

# 501.(c)(3) Planning 3/2

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02 MARCH 2023 / 4:00 PM / ROOM 113

## ATTENDEES

Richard Wiginton, Geoffrey Schultz, Brian Coats, Dan Tapella, Cambra Pogue, Phillip Lane, and Michael Vaclavik (Quorum met).

Also in attendance: Mark Perkins (City Administrator) and Carl Lumley (City Attorney)

## MEETING

The meeting was called to order by Richard Wiginton at 1602 hours.

## Agenda

Submitted for approval at 1604 hours by Richard Wiginton. Motion to approve by Dan Tapella / Seconded by Geoffrey Schultz / No dissenting votes

### **New Business**

Fundraising and Donations discussion with Mark Perkins and Carl Lumley

- Perkins and Lumley wanted to give the board members advice and direction on accepting donations. They cited the City of Creve Coeur Code of Ethics Ordinance 130.070 (Subsections C-D) which covers donations and solicitations (See Addendum). The Foundation was directed to follow the monetary thresholds from the Code of Ethics with regard to donations.
- They requested upon receiving donations from any entities, to contact the City Administrator for approval. They also expressed concern for members cold calling for donations. They wanted to make sure the Foundation understands not to solicit donations in uniform or on City letterhead.

- They explained the concern was an appearance of impropriety and want to shield the Foundation, and the City, from public scrutiny.

## Old Business

- **Incorporation**
  - The Foundation is registered with the State of Missouri as a corporation. The Foundation's State number is N001691776.
- **Logo**
  - A vote was taken by Creve Coeur Police Department employees, sworn and non-sworn. Richard Wiginton conducted the vote and received 37 responses. The responses were 23 votes (62.2%) for the 'shield' logo and 14 votes (37.8%) for the 'circle' logo.



- **CPA update**
  - Wamhoff Accounting Services has offered to provide accounting advice and/or answer accounting questions for the Foundation.
- **Website designer**
  - Tabled until next meeting

## ACTION ITEMS

1. Phillip Lane will follow up with a website designer

## Meeting Adjournment

- Brian Coats moved to adjourn the meeting at 1711 hours / Seconded by Dan Tapella.

**NEXT MEETING:**

Thursday, April 27, 2023, at 1600 hours.

**Prepared by:** POLANE 634

**Approved by:** Sgt.  767

Addendum (Taken from the City of Creve Coeur ordinance Chapter 130)

C.

***Donations.***

[Ord. No. 5558, 11-27-2017]

1.

***Donations And Sponsorships Valued At One Thousand Five Hundred Dollars (\$1,500.00) Or Less.***

a.

The City Administrator will consider the guidelines established in Subsection (C)(3) of this policy and either accept or reject offers of donations of money, equipment and in-kind contributions or sponsorships to the City up to one thousand five hundred dollars (\$1,500.00).

b.

Donated money will be expended for general purposes or specified purposes, if agreed upon with the donor, as one-time supplements to the City's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs. Each donation will be evaluated for usefulness, and costs of potential replacement/rental rates will be considered. In-kind contributions and sponsorships, or business discounts for specific events will be treated in the same way as donated funds.

c.

The City Administrator will accept or reject donations to the City and sponsorship arrangements with the City and business discount offers for City employees and/or officials with a cumulative value of up to one thousand five hundred dollars (\$1,500.00). Acceptance of such discount offers by individuals shall comply with the policies and procedures set forth in the City's Anti-Fraud and Corruption Policy. Unless otherwise directed by the City Council, the City Administrator shall determine any necessary allocation of gifts to the City.

d.

Donations, sponsorships, and business discounts that are approved by the City Administrator shall be recorded by the office of the City Administrator. Recorded information shall include the name of the donor or sponsor, a description of the donation, sponsorship or discount including approximate material value, and the date of approval by the City Administrator.

2.

***Donations And Sponsorships Valued At More Than One Thousand Five Hundred Dollars (\$1,500.00).***

a.

For monetary, equipment and in-kind contributions, sponsorships, or discounts with material values over one thousand five hundred dollars (\$1,500.00), a report to the City Council will be written outlining the purpose of each proposed transaction and any relevant considerations of the guidelines provided in Subsection (C)(3). The City Council will decide, on a per-case basis, if donations or sponsorships should be accepted or rejected. Corporations offering in-kind contributions will be requested to state the value of the offered item or service.

b.

All donations and sponsorships valued at more than one thousand five hundred dollars (\$1,500.00) either separately or cumulatively during a calendar year require City Council approval. Subsequent to Council's acceptance, procedures for handling transactions of more than one thousand five hundred dollars (\$1,500.00) shall be the same as those for the acceptance of transactions valued at one thousand five hundred dollars (\$1,500.00) or less.

3.

***Guidelines For Accepting Donations.*** The following criteria shall be considered in the acceptance or rejection of all donations:

a.

**Does acceptance of funds, equipment or in-kind services, materials, or business discounts present a conflict of interest for the City or its employees? Regardless of the value, donations shall not be accepted if there is reason to believe there may be a conflict of interest. Examples may include donations from:**

**(1)**

**Donors that are involved in a matter under current review with a pending outcome with any City process such as any zoning or development matter, building inspection, Police investigation, Property Maintenance Code investigation, or any investigation into the violation of Municipal Code.**

**(2)**

**Contractors, vendors, or persons seeking to provide services/materials to the City of Creve Coeur.**

**b.**

**Do restrictions upon the use of the item or funds make it practical to accept?**

**c.**

**Do restrictions on disposal or retention of the item or funds make it practical to accept?**

**d.**

**Is required accounting for the item or funds excessively difficult?**

**e.**

**Would donated materials or equipment require extensive repair or maintenance, and if so, is maintenance support available?**

**f.**

**Does the equipment or materials require the purchase of additional items to be useful?**

**g.**

**Will the donation result in an increase to the City's budget? Donations are to be considered one-time supplements and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years.**

**4.**

***Solicitations.***

a.

Solicitation of donations to the City shall be subject to this Subsection (C)(4) as well as the same procedures that would apply to acceptance of an unsolicited donation under Subsection (C)(3). Approval of a solicitation shall constitute approval of acceptance unless the terms and conditions required for acceptance are materially different from those included with the solicitation.

b.

City Officials and employees shall obtain approval prior to soliciting donations to the City. If the solicitation is for a donation of one thousand five hundred dollars (\$1,500.00) or less, approval shall be obtained from the City Administrator. If the solicitation is for a donation of more than one thousand five hundred dollars (\$1,500.00), approval shall be obtained from the City Council.

c.

Other than a donation solicitation approved pursuant to Subsection (C)(4)(b), no elected or appointed City Official or employee of the City shall directly solicit anything of value, for any purpose, from a person or corporation:

(1)

That is currently seeking or subject to official action of, or doing business with, the City, or anticipated to be doing so in the immediate future; or

(2)



Whose interests may be substantially affected by the performance or non-performance of the individual's official duties.

d.

City Officials and employees soliciting donations in compliance with this policy (i.e. either with approval or after restrictions no longer apply) from those that are or have previously engaged in the conduct set forth in Subsection (C)(4)(c) of this policy shall make clear that such solicitations are not connected to or presented as requests for payment for services rendered and otherwise strive to avoid any semblance of impropriety.

e.

Those soliciting donations are prohibited from exerting any form of pressure upon those they have benefited through official acts.

f.

City Officials and employees shall not offer any form of "special access" to themselves in exchange for donations.

g.

City Officials and employees shall not solicit anything of value, for a private purpose, through the use of the City's letterhead, official stationery, assigned City e-mail address, or any other means that suggest that the solicitation is made with authority or on behalf of the City.

h.

City Officials shall not directly solicit anything of value from City employees. City employees shall not directly solicit anything of value from their

subordinates. Notwithstanding the foregoing, fundraising campaigns directed to all employees may be approved by the City Administrator.

i.

This policy does not apply to solicitations of campaign contributions. Such activities are subject to separate regulations, including Chapter 130, RSMo.