

Building A, Garden Conference Room
1950 Parkside Drive, Concord

- ANNOTATED AGENDA -

ROLL CALL: All present

STAFF PRESENT: Scott Johnson, Assistant City Manager; Karan Reid, Director of Finance; Jovan Grogan, Budget Officer; Justin Ezell, Director of Public Works

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COMMITTEE: Raymond Barbour

PUBLIC COMMENT PERIOD: There were no comments by the public concerning items not on the agenda.

- 1. CONFIRMATION** – of the second Monday of the month at 5:30 p.m. as the regular meeting date and time for the Policy Development & Internal Operations Council Committee.

ACTION: The Council Committee confirmed the second Monday of the month at 5:30 p.m. as the regular meeting date and time for the Policy Development & Internal Operations Council Committee.

- 2. CONSIDERATION** – Provide Input to Staff in Consideration of Developing a Policy on the Use of One-time and Surplus Funds to Address the City's Long-term Post-employment Liabilities and Infrastructure Backlog. Report by Scott Johnson, Assistant City Manager.

ACTION: Scott Johnson presented an oral report on considerations in developing a policy on how to use one-time and surplus funds to address the City's long-term post-employment and infrastructure backlog.

Committee Member Leone commented that using an Ordinance to implement this policy with a 4/5 “super majority” voting requirement for any changes represents a strong statement by the Council that this is an important issue and a means to address the City’s unfunded needs. Chair Grayson concurred and agreed that the 4/5 voting requirement creates another hurdle to make exceptions to use of one-time or surplus funds for purposes other than those detailed in the Ordinance. Assistant City Manager Scott Johnson commented that an Ordinance requiring a 4/5 vote for any changes also sends a strong, positive message to the bond rating agencies that the City is addressing its unfunded liabilities and unmet infrastructure needs.

The Committee supported development of a policy for use of surplus and one-time funds and provided the following input:

- Endorsed formalizing a policy defining how one-time and surplus funds are to be used
- Recommended using an Ordinance as the vehicle to implement this policy and requiring a 4/5 vote of the City Council for any changes to the adopted policy
- Definitions of one-time and surplus funds should be included
- A prioritization of how surplus/one-time funds are to be used should be included with the highest and first priority to fully fund the annual required contributions for City of Concord Retirement System (CCRS) and Retiree medical benefits to the extent these are not fully funded in the operating budget. The other categories of needs that should be included in the policy are:
 - Unfunded long-term post-employment liabilities such as CCRS, Retiree Medical and PERS
 - Infrastructure backlog including city facilities, roadways, signs, and parks
 - Strengthening general fund reserves and
 - Special or one-time priority projects
- Policy should establish a process for recommendations to be brought to the full council for approval and should not include specific allocation percentages

The Committee requested the draft Ordinance be brought back to the PDIO Committee prior to presentation to the City Council. When the draft Ordinance is brought to the Committee, Mayor Grayson requested staff provide historical information on the average amount of one-time funds over the last three years and the average of surplus funds from 2004-2007.

PUBLIC COMMENT: During the public comment period, Raymond Barbour commented that he did not support the 4/5 voting requirement given that the Ordinance could be repealed with a 3/5 vote.

3. CONSIDERATION – Memorial and Commemorative Policy. Report by Justin Ezell, Director of Public Works.

ACTION: Justin Ezell provided an oral report on the staff recommendation to develop a City policy on memorial and commemorative items. The Committee considered the recommendation and provided the following feedback and direction:

- The cost to install a memorial should be subsidized if the request is City Council driven
- Consider developing a menu of limited items that can be requested which would be consistent with other City assets (e.g. single bench type, single variety of tree)

- Consider the pros and cons of allowing requestors to hire contractors to install memorial items in lieu of paying City staff labor costs
- Consider removing the City Council from the decision making process when requests are received
- Proceed with taking a revised draft policy to the Parks Recreation and Open Space Commission and then to the full City Council for consideration

4. ADJOURNMENT: at 6:37 p.m.



In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3361, at least five days in advance of the meeting. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Distribution: City Council
Valerie Barone, City Manager
Scott Johnson, Assistant City Manager
Mark Coon, City Attorney
Justin Ezell, Director of Public Works
Karan Reid, Director of Finance

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