



Legislation Text

File #: 20-412, **Version:** 1

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Andrew Miller, Town Attorney

DATE: October 22, 2020

DEPARTMENT: Town Attorney

AGENDA TITLE:

Adoption of Resolution Number 2020-33: Paradise Valley Public Safety Foundation and Process for Accepting Donations to the PVPD

RECOMMENDATION:

Adopt Resolution Number 2020-33

BACKGROUND:

On September 10, 2020 the Town Council was given legal advice regarding options for on-going improvements to Town Council procedures for accepting donations. Staff then brought several options to the Council at a September 24, 2020 study session for the Council's consideration.

Two options were considered by the Council on 9/24: first, bringing the acceptance, accounting, and allocation of donated "enhancement funds" in-house; and second, to look at limiting a non-profit to review and allocation of donated funds. The Council directed staff to start implementing the first option to bring the management of the donations and expenditures in-house.

The current Memorandum of Understanding (MOU) between the Town and the Paradise Valley Public Safety Foundation (PVPSF) was approved for an initial term that expires on January 7, 2021. The MOU automatically renews for a two-year term unless the Town of Paradise Valley chooses to not renew. At termination the Town may also revoke the authority of PVPSF to use the Town's name.

With Council direction, staff is returning with an implementing resolution (attached as Resolution No. 2020-33), to bring the management of any donated funds into the Finance Department. Because the MOU sets expectations between the Town and PVPSF, the MOU itself is not being revoked and instead Resolution No. 2020-33 is encouraging the Foundation to be dissolved by December 31, 2020, with the understanding that the remainder of the funds will not be donated to the Town until after the Foundation completes its final 2020 tax return.

The MOU set forth several general duties and expectations. With the adoption of the attached

resolution, two items in the MOU are also being revoked:

1. The Foundation may not use the Town's name or initials or seal for the purposes of soliciting funds or lobbying, and shall take all appropriate measures necessary to ensure that its communications and activities do not appear to be those of the Town of Paradise Valley.
2. Representatives of the Foundation may not speak on behalf of the Town or the Town Council, nor represent that they are agents or employees of the Town.

ATTACHMENTS:

A - Resolution No. 2020-33; a Resolution Establishing a New Donation Policy and Encouraging and Authorizing the Dissolution of The Paradise Valley Public Safety Foundation