

PLEASE NOTE START TIME IS 6:00PM

AGENDA
MAPLEWOOD CITY COUNCIL
MANAGER WORKSHOP
6:00 P.M. Tuesday, May 26, 2015
City Hall, Council Chambers

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. Solicitation Policy Discussion

F. ADJOURNMENT

THIS PAGE IS INTENTIONALLY LEFT BLANK

AMENDED MEMORANDUM

TO: City Council

FROM: Melinda Coleman, City Manager
H. Alan Kantrud, City Attorney

DATE: May 26, 2015

SUBJECT: Solicitation Policy Discussion

Introduction and Background

The City of Maplewood, as all cities can, and Maplewood does, authorize the acceptance of gifts to the City pursuant to State Law. However the City does not specifically authorize, and thus does not have a policy regarding, the solicitation of gifts. This memorandum and its attachments attempt to provide, for discussion and consideration, a policy for the City to go beyond the mere acceptance of gifts and to authorize, pursuant to a defined policy, the solicitation of gifts and contributions to the City for defined purposes and with clear intent.

In this environment of increasing private investment, combined with the power of cities to harness greater members of the public to advance common goals and initiatives, the City would like to articulate a policy for, and ability to, solicit funds for programs and initiatives beyond the confines of the City's general fund. The ability to seek solicitations, on behalf of the City, is therefore intended to advance identified public purposes and create stronger ties to the community while still staying within the confines of the Statutory laws of the State.

Discussion

The City has the ability to accept gifts and contributions pursuant to state law. Minnesota Statutes section 465.03 authorizes the acceptance of gifts and contributions to governmental entities and puts various procedural requirements on their acceptance. While not specifically authorized, the ability to solicit those gifts and contributions are implied.

That being said, the City wishes to have a policy regarding the solicitation of gifts in an organized and regulated manner and staff provides this memorandum and attachments to begin that discussion.

Pursuant to that discussion, the attached Resolution is provided as a proposed policy. (Attachment A).

Staff was most concerned with the concept of conflict of interest and the spectre of undue influence. This is a real concern to staff as the concept of 'solicitation of funds' may suggest to the public that the City may be putting itself into an untenable position with entities that are approached.

The Policy recommended attempts to address those issues. This Policy is intended to encourage and allow the City (specifically certain members thereof) to approach potential donors with the clear intention that, as emissaries of the City, they seek to solicit and collect funds for clearly identified and publicly beneficial projects or programs that otherwise may be available to support, but are not readily apparent to those potential donors.

The distinction of the Department Heads are called out due to their unique and critically important roles for the City. Those department heads represent the core of the City's mission and in staff's opinion deserve to also be included in those limited number of individuals beyond the elected officials who will be able to encourage civic giving. This respects the commitment that the City makes to Public Safety and Governance and would thereby allow those individuals to solicit as if they were elected officials.

Departments themselves can, and are encouraged to, engage civic entities/businesses but only through their Department Heads and only with clear authority from the City Manager and will be subject to the same policy; no direct solicitation by staff is allowed in this Policy.

A further distinction is made with respect to businesses and entities that wish to support civic functions and activities regardless of their status, assuming they are not currently, actively, seeking approval of the Council for any reason. Staff supports this, as it allows current license-holders and other city-regulated businesses to participate in civic events, celebrations and initiatives, through their direct participation without running afoul of this policy. Nothing in this policy is intended to discourage or otherwise limit participation in the way the City has conducted those activities historically and the policy is intended to reflect that.

Staff has considered the conflict of interest as it relates to the concept of allowing public safety officials also being solicitors of funds and has determined that with adoption of the policy, this concern is addressed.

Two examples of the manner in which this policy has been handled are provided herewith to give Council perspective on the issue. These are provided for perspective, and the staff is confident that the proposed policy is consistent with the concerns articulated in the materials.

The theme in each is consistent: prevent undue influence; but allow the reasonable opportunity to reach out to those entities that would likely support civic needs, initiatives and programs that better the community.

The Atlanta policy (attachment B) is very succinct and merely provides guidance; the Missouri policy (attachment C) is in keeping with the theme presented here, but goes into greater detail and parses value and types of donations. These are complimentary yet contrasting positions. The one you are considering takes a middle-ground approach and leaves some of the detail to staff to handle without categorizing based on value.

Several national organizations have been consulted on this topic through the thoughtful comments of the Minneapolis City Attorney who was consulted on this matter and who graciously advised staff this on this issue. Their input has been considered in the Policy.

Staff supports this Policy not as a general fund revenue enhancement mechanism but as a way to allow targeted giving and the opportunity for those that can give, to give, and to reinvest in

programs they can support and want to support. Many supporters exist, and want to do what they can, and this policy will give cover for the City to seek them out, identify the programs that they can support, and allow the City to garner it.

Recommendation

Staff asks that the Council approve this conceptual policy of solicitation with any amendments and modifications and to further direct staff to bring the policy back for consideration and adoption at a regular meeting for approval.

Attachments

- 1) Solicitation Policy
- 2) Atlanta Ethics Policy
- 3) Wentzville City Ordinance

RESOLUTION

Of Maplewood City Council: ~~By~~

ESTABLISHING GUIDELINES FOR THE SOLICITATION AND ACCEPTANCE OF GIFTS ON BEHALF OF THE CITY.

WHEREAS, Section 465.03 of Minnesota Statutes states:

“Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full.”

and

WHEREAS, the statute requires the City Council to formally accept a gift of cash or tangible property before it may be accepted, expended, and ~~or~~ used by a city department, board, commission, official, or employee; and

WHEREAS, the City Manager and City Attorney were charged to analyze solicitation practices and recommend options; and

WHEREAS, the City Manager and City Attorney now recommend this policy to permit solicitation for city purposes if pre-approved by the City Council or conducted pursuant to a City Council approved solicitation policy; and

WHEREAS, gifts to the City are beneficial because they promote or assist public programs and projects and reduce the need for expenditure of public funds; and

WHEREAS, despite the public benefits, gifts solicited or offered to the City must be scrutinized to assure that they do not raise conflict of interest problems, special treatment concerns, or other ethical issues and;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the attached Exhibit A as the City’s policy for the solicitation and receipt of gifts to the City; and

BE IT FURTHER RESOLVED that this Resolution shall take effect on July 1, 2015; and

BE IT FINALLY RESOLVED that the City Clerk is directed to transmit certified copies of this Resolution to every elected or appointed local official ~~and~~ other department head.

EXHIBIT A

**POLICY ON
SOLICITATION AND ACCEPTANCE
OF GIFTS ON BEHALF OF THE CITY FOR CITY PURPOSES**

Part 1. SOLICITATION OF GIFTS ON BEHALF OF THE CITY FOR CITY PURPOSES

a. General Conditions

1. A Council Member, or appointed local official ~~or employee~~ shall not solicit any gift to the City under circumstances that in fact or in appearance:
 - (a) Rewards, influences, or tends to impair the judgment of any elected local official, or appointed local official ~~or employee~~ in the performance of the official's ~~or employee's~~ official duties; or
 - (b) Provides special consideration, treatment, advantage, privilege, or exemption for or coerces a potential donor.
2. ~~Official~~ Employees with enforcement powers, such as inspectors, regulators, police and prosecutors, excluding the Chief of Police and Fire Chief and Department Heads, should not solicit gifts from any source;
3. ~~Official~~ Employees with direct discretionary authority over any permit or application should not solicit gifts from any source.
4. No gift from an anonymous donor shall be solicited under any circumstance. Unsolicited anonymous gifts may be accepted pursuant to Minn. Stat. 456.03 ~~the Gifts to the City Policy~~.
5. No gift shall be solicited from a lobbyist or principal as defined in Minnesota Statutes, section 10A.01 Subd. 21 and 33 ~~and the Minneapolis Ethics in Government Code, Chapter 15~~.
6. No gift shall be solicited from an interested person. For purposes of this Policy, interested person shall have the meaning given by Minnesota Statutes, section 471.895 Subd. 1(c) ~~and the Minneapolis Ethics in Government Code~~ supplemented by the following:
 - (a) Current City vendors and contractors;
 - (b) Vendors, contractors, entities or individuals who have had

contracts or submitted proposals or bids within the last 12 months;

- (c) Vendors, contractors, entities or individuals reasonably anticipated to have business with the Ccity within the next 3 months.
- (d) Persons or entities actively promoting or opposing active, pending, Ccity legislation.
- (e) Persons or entities with matters pending before the a Ccity Ccouncil, or one of its Departments, Bboards or Commissions.
- (f) This section shall not apply to the solicitation of support, gifts, prizes or discounted services obtained from vendors, licensees or businesses in furtherance of any civic celebration or initiative for which the Council accepts pursuant to State Law and for which no requirements of use or expenditure is attached, implied or required and otherwise complies with the limitations imposed generally to gifts in this section.

- 7. No gift shall be solicited if its intended use is inconsistent with or otherwise seeks to circumvent laws, regulations or policies of the City, County or State.
- 8. No gift shall be solicited if such gift reasonably may be viewed as funding for political activities.
- 9. No gift shall be solicited that will impose an onerous requirement for its acceptance, maintenance, or eventual disposition by the city, including but not limited to the approval of land-use, development or redevelopment projects unless such gift is intended to enhance public spaces associated therewith.
- 10. Requests to the general public, rather than selected individuals or businesses, are recommended to be made in writing and contain a statement that government action regarding the donor will not be affected by whether or not a contribution is made. ?

b. Solicitation by Departments, ~~Boards, Commissions and Advisory Committees~~ or their designee

- 1. When a department desires to solicit gifts, the head of the department shall submit a completed Request to Solicit Gifts form (Form A) to the City Manager~~Coordinator with a copy to the Ethics~~

~~Officer.~~ The department shall not engage in any solicitation effort until the Request to Solicit Gifts form (Form A) is approved by the City ~~Manager~~~~Coordinator~~. Once approved or denied, the Request to Solicit Gifts form (Form A) shall be filed by the City ~~Manager~~~~Coordinator~~ with the City Clerk with a copy to the department. All gifts received pursuant to the approved solicitation may be accepted pursuant to the Gifts to the City Policy and approved by the City Council pursuant to Minn. Stat. 465.03.

2. ~~When a board, commission or advisory committee, or designated employee desires to solicit gifts, the head of the board, commission or advisory committee shall submit a completed Request to Solicit Gifts form (Form A) to its assigned department for approval by the department head. If the department head approves the proposed solicitation, the department head shall submit Request to Solicit Gifts form (Form A) to the City Coordinator with a copy to the Ethics Officer. The board, commission or advisory committee shall not engage in any solicitation effort until the Request to Solicit Gifts form (Form A) is approved by the City Coordinator. Once approved or denied, the Request to Solicit Gifts form (Form A) shall be filed by the City Coordinator with the City Clerk with a copy to the department. All gifts received pursuant to the approved solicitation may be accepted pursuant to the Gifts to the City Policy.~~
3. ~~When a department desires to solicit gifts valued at more than \$20~~15,000.00 such solicitation must not occur until a resolution, approving the solicitation and naming the Department Head as designee of the City Council, has been approved by a two-thirds vote of the City Council.
34. ~~___~~ All appointed local officials ~~and employees~~ soliciting gifts for the City shall submit a Quarterly Solicitation Report (Form B) to the City Clerk with copies to the City ~~Manager~~~~Coordinator and the Ethics Officer~~. Quarterly Solicitation Reports are due 10 calendar days after the end of the quarter.

c. Solicitation by Elected Local Officials.

1. Solicitations by the Mayor or designee or an individual City Council member or designee of an individual City Council member or the City Council as a whole or designee of the City Council shall comply with General Conditions, Part 1(a).
2. All elected officials or their designees soliciting gifts for the City shall submit a Quarterly Solicitation Report (Form B) to the City Clerk with copies to the City ~~Manager~~~~Coordinator and the Ethics Officer~~. Quarterly Solicitation Reports are due 10 calendar days

after the end of the quarter.

- d. **Application.** These provisions shall apply except where more restrictive statutes, ordinances, rules, or administrative policies are in effect.

Part 2. ACCEPTANCE OR REJECTION OF GIFTS TO THE CITY

a. General requirements

1. *Restrictions on acceptance.* An elected local official or, ~~appointed local official~~ ~~or employee~~ shall not accept or receive any gift to the city under circumstances that in fact or in appearance:
 - (a) Rewards, influences, or tends to impair the judgment of any elected local official, appointed local official or employee in the performance of the official's or employee's official duties; or
 - (b) Provides special consideration, treatment, advantage, privilege, or exemption for or coerces a potential donor.
 - (c) Is unrelated to the responsibilities and authorized functions of City government.
 - (d) Is made by a donor who has made contributions to the City on such a frequent basis as to create an appearance of impropriety. No donor shall make contributions that nonetheless adhere to this policy that exceed 3 contributions in a calendar year.

Consideration of these requirements will be presented to the entire City Council by the City Manager with their recommendations and acceptance shall include a finding that none of the circumstances above exist and pursuant to Minn. Stat. 465.03.
2. *Notification of prospective donor.* Upon notification of~~accepting~~ a prospective gift, an elected local official, or appointed local official ~~or employee~~ shall immediately notify the prospective donor in writing that the gift is subject to acceptance by the City Council; ~~that the gift will not result in any favored treatment for the donor in pending or future procurement decisions;~~ ~~and~~ that a gift will not state or imply the endorsement of the City of any product, service or entity; ~~except that this requirement shall not apply if the donor is anonymous and the anonymous gift is permitted to be accepted under this Policy.~~ (See sample Donor Notification Letter – Form C)

3. *Endorsement prohibited.* Acceptance of a gift must not state or imply the endorsement of the City of any product, service or entity.
4. ~~*Return of Rejected Gifts Not Approved.*~~ No gift shall be taken into custody by a City employee, local official or elected official if but at the resolution to accept the gift is not adopted by a two-thirds vote of the City Council, the gift shall be returned to the prospective donor, pursuant to Minn.Stat. 465.03.
5. *Use of Gift.* Use of a gift must be accounted for through record keeping and is subject to the restriction in this Policy. The City Clerk shall ensure that gifts and contributions to the City are utilized pursuant to any legal restrictions imposed by donor and shall report to the City Council annually as to their disposition.

b. Acceptance of Gifts

Acceptance by Council of gifts to the City shall be pursuant to the Gifts to the City Policy, using the Gift Acceptance Form (Form D).

REQUEST TO SOLICIT (FORM A)

Project for which gifts will be solicited: _____

Background information on project: _____

Amount of money to be raised: _____

In-kind donations sought: _____

How the gifts will be used to aid or facilitate the project or otherwise carry out the department's responsibilities, functions or activities: _____

Staff conducting the solicitations: _____

Entities or persons sought to be solicited and status of entity:

Entity or Person	Lobbyist	Lobbyist Principal	Interested Person	Other Pending City Business

Submitted by: _____ Date: _____

Department Head

City Coordinator Use Only

___ Approved through _____
Date

___ Denied

City Coordinator to file original with City Clerk, Copy to Department

DONOR LETTER (FORM C)

[Date]

[Donor Name]
Donor Address]
[City, State ZIP]

Re: [Gift of _____]

Dear [Donor Name],

On behalf of the City of Minneapolis, I would like to thank you for your generous proposed donation of [\$______ or describe goods] to the City [If gift comes with any restrictions, they should be listed here. For example: on the following conditions: _____]. Your proposed donation is subject to acceptance by the City Council. Minnesota state law requires that all gifts to municipalities be presented by resolution to and approved by a two-thirds vote of the City Council. Acceptance of your donation does not state or imply the endorsement of the City of any product, service or entity connected to you and acceptance will not result in any favored treatment for you in pending or future procurement or other City governmental decisions. Your donation will be submitted for approval at the [Month, date, year] City Council meeting.

Very truly yours,

Department Head or designee

GIFT ACCEPTANCE FORM (FORM D)

TO: Finance Officer
300M, City Hall

FROM: _____
Department

Description of gift (including value of gift, date received and special conditions related to acceptance of gift, if any) _____

Name & address of entity or person making gift:

Status of entity or person making gift:

Principal: Yes___ No___ Principal lobbyist: Yes___ No___

City Vendor: Yes___ No___ Other interested person: Yes___ No___

If yes to any of the above, please provide further information about giver's status:

Certifications (please initial):

___ The gift will be used by the department to fulfill an authorized function or duty;

___ Any gift is consistent with the department's plans for its programs and projects;

___ The gift is directly related to, and will be expended solely for, a discrete program and/or purpose; and

___ The gift is consistent with the Policy on Solicitation and Acceptance of Gifts on Behalf of the City for City Purposes.

Funding strings for revenue and expense appropriation increases:

Revenue: _____

Expense: _____

Form Prepared by: _____
Name Position

[Atlanta Ethics](#)**Atlanta Ethics Integrity Matters**

Tel: 404-330-6286

Integrity Hotline: 800-884-0911

ethicsofficer@atlantaga.govSearch **Solicitations**

1. [Home](#)
2. [Code of Ethics](#)
3. [Ethics Issues](#)
4. Solicitations

Parent Category: [Code of Ethics](#)

The Code of Ethics prohibits officials and employees from soliciting or accepting anything of value that is calculated to influence a vote, decision, or exercise of official authority. The Board of Ethics has established guidelines that apply to elected officials, appointed officials, or city employees when soliciting gifts in their official capacity on behalf of the City of Atlanta for city programs.

Guidelines for Solicitations

- The official or employee must solicit in an official capacity.
- The solicitation must be made for a city purpose, project, or program.
- Employees should not seek donations from city contractors or vendors.
- The fund-raising campaign should make a broad public appeal for support.
- The gift must be given to the City of Atlanta or one of its agencies.
- The gift must be publicly disclosed on the online Gift to the City Report.
- The gift cannot be calculated to influence any vote, decision, or official action.

Restrictions on Fundraising Campaigns

Fundraising campaigns should not single out city contractors or vendors. It is important that city employees refrain from making one-on-one appeals to companies or individuals when they know or should know that the potential donor is regulated by, doing business with, or seeking business from the employee or the employee's



agency or has a specific matter pending before the agency. Other departments may solicit donations from prohibited sources as part of a broad public appeal for support, such as a mass mailing, press release, speech, or public interview.

To comply with the city's guidelines, city officials and employees should always consider whether a solicitation or gift from a prohibited source is in the best interest of the City or creates the appearance of impropriety.

Charitable Fundraising

Officials and employees may not use official city letterhead or other city resources to raise funds on behalf of non-profit groups that are not affiliated with the City.

Elected officials should use the letterhead of the charitable group or personal stationery in any fundraising letter on behalf of a private individual or group.

Solicitations among Employees

Supervisors should not solicit charitable donations or campaign contributions, purchase goods and services, or engage in other financial transactions with subordinates because of the potential for abuse.

Employees can ask coworkers to donate to a school fundraiser or support a private charity so long as (1) city resources are not used, (2) employees do not use their position to obtain a personal advantage, and (3) the transactions are not disruptive or interfere with the ability of employees to perform their work.

Code of Ethics

- [Ethics Law](#)
- [Ethics Issues](#)
 - [Conflicts of Interest](#)
 - [Contract Participation](#)
 - [Doing Business with City](#)
 - [Elections](#)
 - [Gifts & Gratuities](#)
 - [Outside Employment](#)
 - [Post-employment](#)
 - [Representing Private Interests](#)
 - [Solicitations](#)
 - [Travel & Training](#)
 - [Use of City Property](#)
- [Ethics Officer's Term](#)

Ordinance No. ~~(ID # 4982)~~
3365

Amended Bill No. 3527, an Ordinance Amending Chapter 125 of Title I of the Municipal Code of the City of Wentzville to Amend Section 125.080 Pertaining to Solicitation - Gifts and Gratuities, and Section 125.090 Pertaining to Donations and Sponsorships

Whereas, Chapter 125 of the Municipal Code of the City of Wentzville establishes the Code of Ethics for elected and appointed city officials and employees of the City of Wentzville, Missouri; and

Whereas, Section 125.080 of the Municipal Code addresses gifts and gratuities made to elected and appointed city officials and employees of the City and Section 125.090 of the Municipal Code addresses donations and sponsorships sought by elected and appointed city officials and employees of the City for certain charitable and civic purposes; and

Whereas, the Board of Aldermen has determined that the current language in Sections 125.080 and 125.090 of the Municipal Code unnecessarily constrains and limits the elected and appointed city officials and employees of the City from accepting certain gifts wholly unrelated to the performance of their duties, unnecessarily constrains and limits the elected and appointed city officials and employees of the City from seeking donations for legitimate charitable purposes and unnecessarily constrains and limits the employees of the City from accepting gifts and discounts of nominal value from local merchants and others which such merchants and others genuinely desire to provide to City employees without expectation of financial gain or preference; and

Whereas, it is the desire and intent of the Board of Aldermen to amend Sections 125.080 and 125.090 of its Municipal Code to clearly define the City's expectations regarding the solicitation and receipt of donations and gifts and the general ethical conduct of the elected and appointed city officials and employees of the City while not unnecessarily restricting and confining the elected and appointed city officials and employees of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI as follows:

Section 1: Sections 125.080 and 125.090 of the Municipal Code are hereby amended to read as follows:

SECTION 125.080: SOLICITATION -- GIFTS AND GRATUITIES

A. Employees shall not solicit or accept from any entity any gift or discount (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the employee(s) or the City or any other entity, if an employee knows or should know that the public may reasonably infer that the entity:



Ordinance No. ³³⁶⁵~~(ID # 4982)~~

1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty, or
2. Has an interest, which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

B. It is expressly prohibited for any elected or appointed City Official or employee in any way to use his/her position or influence for private gain for himself/herself or others.

C. It is expressly prohibited for an employee to accept anything with a value over \$25.00, or multiple items having an aggregate value over \$25.00 per quarter, from a contractor, vendor, person providing or seeking to provide services/materials to the City of Wentzville, or person with a pending matter before the City (including a matter concluded within the past ninety (90) days or a matter expected to commence within ninety (90) days), including not only tangible items and money, but also discounts that are not available to the general public. However, the foregoing prohibition does not apply to donations made to the City and then distributed by the City to specific employees and/or officials, and discount programs for City employees and/or officials, when such donations and discount programs have been approved in accordance with the City's Donations Policy and Procedures.

D. In conformance with the above provisions:

1. Attendance by elected and appointed City Officials and employees in their official capacity at luncheons or other events directly related to educational or professional enhancement of their positions with the City is permitted;

2. Promotional items given away by the City for the purposes of promoting economic development within the City or to otherwise promote the City of Wentzville for other public purposes are permitted;

3. Solicitations by the Mayor which solely benefit charitable (Section 501(c)(3) tax-exempt) entities, including solicitations for the Mayor's Ball are permitted. Provided, however, the Mayor shall disclose to the City Clerk the identity of the charity for whom solicitations are being sought prior to soliciting donations and the same shall be disclosed at the next regular or special meeting of the Board of Aldermen;

4. Donations of food, gifts or other items, and discount programs that are made to an employee or group of employees generally of the City that do not exceed a value of \$25.00 per employee per quarter, provided however, that the conditions under Subsection A continue to be met, are permitted; and

E. Nothing herein shall apply to campaign contributions made to elected officials or candidates for elective positions made and reported in accordance with applicable law are not within the scope of this Section.

3365
Ordinance No. ~~(ID # 4982)~~**SECTION 125.090: DONATIONS AND SPONSORSHIPS**A. *Donations To And Sponsorships Of The City.*1. *Valued between twenty-five (\$25.00) and five thousand dollars (\$5,000.00)*

a. The City Administrator will consider the guidelines established in this policy and either accept or reject offers of donations of money, equipment, in-kind contributions or sponsorships to the City between twenty-five (\$25.00) and five thousand dollars (\$5,000.00) in any calendar year from any single source.

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 business discount offers for City employees and/or officials with a cumulative annual value of between twenty-five (\$25.00) and five thousand dollars (\$5,000.00) in any calendar year from any single source. 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 Board of Aldermen, 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. These records shall be considered open records accessible by and available to the public.

2. *Valued at more than five thousand dollars (\$5,000.00).*

a. For monetary, equipment and in-kind contributions, sponsorships, or discounts with material values over five thousand dollars (\$5,000.00) in any calendar year from any single source, the Board of Aldermen shall be provided a written report outlining the purpose of each proposed transaction and any relevant considerations of the guidelines provided. The Board of Aldermen 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.

3365
Ordinance No. (ID # 4982)

b. All donations and sponsorships valued at more than five thousand dollars (\$5,000.00) for a certain project, item or fund or from any single donor, either separately or cumulatively, during a calendar year require Board of Aldermen approval. In the event multiple donations or sponsorships exceed five thousand dollars (\$5,000.00) in a calendar year, Board of Aldermen approval will be required. Subsequent to the Board's acceptance, procedures for handling transactions of more than five thousand dollars (\$5,000.00) shall be the same as those for the acceptance of transactions valued at five thousand dollars (\$5,000.00) 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 officials and 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, public-private partnership for financing public infrastructure or projects, police investigation, Building/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 Wentzville.

b. Are there restrictions upon the use of the item or funds that make it impractical or inappropriate to accept?

c. Are there restrictions on disposal or retention of the item or funds that make it impractical or inappropriate to accept?

d. Is any required accounting for the item or funds excessively difficult?

e. Would donated materials or equipment require extensive or costly 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. What effect will the donation have on 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

3365
Ordinance No. (ID # 4982)

current or subsequent years, unless a benefit analysis proves the donation to be fiscally responsible, cost effective and receives approval as outlined in this policy.

B. *Solicitations.*

1. Solicitation of donations to the City shall be subject to this Section as well as the procedures applicable to acceptance of an unsolicited donation under Section 125.080 "Solicitation--Gifts and Gratuities" and Section 125.090(A) "Donations and Sponsorships". 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.

2. Except as otherwise permitted under Section 125.080 (D)(3), individual employees shall obtain approval prior to soliciting donations to the City. If the total amount of the solicitation sought is for a donation of five thousand dollars (\$5,000.00) or less, approval shall be obtained from the City Administrator. If the solicitation is for a donation of over five thousand dollars (\$5,000.00), approval shall be obtained from the Board of Aldermen. Elected and appointed City Officials shall not solicit donations to the City.

3. Other than a donation solicitation approved pursuant to previous Sections of this policy, no elected or appointed City Official or employee of the City shall directly solicit anything of value, for any purpose, from an entity:

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

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

4. Elected and appointed 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 previous Sections 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.

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

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

7. Unless authorized by the Board of Aldermen, elected and appointed City Officials and employees shall not solicit anything of value for a purpose unrelated to official City

3365
Ordinance No. (ID # 4982)

business through any means that may suggest that the solicitation is made with authority or on behalf of the City.

8. Elected and appointed 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, employee coordinated fund-raising campaigns for charitable or similar programs directed to all employees or a department of employees may be permitted as approved by the City Administrator.

9. Any communications related to a solicitation authorized hereunder shall be in a self-contained correspondence and not combined with other City business.

10. Upon receipt by the City of any donation for a City-sponsored event or program, written communication from the Mayor's Office shall be sent to the donor acknowledging receipt of the donation and a written statement from the City's Finance Department shall be sent to the donor within sixty (60) days of the event or completion of the program confirming that the donated funds, goods or services were utilized by the City in connection with the event or program for which the funds, goods or services were donated.

C. In conformance with the above Sections, the solicitation of donations or purchases by City employees which are solely for the benefit of the following are permitted:

- (i) One or more of the following City-sponsored or City-supported events or programs: Wabash Days, Soapbox Derby Race; Easter Eggstravanganza, 4th of July Celebration, Holiday Night Lights, City-Sponsored Youth Sports; CERT, DARE, Explorers, Special Olympics and National Night Out; and
- (ii) Such other City-sponsored or City-supported special events and programs as approved by the City Administrator or the Board of Aldermen.

D. *Exemptions.* Nothing herein shall apply to:

1. Donations of real property, or solicitations therefor, for the purpose of establishing parks or other public places or for real property, or any interests therein, to facilitate public works projects;

2. Non-profit, 501(c)(3) or other recognized tax-exempt entities formed for or whose stated purpose is raising funds for, donating manpower, materials or real estate to, or otherwise supporting the City or governmental entities in general;

687

Ordinance No. ³³⁶⁵ ~~(ID # 4982)~~

- 3. Calls for assistance, actions or responses to natural disasters or other emergency situations affecting all or part of the community;
- 4. Solicitations of campaign contributions. Such activities are subject to separate regulations, including Chapter 130, RSMo.

Section 2: This Ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 12 DAY OF February, 2014.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Vitula Skillman
City Clerk, Vitula Skillman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 12 DAY OF February, 2014.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Vitula Skillman
City Clerk, Vitula Skillman

Approved as to Form:

[Signature]
Attorney

707