

POLICY TITLE:     GIFTS TO AN AGENCY REPORTING

POLICY STATEMENT:

This policy is established to comply with revisions to Government Code Section 18944.2 of the Fair Political Practices Act. The Fair Political Practices Commission (FPPC) recently revised its regulations concerning the circumstances in which payments made to a state or local agency that would otherwise be considered a “gift to a public official” would now be reportable as “gifts to an agency.” Effective July 1, 2008, agencies must disclose such gifts to the agency, including monetary payments, loans, gifts or other transfers, provisions of goods or services, or other benefits to the agency within 30 days of their use by the official.

The regulation applies to public officials and agency heads as identified in the City’s Conflict of Interest Code. Payments that might otherwise be considered gifts to these officials and reportable on Statements of Economic Interests (FPPC Form 700), may now be considered gifts to the City under the following circumstances, and reportable on FPPC Form 801 instead:

- The gift must be made to the City directly and controlled by the City.
- The gift must be for official City business.
- The donor cannot designate the official, only the purpose, for which the gift is intended.
- The recipient must report the payment on Form 801 to the City Clerk within 30 days after the use of the payment.
- The Form 801 must be posted on the City’s website.
- Payments to local elected officers for travel, lodgings and meals are excepted, and should still be reported on FPPC Form 700.

AUTHORIZATION:     Adopted by Council 11/25/08