



1.8

NEIGHBORHOOD SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
95814-2977

February 16, 1994

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APPROVED
BY THE CITY COUNCIL

MAR 1 1994

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ADMINISTRATION OF THE ETHEL MacLEOD HART TRUST FUND FOR
SENIOR CITIZENS.

LOCATION AND COUNCIL DISTRICT

City-Wide

STAFF RECOMMENDATION

It is recommended that the City Council, by resolution, approve the following:

- (1) General guidelines for the administration of the Ethel MacLeod Hart Trust Fund for Senior Citizens including the establishment of an Advisory Committee;
- (2) Renaming the Sacramento Senior Citizens Center in Marshall Park as the Ethel MacLeod Hart Multipurpose Senior Center; and
- (3) Amendment of the FY 1993/94 Capital Improvement Program by appropriating \$200,000 from the trust for improvements and additions to the Senior Citizen's Center.

CONTACT PERSON

Alan Boyd, Office of Human Services, 277-6077

FOR COUNCIL MEETING OF:

March 1, 1994

SUMMARY

This report recommends guidelines for the administration of the Ethel MacLeod Trust Fund for Senior Citizens, including the establishment of an Advisory Committee. In addition, this report identifies some initial and long term fund utilization strategies.

COUNCIL/COMMISSION ACTION

In October 1993, the City Council accepted the bequest of Ethel MacLeod Hart and established the Ethel MacLeod Hart Trust Fund for Senior Citizens. At that time, City Council directed staff to return with appropriate guidelines for administration of the fund, including an advisory committee as well as the identification of some initial projects and/or fund utilization strategies.

BACKGROUND

Exhibit A lists the recommended General Guidelines for administration of the fund and for establishment of an Advisory Committee. The General Guidelines provide the Advisory Committee with the broad parameters to assist in the development of appropriate, specific guidelines and procedures for the utilization of the Fund and the recommendation of projects and/or programs to be funded. It is anticipated that the Advisory Committee will initially meet frequently, as they will have a variety of tasks before them, including:

- 1) Developing the specific guidelines and procedures for projects;
- 2) Recommending projects/programs for funding to be included in the FY 1994-95 Budget;
- 3) Developing the specific guidelines and procedures for the on-going composition and operation of the Advisory Committee;
- 4) Assisting in planning appropriate recognition ceremonies for the renaming of the Senior Center.

Following the completion of these tasks, it is anticipated that the Advisory Committee will meet once or twice a year to advise and recommend projects and/or programs for funding.

Exhibit B outlines the Funding Utilization Strategy that is consistent with the terms of the City bequest, the intent of the donor and with the General Guidelines. Included in the initial strategy is the recommended that the City proceed immediately with visible improvements to the Sacramento Senior Center concurrent with the work of the Advisory Committee. It is hoped that these two projects will culminate in a renaming ceremony for the Senior Center in May, which is Older Americans Month. The other proposed initial projects and long term funding strategies

would be the product of working with the Advisory Committee and presented in the context of the FY 1994-95 Budget.

Staff has met and reviewed the General Guidelines, Advisory Committee composition and responsibilities, and the Fund Utilization Strategies with both the attorneys and Executor of the Hart estate, Robin Ferguson and John Murray. They both expressed pleasure with the City proposed program for implementing the bequest. They were particularly pleased about renaming the Senior Center in Mrs. Hart's honor and the focus of the funding strategies on the midtown/downtown area as this was consistent with Mrs. Hart's intent. They also acknowledged that the bequest was not adequate to build and operate a new facility and concurred that the definitions regarding Constructing and Maintaining were appropriate and consistent with Mrs. Hart's intent.

FINANCIAL DATA

Mrs. Hart's bequest was \$1,480,063. and has been placed in a designated special trust fund. Since its inception in mid-October the fund has grown to \$1,511, 350. It is anticipated that the identified initial improvement projects to the Senior Center will cost approximately \$200,000.

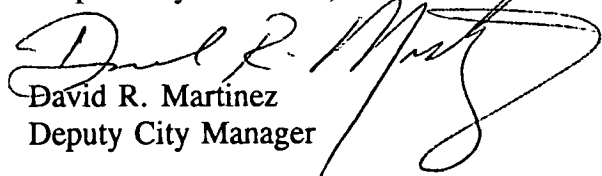
POLICY CONSIDERATIONS

The recommended General Guidelines and Fund Utilization Strategies have been reviewed and approved to be consistent with the intent and terms of Mrs. Hart's bequest. Any modifications to these recommendations would need the concurrence of the executor and attorney for Mrs. Hart's estate.

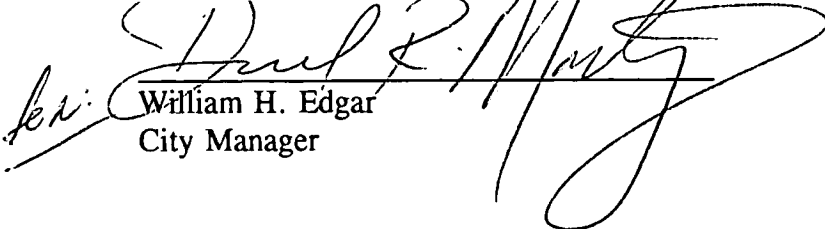
MBE/WBE EFFORTS

Not applicable to this report.

Respectfully submitted,


David R. Martinez
Deputy City Manager

RECOMMENDATION APPROVED:


William H. Edgar
City Manager

RESOLUTION NO. 94-115

ADOPTED BY THE SACRAMENTO CITY COUNCIL

APPROVED
BY THE CITY COUNCIL

ON DATE OF _____

MAR 1 1994

OFFICE OF THE
CITY CLERK

**RESOLUTION AUTHORIZING VARIOUS
MATTERS RELATED TO THE ADMINISTRATION
OF THE ETHEL MacLEOD HART TRUST FUND
FOR SENIOR CITIZENS**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO;

1. That it approves the general guidelines for the administration of the Ethel MacLeod Hart Trust Fund for Senior Citizens;
2. That the Ethel MacLeod Hart Advisory Committee is established as follows:
 - a. The committee will be responsible for providing advice to City staff and the City Council on the appropriate use of the Ethel MacLeod Hart Trust Fund for Senior Citizens consistent with the terms of the bequest, the interest of the donor, and the approved General Guidelines.
 - b. The committee will consist of seven (7) members appointed by the Mayor and confirmed by the City Council. All members of the committee must be at least sixty (60) years of age and a resident of the City of Sacramento.
 - c. Representatives of the following organizations shall be on the committee as part of the seven members providing they meet the age and residency requirements.
 - . Sacramento Senior Citizens Club, Inc.
 - . Sacramento County Commission on Aging
 - . American Association of Retired Persons

The other four (4) members of the committee shall be from the population at large and the entire committee should be reflective of the socioeconomic makeup of the older adult population.

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RESOLUTION NO.: _____

DATE ADOPTED: _____

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- d. The executor of the estate or a designated representative may serve on the committee and participate in the discussions and deliberations but have no vote.
 - e. Members of the committee shall serve without compensation.
 - f. The members of the initial Advisory Committee will assist in the development of appropriate guidelines and procedures for the ongoing work of the Advisory Committee including, but not limited to, length of terms of committee members and shall submit such procedures to the City Council for approval.
- 3. That the Sacramento Senior Citizens Center is renamed as the Ethel MacLeod Hart Multipurpose Senior Center; and
 - 4. That the FY 1993-94 Capital Improvement Budget (500-xxxx-xxxx) is amended to reflect an increase of \$200,000 for purposes of additions, modifications and enhancements to the Ethel MacLeod Hart Multipurpose Senior Center, including equipment and furnishings as needed and appropriate recognition of Mrs. Hart.

MAYOR

ATTEST:

CITY CLERK

-2-

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RESOLUTION NO.: _____

DATE ADOPTED: _____

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ETHEL MacLEOD HART TRUST FUND FOR SENIOR CITIZENS

GENERAL GUIDELINES

- 1) The Fund is to be utilized for Senior Citizens (ages 60+) who are served by the City of Sacramento. Fund projects shall be consistent with the donor's request that the principal and income be used for constructing and maintaining a facility for the use, enjoyment and comfort of senior citizens.
- 2) For purposes of Fund utilization, the term CONSTRUCTING, as used in the bequest, is interpreted to include the expansion, rehabilitation, and refurbishing of existing facilities for Senior Citizens, in addition to the construction of a new facility.
- 3) For purposes of Fund utilization, the term MAINTAINING, as used in the bequest, is interpreted to include custodial and on-going maintenance of senior citizen facilities and appropriate operational and programmatic services for senior citizens to enhance their use, enjoyment and comfort.
- 4) Suitable, and prominent, recognition of Mrs. Hart will be made on all uses of the Fund.
- 5) The City of Sacramento will administer the Fund as a designated special trust fund separately accounted for and reported in the City's annual financial statement.
- 6) The Fund will be utilized primarily to complement and supplement City and other funding resources and not to replace these sources. The Fund will be utilized for direct tangible facilities, equipment, supplies and operations minimizing, to the extent possible, indirect and overhead costs that are charged to Fund projects.
- 7) A portion of the Fund may be utilized to establish a permanent endowment fund for uses consistent with the terms of the bequest and these guidelines. Contributions to enlarge the endowment may be sought from other sources.
- 8) All appropriation of funds from the Trust Fund and the specific guidelines and procedures for the allocation of funds and the identification of appropriate projects and/or programs will require the approval of the City Council. It is anticipated that the funding decisions will be made in the context of the annual City budgetary process.

ADVISORY COMMITTEE

- 1) A seven (7) member Advisory Committee will be appointed by the Mayor, to provide advice to City staff and the City Council on the appropriate use of the Fund consistent with the terms of the bequest, the intent of the donor and the above General Guidelines.

The executor of the estate or a designated representative may be an additional member of the committee and participate in the discussions and deliberations but have no vote.

- 2) The Advisory Committee will include individual senior citizens and representatives from senior citizen advocacy and advisory organizations and will be reflective of the socioeconomic makeup of the older adult population in Sacramento.
- 3) The Advisory Committee will assist in the development of appropriate specific guidelines and procedures for the utilization of the Fund including, but not limited to, the type of projects appropriate for funding and the process by which the funds will be allocated. These specific guidelines will be based on the terms of the bequest, the intent of the donor and the general guidelines identified above.
- 4) The Advisory Committee will assist in the development of recommendations regarding the annual funding of projects and/or programs utilizing the approved general and specific guidelines.
- 5) The Advisory Committee will assist in the development of appropriate guidelines and procedures for the on-going composition and framework of the Advisory Committee.

ETHEL MacLEOD HART TRUST FUND FOR SENIOR CITIZENS

FUND UTILIZATION STRATEGIES

The Senior Center (Center) in Marshall Park (28th & J) is recognized in the community as THE primary focal point for the coordination of programs and services to senior citizens. While there are many programs and services specifically at the Center, the Center and its staff has a city-wide responsibility for programs and services serving the older adult population at large. The Fund will be "administered" from this Center and will be utilized consistent with the mission of the center, the City's commitment to the older adult population and the terms of the bequest and the adopted guidelines.

Initial Projects/Action Steps

- 1) Rename the Center the: Ethel MacLeod Hart Multipurpose Senior Center
- 2) Utilize some of the funds immediately for additions to the Center including: Sound dividing wall in the auditorium and circular meeting rooms; enclosing the outdoor patio; other miscellaneous improvements and furnishing and equipment needs as well as support for the renaming ceremonies;

Other Potential Initial Projects

- 1) Upgrade kitchen facilities at the Camellia City Center - this downtown center, while not operated by the City, is a satellite facility of the main Center and is partially funded by the City and serves a senior population in the downtown area.
- 2) Upgrade to the flooring and other similar projects at the Shepherd Garden & Arts Center in McKinley Park; this Center is home to a variety of organizations whose membership is primarily senior citizens;

All of the above projects and improvements show the City's commitment to the midtown/downtown senior citizen population, focuses the bequest on the existing Center and, coupled with the name change, gives immediate, appropriate and high visibility recognition to the donor.

Long Range Utilization

Retain the balance of the bequest in an "endowment fund" with the income available for new and/or emerging needs of the Center and other senior citizen facilities and programs in the community.

The income could be utilized annually to support constructing of facilities to meet the needs of the growing older adult population as well as for maintaining the operational and programmatic capacities of these facilities in providing for the use, enjoyment and comfort of senior citizens.

Income may be retained in the Fund to accumulate adequate funding for future projects.



RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

FEB 28 1 15 PM '94

OFFICE OF THE
CITY ATTORNEY

WILLIAM L. OWEN
INTERIM CITY ATTORNEY

THEODORE H. KOBAY, JR.
ASSISTANT CITY ATTORNEY

WILLIAM P. CARNAZZO
ASSISTANT CITY ATTORNEY

SAMUEL L. JACKSON
SENIOR DEPUTY CITY ATTORNEY

CITY OF SACRAMENTO
CALIFORNIA

February 25, 1994

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DEPUTY CITY ATTORNEYS
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CATHERINE H. BROWN
SHANA S. FABER
JOSEPH McINERNEY
KELLIE A. McNAIR
TAMARA MILLIGAN-HARMON
JOE ROBINSON

MEMORANDUM

TO: Valerie Burrowes, City Clerk

FROM: Diane B. Balter, Deputy City Attorney *DBB*

RE: **Ethel MacLeod Hart Bequest;
Item No. 1.8 on March 1, 1994, Council Agenda**

Attached is a memorandum to file that I prepared on December 20, 1993, relating to a meeting held on that day among City staff, the executor of Ethel MacLeod Hart's will, and the executor's attorney. I consider the information in the memorandum important in the event that there is a future dispute over the proper use of the bequest.

I am hoping you may find it appropriate to append this memorandum to the materials which have been submitted to the council for item 1.8 on the March 1, 1994, agenda. This might enhance our ability to put our hands on a copy of the memorandum in the future. If you have a better idea, that would be fine.

I have also submitted copies of the memorandum to Ken Nishimoto, Sandy Benoit, and Alan Boyd, to be maintained in their file (if any) on the bequest.

DBB:cgd/js
Attachment

cc: Ken Nishimoto, Budget Manager (1140)
Sandra Benoit, Accounting Manager (1131)
Alan Boyd, Recreation Superintendent (4526)



OFFICE OF THE
CITY ATTORNEY
WILLIAM P. CARNAZZO
~~XXXXXXXXXXXXXXXXXXXX~~
CITY ATTORNEY (ACTING)

CITY OF SACRAMENTO
CALIFORNIA

December 20, 1993

921 TENTH STREET
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SACRAMENTO, CA
95814-2717

PH 916-264-5346
FAX 916-264-7455

MEMORANDUM

TO: Ethel MacLeod Hart Trust Fund for Senior Citizens File

FROM: Diane B. Balter, Deputy City Attorney *DBB*

RE: Meeting With Executor and Attorney for Executor re
Terms of Ethel MacLeod Hart Bequest

On Monday, December 20, 1993, Alan Boyd, Ken Nishimoto and I met with Robin Ferguson and John Murray to discuss the attached draft statement relating to the Ethel MacLeod Hart Trust Fund for Senior Citizens. Ms. Ferguson is the executor of Mrs. Hart's will and Mr. Murray is the attorney for the executor. Ms. Ferguson and Mr. Murray expressed their pleasure with the proposed program for implementing the bequest and did not suggest any changes.

Mr. Murray said that they were excited about focussing the bequest on the existing Senior Center. Further, he stated that naming the existing Senior Center for Mrs. Hart is a "superb" idea. It was noted that an outdoor sign will carry the new name, as well as a plaque inside. Alan raised the possibility of preparing a small permanent display in the Center that would acknowledge Mrs. Hart, perhaps using memorabilia related to the phone company that she and her husband owned in Courtland.

Ms. Ferguson noted that using the money at 28th and J is what Mrs. Hart would have wanted, because she lived near there in her later years. The proposal to use some of the money at two other midtown/downtown locations, the Camellia City Center and the Shepherd Garden & Arts Center in McKinley Park, was mentioned and approval was expressed.

Discussion of the proposed Advisory Committee emphasized the variety of senior interest groups that could and want to provide members. Ms. Ferguson was invited to participate in the Advisory Committee process, and she indicated that she would like to be involved. It was also suggested that a friend of Mrs. Hart, Mrs. Boyles, also be invited to participate. Alan described the process by which the staff would make recommendations to the Advisory Committee, and the Advisory Committee would make a recommendation to the City Council, usually during the annual budget process.

Ethel MacLeod Hart Trust Fund
for Senior Citizens File
Re: Meeting with executor and
attorney for executor
Page Two

It was specifically stated by Alan during the meeting that staff had concluded that the bequest was not adequate to build a new facility. Ms. Ferguson and Mr. Murray agreed.

Mr. Murray and Ms. Ferguson again stated that the primary focus of the bequest should be the midtown/downtown area.

I called special attention to the definition of MAINTAINING set forth in Item 7) under GENERAL GUIDELINES, noting that I thought this was the item on which there could be the most disagreement as to Mrs. Hart's intention or interpretation of the term. MAINTAINING is defined to include maintenance of operations and programming. Mr. Murray indicated that he was comfortable with the definition, and that he believed it to be consistent with Mrs. Hart's intent. Ms. Ferguson agreed.

DBB/cgd:jms

DRAFT

ETHEL MacLEOD HART TRUST FUND FOR SENIOR CITIZENS

ADVISORY COMMITTEE

- 1) A seven (7) member Advisory Committee will be appointed by the Mayor, on the recommendation of the Director of the Neighborhood Services Department, to provide advice to City staff and the City Council on the appropriate use of the Ethel MacLeod Hart Trust Fund for Senior Citizens (Fund) consistent with the terms of the bequest and the intent of the donor.

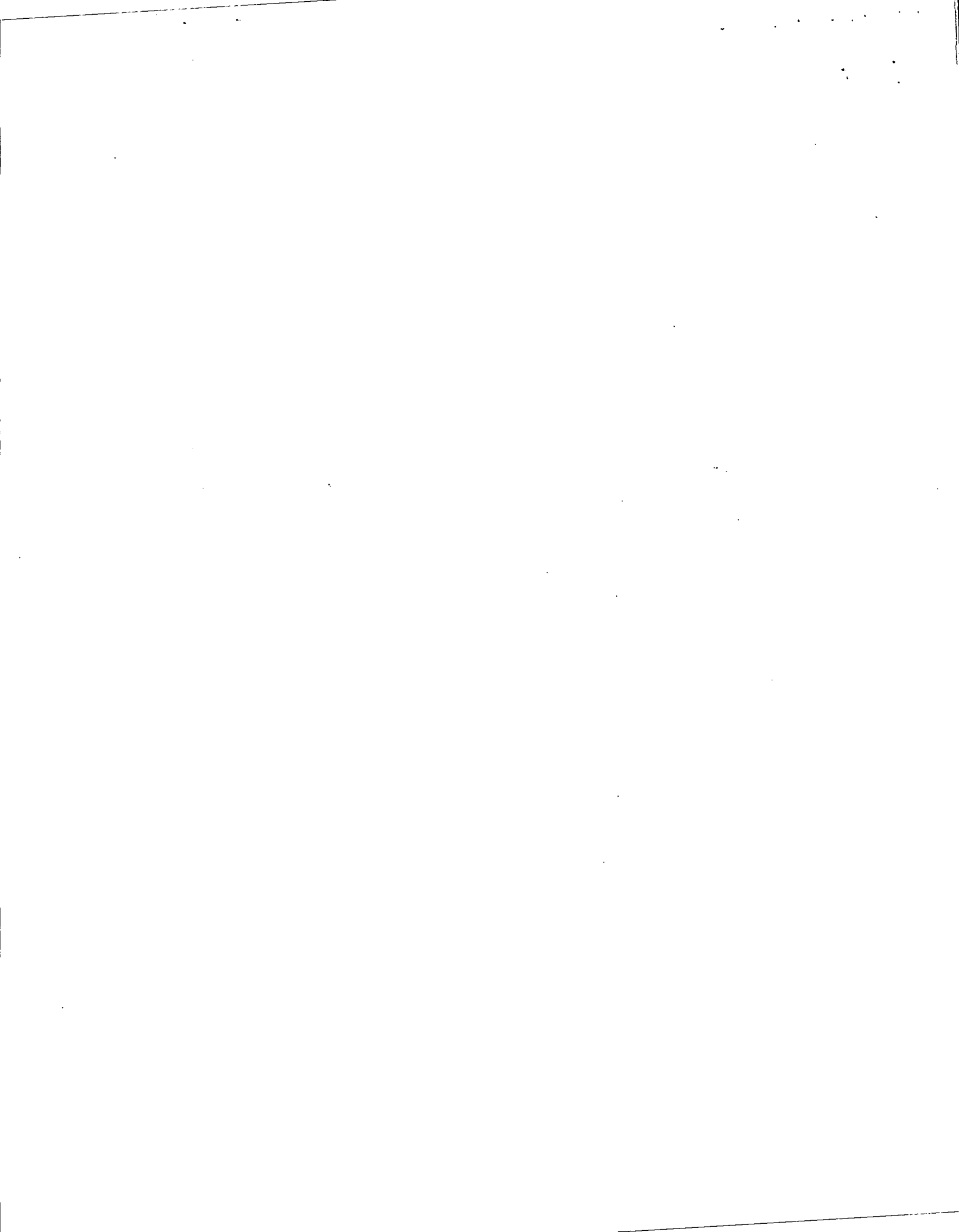
The executor of the estate or a designated representative may be an additional member of the committee and participate in the discussions and deliberations but have no vote.

- 2) The Advisory Committee will include individual senior citizens and representatives from senior citizen advocacy and advisory organizations and will be reflective of the socioeconomic makeup of the older adult population in Sacramento.
- 3) The Advisory Committee will assist in the development of appropriate specific guidelines and procedures for the utilization of the Fund including, but not limited to, the type of projects appropriate for funding and the process by which the funds will be allocated. These specific guidelines will be based on the terms of the bequest, the intent of the donor and the general guidelines identified below.
- 4) The initial Advisory Committee will also assist in the development of appropriate guidelines and procedures for the on-going composition and framework of the Advisory Committee itself. It is anticipated that the Advisory Committee will meet frequently during the start-up phase and then annually to advise and recommend appropriate projects/programs for funding.
- 5) All appropriation of funds from the Trust Fund and the specific guidelines and procedures for the allocation of funds and the identification of appropriate projects and/or programs will require the approval of the City Council. It is anticipated that the funding decisions will be made in the context of the annual budgetary process.

The following are the general guidelines and proposed strategies that will be utilized as the basis for the initial efforts of the Advisory Committee in assisting in the development of specific guidelines and the initial projects/programs to be funded.

GENERAL GUIDELINES

- 1) The Fund is to be utilized for Senior Citizens (ages 60+) who are served by the City of Sacramento. Fund projects shall be consistent with the donor's request that the principal and income be used for constructing and maintaining a facility for the use, enjoyment and comfort of senior citizens.
- 2) The City of Sacramento will administer the Fund as a designated special trust fund separately accounted for and reported in the City's annual financial statement.



DRAFT

- 3) The Fund will be utilized primarily to complement and supplement City and other funding resources and not to replace these sources. The Fund will be utilized for direct tangible facilities, equipment, supplies and operations minimizing, to the extent possible, indirect and overhead costs that are charged to Fund projects.
- 4) A portion of the Fund may be utilized to establish a permanent endowment fund for uses consistent with the terms of the bequest and these guidelines. Contributions to enlarge the endowment may be sought from other sources.
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FUND UTILIZATION STRATEGIES

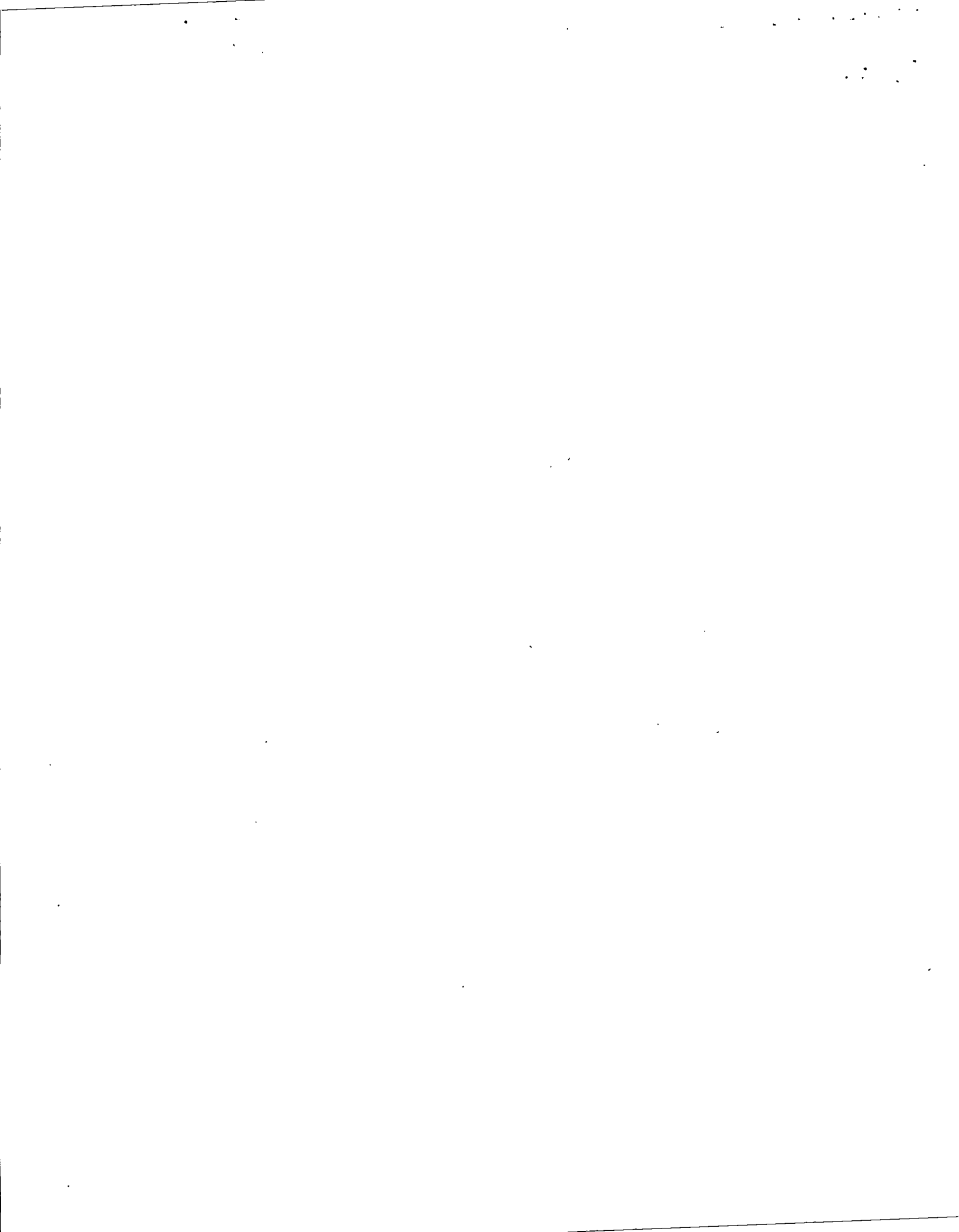
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Initial Proposed Projects/Action Steps

- 1) Rename the Center the: Ethel MacLeod Hart Multipurpose Senior Center
- 2) Utilize some of the funds immediately for additions to the Center including: Sound dividing wall in the auditorium and circular meeting rooms; enclosing the outdoor patio; possible addition of a game room; other miscellaneous improvements and furnishing and equipment needs.

Other Initial Potential Projects

- 1) Upgrade kitchen facilities at the Camellia City Center - this downtown center, while not operated by the City, is a satellite facility of the main Center and is partially funded by the City and serves a senior population in the downtown area.
- 2) Upgrade to the flooring and other similar projects at the Shepherd Garden & Arts Center in McKinley Park; this Center is home to a variety of organizations whose membership is primarily senior citizens;



DRAFT

All of these projects and improvements show the City's commitment to the midtown/downtown senior citizen population, focuses the bequest on the existing Center and, coupled with the name change, gives immediate, appropriate and high visibility recognition to the donor.

Long Range Utilization

Retain the balance of the bequest in an "endowment fund" with the income available for new and/or emerging needs of the Center and other senior citizen facilities and programs in the community.

The income could be utilized annually to support constructing of facilities to meet the needs of the growing older adult population as well as for maintaining the operational and programmatic capacities of these facilities in providing for the use, enjoyment and comfort of senior citizens. Income may be retained in the Fund to accumulate adequate funding for future projects.

November 1993