

July 30, 2014

City of Lewisburg Tennessee
 Mr. Steve Thomas
 Councilmember
 131 East Church Street
 Lewisburg, Tennessee 37091

VIA ELECTRONIC MAIL

Dear Mr. Thomas:

You have asked the following question: “how many property owners transfer property to the city for open space and parks” as well as other questions regarding approaches used by cities for financial donations and other support for the same.

While a definitive answer cannot be provided to the first question, the following information regarding the purchase of agricultural conservation easements is provided by the Farmland Information Center (www.farmlandinfo.org):

| Purchase of Agricultural Conservation Easement Programs | | | | |
|---|-----------------|-----------------|-----------------|-----------------|
| State-Level Program Activity Totals | 2010 | 2011 | 2012 | 2013 |
| Easements or Restrictions Acquired | 11,899 | 12,415 | 12,970 | 13,450 |
| Acres Protected | 2,023,230 | 2,185,996 | 2,284,005 | 2,373,470 |
| Program Funds Spent to Date | \$3,058,480,491 | \$3,243,684,871 | \$3,416,498,572 | \$3,622,372,474 |

As to the other questions, I concur in your assessment that parks, open space, and greenways are attractive elements in a city; and getting them under legal control is difficult, but desirable.

One source to assist you in further understanding land trusts is a 2000 publication from the Tennessee Department of Environment and Conservation titled “Land Trusts 101” which can found at the following link: (Note: link is no longer is active).

The Tennessee Department of Agriculture also has a useful website on land protection tools, programs, and resources: <https://www.tn.gov/agriculture/topic/ag-farms-farmland-legacy>

As to the question of soliciting donations, and as a former city manager advising the governing body, our practice was for the city to never actively solicit donations; instead this was done as a project by a

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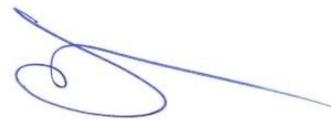
community foundation, chamber of commerce, or other 501 organization, and typically for a park or project in the downtown. And the reason for such a stance? It seemed improper for an organization that “takes” from its citizens (taxes) should also be making “requests” for contributions from its citizens (donations). Coupled with the pressure (subtle or otherwise) that can result to a person or local business when faced with the decision to voluntarily donate (or not) to the city was a situation best avoided. So avoid we did.

Let me encourage you to be careful in your fundraising efforts to not overcommit to recognize a contribution. Many cities have obligated themselves in perpetuity to maintain small commemorative plaques and other recognition for gifts as inexpensive as a park bench or single specimen tree. This becomes a cost and maintenance burden going forward and often times results in unsightly signage in places where you don’t want it – in public green spaces. Consequently, gifts should not have material restrictions or conditions which could prevent the city from freely or effectively utilizing the gift; and should not create a future cost or maintenance burden for the city. Of course, a bronze recognition plaque on a major structure, or commemorative bricks sold for placement as a group, are common ways that donations for public improvements are funded in whole or part by some cities – and can generally be handled with little difficulty and problems as discussed above.

Finally, many cities have formally adopted a uniform policy regarding the acceptance of gifts and other donations. A copy of such a policy for the Town of Rutherford is enclosed for your information.

Please let me know if you have any questions or require any additional assistance on this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant

Cc: Randall Dunn
Greg Lowe