



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the Urbana City Council
FROM: Carol Mitten, City Administrator *cmh*
Michael J. Brunk, City Arborist *mjb*
DATE: November 8, 2018
RE: A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO A NON-ENDOWED FUND AGREEMENT WITH THE COMMUNITY FOUNDATION OF EAST CENTRAL ILLINOIS

INTRODUCTION

Staff seeks approval to amend an agreement with the Community Foundation of East Central Illinois, CFECI, to accept donations for tree planting and donations for legacy trees on behalf of the City of Urbana. The amendment will facilitate a \$10,000 donation from Dr. Holly Rosencranz and Warren Lavey that is intended for the purchase of new trees for parkway planting. The fund will be titled "Urbana Tree Planting and Legacy Tree Fund" and managed as two sub accounts. The amended agreement parameters include:

- A correction of "City of Urbana Parks" to "City of Urbana, Illinois"
- A change in the fund title of "Urbana Legacy Tree Program Fund" to "Urbana Tree Planting and Legacy Tree Fund."
- A revised purpose statement that reads "The purpose of the Fund is to provide financial support for tree planting and legacy tree maintenance in the City, including without limitation funding for the City's Legacy Tree Program and such activities, publications and projects as the City's Tree Commission may approve.

All other components of the agreement listed below will remain the same.

- The intent and restrictions of fund distributions
- Procedures for terminating fund and disbursing remaining funds to the City
- Administrative provisions including maintaining the account as a separate fund, reporting of the account to the City, management fees and investment policies
- The considerations for amending the agreement

The Community Foundation of East Central Illinois is a publicly-supported 501(c)(3) tax-exempt philanthropic organization created in 1972 to encourage and receive contributions establishing endowments for the long-term benefit of east central Illinois. It supports and serves its donors by managing and administering endowed funds that have been donated for philanthropic purposes.

RECOMMENDATION

Recommend approval of the attached resolution authorizing entry into and execution of an amended agreement with the Community Foundation.

RESOLUTION NO. 2018-11-053R

A RESOLUTION APPROVING AMENDMENT NO. 1 TO A NON-ENDOWED FUND AGREEMENT WITH THE COMMUNITY FOUNDATION OF EAST CENTRAL ILLINOIS

(Legacy Tree Program)

WHEREAS, on August 4, 2014, the City Council passed Resolution No. 2014-07-041R, approving a Non-Endowed Fund Agreement between the City of Urbana and the Community Foundation of East Central Illinois; and

WHEREAS, the purpose of this agreement is to provide financial support for the City's Legacy Tree Program; and

WHEREAS, both parties desire to amend the agreement to provide financial support also for tree planting; and

WHEREAS, the City Council, after due consideration, finds that amending the agreement as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1.

An amendment to the Non-Endowed Fund Agreement between the City of Urbana and the Community Foundation of East Central Illinois, in substantially the form of the copy of the instrument entitled "Amendment No. 1 to Non-Endowed Fund Agreement," attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Amendment No. 1 to Non-Endowed Fund Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor

AMENDMENT NO. 1 TO NON-ENDOWED FUND AGREEMENT

The Community Foundation of East Central Illinois ("Community Foundation") and the City of Urbana, Illinois ("City"), mutually agree to the following amendments to the Non-Endowed Fund Agreement authorized by Resolution No. 2014-07-041R and entered into on August 5, 2014:

1. The first sentence in the introductory paragraph is hereby amended by changing "City of Urbana Parks" to "City of Urbana, Illinois."
2. The name of the Fund established in Paragraph 1 is hereby changed to the "Urbana Tree Planting and Legacy Tree Fund."
3. Paragraph 2, "Purpose," is hereby replaced in its entirety by the following:
 2. **Purpose.** The purpose of the Fund is to provide financial support for tree planting and legacy tree maintenance in the City, including without limitation funding for the City's Legacy Tree Program and such activities, publications and projects as the City's Tree Commission may approve. All such funding must be consistent with the mission and purpose of the Community Foundation and the intent of this Fund.
4. All other terms and conditions of the Agreement remain in full force and effect.
5. This amendment will take effect upon execution by the Community Foundation and the City.

The parties are signing this Agreement on the dates indicated below their signatures.

Community Foundation of East Central Illinois

City of Urbana, Illinois

By: _____
Joan M. Dixon
President & CEO
Date: _____
2018

By: _____
Diane Wolfe Marlin
Mayor
Date: _____
2018

Attest:

Charles A. Smyth
City Clerk
Resolution No. 2018-