

TO: TOWN COUNCIL

FROM: TOWN MANAGER 

RE: DONATION FUND FOR BLUE ANCHOR PARK WATER FEATURE

**ISSUE**

Kim Fettke asks that Council authorize the creation of a special fund to account for monetary donations and expenditures to build a water spray feature at Blue Anchor Park.

**RECOMMENDATION**

Authorize creating the special fund conditioned that any money not used for the water spray feature be put into the park development fund 316.400 and that the special fund stay open for one year beginning July 1, 2011 and ending June 30, 2012.

**CEQA**

There are no CEQA issues with this item because play ground features were included in the project plans on which the environmental determination was based.

**MONEY**

Money issues are described in the report.

**DISCUSSION**

Kim Fettke has approached the Town with an idea to do fund raising to build a water spray feature at the Blue Anchor Park. She asks that the Town set up a special fund to account for money that may be received. If the Town sets up the account people can also take a tax donation if they are otherwise qualified to do so. The Town setting up an account also eliminates the need for Ms Fettke and her supporters to set up a private non-profit or seek affiliation with some existing non-profit if donations are to be tax deductible.

When the park construction was bid (see attached) the water spray feature was a bid alternate to be considered if factors were favorable to proceed. A combination of things, mainly having to do with the State Grant, made it prudent to drop construction of the water spray feature, bathroom and the multi-use plaza that included a skate board component. Council subsequently directed that the Park, Recreation and Open Space Committee consider ways to accomplish those works through volunteer assistance and/or donations. The PROSC has not yet developed a recommendation on any of the projects. Kim Fettke however, a private person

(former Planning Commissioner and former citizen of Loomis now living just across a Town border) has an idea to fund raise in order to get the water spray feature built. To get things going she asks that the Town set up a special fund to account for money that may be received. There are issues in accepting money to accomplish some purpose. The following have specifically been identified in the present case:

1. Depending on how water is handled it may not be possible to build only the water spray feature. It may be necessary to also build (or make available) a bathroom and other things pursuant to health regulations. It is unknown if portables could suffice. The question was posed to Placer Environmental Health in February 2011 and they said:

“Bathrooms, showers and drinking fountains would not be required if the water playground used only public treated water and that water drains to the sanitary sewer. If the water is to be recirculated then a tank, filter, separate pumps, primary and secondary water disinfections, restrooms, showers, and drinking fountains would be required.  
[2/3/11 email from Mike Langford to Perry Beck]

Requirements and type of water feature to be built should be confirmed before proceeding. People who donate will likely want to know what is planned to be built and the Town will want to be assured that something legal is going to be built.

2. If it happens that money is collected but is not sufficient to build the water spray feature, and the project is abandoned, then the donors should understand that their money will be used in some other manner. In this case it is suggested that the money go to other active park purposes as determined by the Town. “Active” is suggested because the reason for collecting the money is to provide an active play feature. The money could also be used for playground equipment at one of the Loomis Schools as the Town has done in the past. The reason for an alternative way to spend the money is that people will donate and then declare the donation in their next tax filing. There is no telling today how long donations will need to be solicited and the Town doesn’t want to be in the situation of refunding money to people over multiple tax years. That could also raise issues for people on their subsequent taxes. People should be notified of the possible alternative use of donated money on the donation receipt that is prepared by the Town, and should be told at the time that donations are solicited.
3. There should be a cut-off date to accept donations. It is suggested that two years be used. A starting point could be the 2011/12 fiscal year beginning

July 1 or when the project for which donations will be requested is designed. There was a design bid but it is unknown at this point if that is the design to be used. Also, there are the issues of water use, re-use and whether bathrooms, showers will be needed or whatever other health regulations need to be met.

4. A water feature will require maintenance and that costs money. At present it is unknown how a water feature would be maintained or the cost thereof. If a bathroom facility is needed there will be even more maintenance. Costs and method to pay should be determined before proceeding because the Town has no extra operating money. Today the cost would have to be paid out of reserves. Any money collected in excess of the capital need to construct the feature should go into an operating account to help pay for maintenance as long as the money lasts.

**June 3, 2011**

**COUNCIL REPORT OF JUNE 2 PROS COMMITTEE ACTION**

The Park, Recreation and Open Space Committee discussed methods to encourage volunteer and donation efforts to accomplish building additional features at Blue Anchor Park. Points made were:

- All features (multi-use plaza, water play feature, bathroom, furnishings, commemorations, and recognitions) have equal validity and should be identified (detailed description, budget etc) and sought after with equal vigor.
- Money is limited in the various Town park and open space funds and the need is great throughout the Town so it is prudent to leverage using grants, public and private, volunteers, donations etc
- Legal issues concerning how the Town might leverage its resources, the extent to which public and private resources can be pooled needs to be explored.
- Time is needed to do things right and build on successes.

After deliberating for several hours the Committee unanimously resolved as follows;

“Look into getting a non-profit to resolve the fund raising effort.”

The Committee would like to explore an affiliation with a non-profit in order to better leverage resources.