

## **ARTICLE 5. POLICIES AND PROCEDURES**

5.1. Policies and Procedures. "Policies and procedures" include only policies and procedures regarding services provided to the public.

5.2. Copies of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 shall make available electronic copies of any of their written policies and procedures to the public upon request. To the extent permitted by the General Laws, reasonable fees may be charged for the cost of reproduction if paper copies are requested. (*Amended ATM 2018.*)

5.3. Public Participation. Each Board shall establish a written procedure which allows members of the public to comment orally at a public meeting or a public hearing of the Board when policies, procedures, and agenda items are being discussed by the Board or being considered for adoption, amendment, or repeal by the Board.

5.4. Books of Policies and Procedures. Each Board, the Department of Financial Services, the Town Clerk, and the persons named in Article 23 are encouraged to put their policies and procedures into written form, to keep their policies and procedures in a usefully organized and up-to-date book, and to make the book available to the public during regular business hours. Boards which do not have offices shall keep their books of policies and procedures in the office of the Town Clerk.

5.5. Naming of Public Assets. It is the policy of the Town of Wellesley to reserve the naming or renaming of public assets for circumstances that will best serve the interests of the Town and ensure a worthy and enduring legacy for the Town's physical spaces. (*Added ATM 2008.*)

- a. No Town assets shall be named or renamed except in accordance with this bylaw.
- b. Assets that are considered to be major physical assets of the Town, such as buildings, recreational facilities, parks, water bodies, and conservation land shall be named only after the Board with jurisdiction over the asset shall approve a name; and Town Meeting, by majority vote, shall concur in such naming.
- c. All other Town assets that are portions of a larger whole, such as: interior spaces of buildings; features within parks, conservation land, and recreational areas; driveways or parking lots; or furniture or other small fixtures of any description shall be named by the Board having jurisdiction over the asset pursuant to a policy adopted under subsection (g) herein.
- d. The naming of Town assets shall be considered with the following categories in mind:
  - i. Historic Events, People, and Places. The Town may preserve and honor the history of the Town, State, or Country; prominent historical figures; and local landmarks, neighborhoods, or prominent geographical locations.
  - ii. Outstanding Individuals. The Town may acknowledge individuals who have contributed in a significant way to the public life and well-being of the Town.

Major Gifts. The Town may acknowledge certain major gifts (as defined in each Board's policy) to the Town by individuals, organizations or corporations by naming a public asset in connection with such a gift.

- e. The Board with jurisdiction over an asset to be named shall consider whether a naming agreement, or other documentation, is appropriate in each situation.
- f. In situations where no naming agreement or documentation exists, names shall not be changed without consideration of the historical significance of the name, impact on the individual or organization previously named and the costs associated with such renaming.
- g. No Board shall name any public asset unless the Board shall have adopted a naming policy. All policies on the naming of public assets shall be consistent with the intent of this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the Town website.

5.6. Acceptance of Gifts. (New Section ATM 2009.) The purpose of this section is to authorize the acceptance of gifts for any public purpose, and to specify policies and procedures for doing so.

- a. Town Boards Authorized to Accept Gifts. (money, tangible property, real estate) It is the Town's policy to respect the authority in Town Boards and Committees to accept gifts as provided by statute. This includes, but may not necessarily be limited to the following Town Boards which are authorized to accept gifts of money, tangible property and/or real estate to the extent hereinafter set forth.
  - i. The Select Board is authorized to accept gifts of money and tangible property on behalf of the Town (G.L. c.44 §§53A, 53A1/2).
  - ii. The School Committee is authorized to accept gifts of money for educational purposes (G.L. c. 44, §53A, and G.L. c. 71, § 37A), and of tangible property as a matter of Town policy.
  - iii. The Board of Trustees of the Wellesley Free Library is authorized to accept gifts of money for library purposes (G.L. c. 78, §§ 7, 11) and for purposes of library construction or renovations (G.L. c. 78, § 19K), and of tangible property as a matter of Town policy.
  - iv. The Natural Resources Commission is authorized to accept gifts of money and tangible property for conservation and parkland purposes, subject to the approval of the Select Board (G.L. c. 40, § 8C).
  - v. Gifts of real estate, or interests in real estate, may only be accepted by Town Meeting on the recommendation of the Board of Select Board.
- b. Protocol for Accepting Gifts.
  - i. Any Town Board accepting, recommending the acceptance of, or declining a gift shall adopt a written policy consistent with this bylaw. Any such policy or amendment thereto shall be adopted only after at least one public hearing. All such policies shall be on file with the Town Clerk and posted on the Town website.
  - ii. All Town Boards and Officers not specifically authorized hereinabove to accept a gift on behalf of the Town shall refer the proffered gift to the Select Board if it recommends that the gift be accepted. (The Town recognizes that G.L. c. 44, §53A provides that a Town officer or department may accept a gift of money, but the statute also stipulates any expenditure of such a gift must be approved by the Select Board. Therefore, it is Town policy to require the acceptance be voted by the Select Board at the outset of the gift). Any Town Board not hereinabove provided for, believing it is authorized to accept gifts, may ask the advice of the Select Board and/or Town Counsel.
  - iii. The donee Board shall have the discretion to approve or decline any proposed gift, whether restricted or not, subject to the provisions of this section. In the event a Board declines a gift that decision shall be dispositive of the matter. (Amended ATM 2018.)
  - iv. In considering a proposed gift, Boards should make the following determinations:

1. Whether the gift is appropriate to the mission and needs of the Town and the particular Board;
2. Whether the gift is unrestricted or, if restricted, given in reasonably broad and flexible terms to maximize usefulness;
3. Whether the gift is irrevocable;
4. Whether the gift imposes undue financial burden on the Town;
5. Whether the long-term impacts of the gift, particularly where there could be significant future or ongoing operations and maintenance or capital costs associated with the gift have been accounted for;
6. Whether the terms of the gift permit the Town to apply the gift to related purposes in the event the designated purpose is fully funded or is no longer practical, necessary or able to be performed.

In the event a Board has reason to believe a gift could cause or result in an appearance of impropriety, the Board shall consult with Town Counsel prior to accepting the gift.

Restricted gifts shall be assigned to a project or existing account consistent with the donor's desired use, as long as such restriction(s) do not conflict with Town bylaws or state or federal law, in which case the Town shall ask that the restriction(s) be removed or decline the gift.

- c. Grants. Any Town department is authorized to apply for grants, and to accept grant funds, provided the Board of such Town department has authorized the filing of grant application, or in the case of no application having been required, has authorized acceptance of the grant funds.
- d. Accounting. All funds received by any Board shall be deposited with the Treasurer.

The Finance Department is responsible for providing for the financial administration of any gift to the Town. If necessary, the Finance Department shall track the proposed use of any such gift and shall maintain separate records of accounts showing receipts and disbursements.

Interest, if any, generated by a gift shall accrue to the Town's general fund unless expressly provided otherwise by the terms of the gift.

The donee Board shall be responsible for acknowledgement of gifts and shall provide receipts as needed for Internal Revenue Services and state Department of Revenue purposes.

- e. Reporting. All donee Boards shall prepare an annual report of such gifts including amounts, purposes and such other details as required by the Finance Director. These reports shall include both restricted and unrestricted funds. Reports on gifts shall be filed with the Finance Director, and included in the Annual Town Report. The report shall cover gifts received in the prior fiscal year and shall be submitted in time to be included in the Annual Town Report.