



City of Des Plaines

Fire Department

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Des Plaines, IL 60016

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MEMORANDUM

Date: July 9, 2015
To: Michael Bartholomew, City Manager
From: Alan Wax, Fire Chief *AW*
Re: Accepting Donation to Fire Department

Issue: Several times during the last couple of years of her life, a Des Plaines resident received care from the paramedics and firefighters of the Des Plaines Fire Department. She was obviously pleased with the service she received, because she recently passed away and, through a trust, she donated a considerable sum of money to the Des Plaines Fire Department.

Analysis: Because a Receipt and Release form is involved in receiving the money, this donation is being brought before the City Council for acceptance. The \$42,419.04 donated will be placed in the Fire Department Donation Fund, which is a self-supporting escrow fund established to receive donations given to the Department. Generally, donors wish the funds to be used specifically for the benefit of the Department, usually related to the paramedic service. The donor's name has been withheld here and redacted in the attached Release Form to avoid violating patient privacy rules.

Recommendation: I recommend that the City Council accept the donation and approve the execution of the Release form, thus allowing the administrator of the Trust to disburse the funds to the Department. Please place this item on the Consent Agenda of the July 20, 2015 City Council meeting.

Attachments: Resolution, with Receipt & Release Form as an Exhibit

CITY OF DES PLAINES

RESOLUTION R - 128 - 15

A RESOLUTION ACCEPTING A DONATION TO THE FIRE DEPARTMENT AND AUTHORIZING THE EXECUTION OF A RELEASE

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the City to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Des Plaines Fire Department was named a beneficiary of a trust and is entitled to receive a donation in the amount of \$42,419.04 from the trust ("**Donation**"); and

WHEREAS, in order to receive the Donation from the trust, the City must execute a Receipt and Release on Distribution form ("**Release**"), releasing and discharging Cornerstone National Bank & Trust Company from all liability related to its actions as trustee of the trust; and

WHEREAS, the City desires to execute the Release and receive the Donation; and

WHEREAS, the City Council has determined that it is in the best interest of the City to execute the Release and accept the Donation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the City Council.

SECTION 2: ACCEPTANCE OF DONATION. The City Council hereby accepts the Donation to the Fire Department.

SECTION 2: APPROVAL OF RELEASE. The City Council hereby approves the Release in substantially the form attached to this Resolution as **Exhibit A**, and in a final form to be approved by the General Counsel.

SECTION 3: AUTHORIZATION TO EXECUTE RELEASE. The City Council hereby authorizes and directs the City Manager to execute, on behalf of the City, the final Release.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

PASSED this ___ day of _____, 2015.

APPROVED this ___ day of _____, 2015.

VOTE: AYES _____ NAYS _____ ABSENT _____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

DP-Resolution Approving Donation to the Fire Department

#36103914_v2

Exhibit A

**Receipt & Release on
Distribution**

Pursuant to Article Eight of the First Restatement of the [REDACTED] Declaration of Trust dated November 16, 1999, the trustee hereby distributes to the Des Plaines Fire Department a 1/7th interest in the one share equal to one-half of the remaining net trust estate in the amount of \$42,419.04 to said beneficiary.

Now, therefore the undersigned acknowledges receipt of the said property. The undersigned further acknowledges, however, that said trust property is subject to any and all claims for taxes and other liabilities not now heretofore asserted against the trust property or Cornerstone National Bank & Trust Company as Trustee.

In consideration of the distribution of said trust assets, the Des Plaines Fire Department assumes and agrees to pay all lawful claims for taxes and other liabilities hereafter asserted against the trust property.

Additionally, the beneficiary for himself and his successors, heirs, estates and assigns, hereby releases and discharges Cornerstone National Bank & Trust Company as a Trustee & individually from any and all claims, demands, suits, actions and liabilities or responsibilities of whatsoever kind and nature, arising out of or in connection with Cornerstone National Bank & Trust Company acting as a Trustee from the date of its appointment and including the date of distribution.

Signed this ____ day of _____, 2015.

By: _____

Its: _____