



## GIFTS TO THE CITY

### ***POLICY***

Only the City Council, at a Council meeting, may accept gifts to the City.

Gifts may be tangible or intangible. A service or a goodwill gesture rendered free or below cost to the City government may be considered a gift to the City. Before the Council accepts gifts of any kind, it should review any conditions imposed by the donor and be satisfied that acceptance would be beneficial and not unduly burdensome to the City. If it is determined that the donor may be coming before Council in the near future for action or a decision, plus to avoid the potential for a quid pro quo situation, or to avoid even the potential appearance on any impropriety, the gift should not be accepted.

Under this directive, gifts are accepted as gifts to the City overall, not to a specific Department or individual. If City Council approves acceptance of the gift, the City Manager determines to what Department/function/individual the gift will be applied. The City Manager cannot be the end-recipient of the gift.

As of July 1, 2008, FPPC regulation §188944.2 requires that if a gift is given for a specific position or individual's use, FPPC Form 801 should be completed in addition to memorializing the receipt of the gift in "a written public record" (accomplished through an Agenda Report, as described in the Procedure section). For example, if a foundation pays for conference attendance for librarians from throughout the state to discuss specific library funding, in addition to an Agenda Report, FPPC Form 801 would also be completed. If the City retains ownership of the gift, and there are no specific end-recipients or users of the gift, the City does not need to complete FPPC Form 801.

### ***PROCEDURE***

1. When a gift has been offered to the City (as opposed to individuals) or to any unit of City government, the City Manager shall forward a report to the City Council including the following information:
  - ◆ Reasons for the offer
  - ◆ Conditions attached to the gift
  - ◆ Potential liability to the City, the donor, or the public
  - ◆ Benefits and drawbacks
  - ◆ Costs to the City, including estimated maintenance and repair
  - ◆ Public perception and inferred (rightly or wrongly) commitments



## GIFTS TO THE CITY (cont.)

- ◆ Suggested conditions under which the offer could be accepted
  - ◆ Determination if FPPC Form 801 must be completed
  - ◆ Any other pertinent comments
  - ◆ Recommendation whether to accept or reject the offer
2. If gift is to specific end recipient(s), prepare a draft FPPC Form 801 for City Manager's review to submit with the Agenda Report.
  3. The potential donor shall be informed, by the Department Head to whom the gift was offered, of Council's action. If Council approves acceptance of gift, a letter of thanks shall be prepared for the Mayor's and City Manager's signatures.
  4. If required, the FPPC Form 801 shall be completed and signed by the City Manager within 30 days of Council acceptance of the gift. Form 801 shall be made accessible to the public on the City's website, and shall be maintained by the City Clerk for a minimum of four years after the form is filed.

**Reference:** *City Manager's Directive No. 70*