



GIFTS TO ELECTED AND APPOINTED OFFICIALS

PURPOSE

To establish the process and provide guidance for accepting gifts directly to elected and appointed City officials, including Board, Commission, and Committee members, in their official capacity.

This Policy is intended to supplement applicable state law including the provisions of the Political Reform Act.

POLICY

Elected and appointed City officials shall not accept any money or favors for the performance of an act which they would be required or expected to perform in the regular course of their duties for City official business; nor shall such persons accept any gifts, gratuities, or favors of any kind which might be perceived or interpreted as an attempt to influence actions of the City Council or City Administration. Acceptance of all gifts must comply with this policy.

For the purposes of this policy, the term “gift” is used to include any monetary, discounted price, in-lieu contributions, volunteer services, or exchange of property use or services.

Gifts may be tangible or intangible. A service or a goodwill gesture rendered free or below cost may be considered a gift to the City. If the City official knows, or has reason to believe, that the donor may be coming before the body on which the official serves (or the elected employee’s department, as applicable) for action or a decision, the gift should not be accepted regardless of the value of the gift.

If a gift valued at less than the California Fair Political Practices Commission (FPPC) reporting threshold is accepted by an official in his or her official capacity, then the official shall promptly disclose such acceptance at a public meeting of a body on which official serves.

This policy must comply with Santa Clara City Code Chapter 2.155, Regulation of Lobbying Activities, Section 2.155.130, entitled, “Gifts” which clearly forbids any lobbyist to deliver or cause to be delivered any gift to any City official, and for any City official to accept any gift from a lobbyist.

PROCEDURE

1. When a gift has been offered, the elected or appointed City official shall consider whether:
 - a) The gift was provided by an individual who has interests that may be affected by the performance or nonperformance of the

elected or appointed City official's official duties;

- b) The acceptance of the gift creates an appearance of impropriety;
- c) The timing of the gift creates the appearance that the gift-giver is seeking to influence an official action or obtain favorable treatment;
- d) The acceptance of the gift would give the gift-giver disproportionate access to the elected or appointed City official;
- e) The acceptance of the gift is compliant with the regulations set by the FPPC.

The gift limit is adjusted for inflation every odd-numbered year; updated FPPC regulations are available online at www.fppc.ca.gov.

- 2. Elected and appointed officials are required to report gifts worth \$50 or more on their annual Statement of Economic Interests (Form 700) with the FPPC. If a gift valued at less than \$50 is accepted, the elected or appointed official shall promptly disclose such acceptance either at a public meeting of a body on which official serves during the Reports of Members portion of the Agenda or, for elected department heads, in a written Report to Council.

- 3. Elected and appointed officials shall not accept gifts from any single source aggregating to \$470 or more in a calendar year.

If a gift or series of gifts aggregating to \$470 or more is accepted from a single source during any 12-month period preceding the officials' involvement in a decision affecting the gift-giver, the elected or appointed official may be required to disqualify him or herself from participating in that decision-making process.

- 4. Elected and appointed officials may not accept any gift from a lobbyist.
- 5. For received gifts, elected or appointed officials have the option to return the unused gift to the gift-giver; reimburse the gift-giver for the value of the gift; or donate the gift to a nonprofit group, within 30 days of receipt.