

111.2 Berry Heritage Trust Ordinance

- I Purpose
- II Definitions
- III Authority of the Board
- IV Effective Date

SECTION I - PURPOSE

The Town of Berry hereby creates the Berry Heritage Trust, a fund of money made up of all voluntary contributions and donations to the Town of Berry. The Town of Berry does so to facilitate and encourage tax-free contribution of funds and resources toward activities and projects that benefit the Berry Community, particularly, but not limited to those projects that the Town may be reluctant to fund solely from tax revenues. To do so, a trust fund and appropriate accounting is hereby created to receive such funds and other donations. In addition, this ordinance provides the means for returning donations to the donors or their heirs should the town be unable to or unwilling to use the funds as intended.

SECTION II - DEFINITIONS

- A. Berry Heritage Trust. The account into which all voluntary donations made to the Town of Berry shall be deposited or held for expenditure or use by the Town Board.
- B. Budgetary Offset. An amount reduced from the Town budget, commensurate with the amount of the donation(s), which has the practical effect of using donated funds to supplant a routine budget expenditure that would otherwise cover the same purpose. The Town binds itself not to engage in budgetary offsets, but to treat the donations and the donor's intent as providing funds to be expended in addition to normal budgetary expenditures of the Town. If the Town Board has used the donation as a budgetary offset, the donor or his near relatives may request and receive a refund of the donation by application to the Town Board.
- C. Donation. Any amount of money or gift of property voluntarily given to the Town of Berry, whether restricted as to the intended use or given generally. No such donation shall bind the Town to the use directed by the benefactor until formally accepted by the Town Board by a majority vote, including any terms and conditions that shall be attached to the donation by the benefactor. Amounts that are given that are not accepted as donations shall be promptly returned to the benefactor. Upon acceptance of a donation, such donated funds or other resources shall be held in trust, separate from other Town funds and property, and shall be administered by the Town Board in accordance with the terms of the donation, if any, within a reasonable period of time, if not otherwise time limited by the donation contingencies.
- D. Petitioner. The donor of the funds or resources, or a near family relative of the donor, should the donor be incapacitated or deceased, or any two members of the Town Board who have filed a request for Town Board review of the administration of a donation.

SECTION III – AUTHORITY OF THE BOARD

- A. Authority of the Board. The Town Board shall have authority to expend funds and other resources contained in the Berry Heritage Trust in accordance with the donor's wishes, and shall do so within reasonable period of time, or within the time period specified by

the donation. Funds the Board is unable to expend in accordance with the benefactors wishes, or within the time period required, shall be returned to the benefactor, upon request. Such funds and resources shall be held in trust and accounted for in a separate account by the Town Clerk/Treasurer, who shall include reports as to the amount of the account, expenditures, returns, and donations, on a regular basis to the Town Board.

- B. Unrestricted funds and resources may be expended by the Town Board in its discretion, for the general improvement and welfare of the Town of Berry. Such expenditures are intended to augment, not replace, the usual budget.
- C. Any Petitioner may petition by certiorari for review of the action of the Town Board in regard to the donations which were the subject of the petition, as provided by law.

SECTION IV – EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 17th day of July, 2023

Posted: July 21, 2023

Brenda Kahl, Clerk/Treasurer
David Evert, Supervisor
Christine Molling, Supervisor

Duane Haag, Chairperson
Michael Statz, Supervisor
Travis Austin, Supervisor