

 <p style="text-align: center;">CITY GIFT POLICY</p>	<p style="text-align: center;">ADMINISTRATIVE POLICY MANUAL Section 1.6 – City Administration</p>
	<p>Approval: <u><i>Carlos R. Fandino J.</i></u> City Administrator</p>
<p>Effective Date: November 07, 2023</p>	<p>Responsible Department: City Administration Department</p>

PURPOSE AND SCOPE:

The purpose of this policy is to promote elevated standards of ethics in the City by establishing rules and guidelines related to receiving and accepting gifts, for use by and applicable to elected and appointed City officials, City officers, including Board and Commission members, and all employees.

POLICY:

City officials and employees are agents of the public and serve for the benefit of the public. It is the policy of the City of Vernon to obey all applicable laws and requirements of the Political Reform Act relative to the acceptance and reporting of gifts. Nothing in this policy supersedes California State Law or Fair Political Practices Commission (FPPC) requirements. City officials and employees are responsible for reviewing and complying with applicable regulations related to the Vernon Conflict of Interest Code, the filing of Statements of Economic Interest, and any gift reporting or disclosure requirements.

This policy also establishes requirements that are supplemental to the Political Reform Act.

DEFINITIONS:

As used in this policy:

“Acceptance” is when a City official or employee has either actual possession of the gift or has acted exercising direction or control over the gift, including discarding the gift or turning it over to another person or group.

“Business before the City”: A person or entity has "business before the City" if within twelve (12) months of offering a gift to a City official or employee, the person or entity: 1) has or will submit a bid or proposal to the City to perform services or provide supplies or equipment; or 2) has or will submit an application to the City for a permit, license or regulatory approval of any kind.

“Gift” has the same meaning as under the Political Reform Act, commencing at California Government Code Sections 81000, et seq. The Political Reform Act provides the basic rule that a gift is a payment made by any person of anything of value, whether tangible or intangible, real or personal property, a good or service that provides a personal benefit to an official when the official does not provide full consideration for the value of the benefit received. A gift includes the forgiveness of a debt or obligation and a rebate or a discount in the price of anything of value unless the rebate or discount is offered in the ordinary course of business without regard to official status.

SECTION 1. GIFTS PROHIBITED

City officials and employees shall not accept any gift or gratuity from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties, or from any entity or individual with business before the City (a “prohibited gift”).

Any City official or employee who is offered or receives a prohibited gift shall advise the offeror of this policy and of the ultimate disposition of the proffered gift and shall provide the offeror an opportunity to withdraw or reclaim the gift.

Nothing in this policy shall prohibit a gift or donation to the City in furtherance of its governmental purposes.

SECTION 2. GIFTS NOT PROHIBITED

This policy does not prohibit the acceptance or receipt of any gift that:

- 1) Meets one of the exceptions under the Political Reform Act (California Code of Regulations, Title 2, Division 6, Section 18942); or
- 2) Is (i) consumable and placed in a space where the item can be shared by City employees, (ii) has a fair market value of \$50.00 or less, and (iii) the cumulative value of any such gifts received from a single source does not exceed \$50.00 within any calendar year.

SECTION 3. REPORTING REQUIREMENTS

A. Reporting Gifts to City Officials and Employees

City officials and employees covered by the City's Conflict of Interest Code (Designated Filers) must comply with FPPC requirements relative to filing an Assuming Office, Annual and Leaving Office Statement of Economic Interests (Form 700) filings by their designated due dates. Information is available in the City Clerk's Department regarding Designated Filers and filing requirements. The City Clerk's Department utilizes an electronic system for filing Form 700s.

The gift limitations and disqualification requirements under the Political Reform Act are applicable to gifts that are not prohibited by this policy.

B. Reporting Gifts to Domestic Partner, Spouse and Children

Unless an exception applies, a gift to a Designated Filer's domestic partner, spouse, or dependent child is considered a gift to the Designated Filer when there is no established working, social, or similar relationship between the donor/vendor and the domestic partner, spouse, or dependent child, or when there is evidence to suggest that the donor had a purpose to influence the Designated Filer.

The Designated Filer shall indicate on their Form 700 any such reportable gift known to have been accepted during the relevant reporting period by the Designated Filer's domestic partner, spouse, or dependent child.

SECTION 4. ENFORCEMENT

The FPPC investigates suspected violations of the Political Reform Act. Other law enforcement agencies (the Attorney General or district attorney) also may initiate investigations under certain

circumstances. If violations are found, the FPPC may initiate administrative enforcement proceedings and monetary fines.

Instead of administrative prosecution, a civil action may be brought for negligent or intentional violations by the appropriate civil prosecutor (the FPPC, Attorney General, or district attorney), or a private party residing within the jurisdiction. In civil actions, the measure of damages is up to the amount or value not properly reported.

A knowing or willful violation of any provision of the Political Reform Act is also a misdemeanor. Persons convicted of a misdemeanor may be disqualified from holding elective office, in addition to other penalties that may be imposed. The Political Reform Act also provides for numerous civil penalties, including monetary penalties and damages, and injunctive relief from the courts.

City employees in violation of this policy or any applicable gift and conflict of interest disclosure provision may also be subject to City discipline, up to and including termination.

For questions about how these regulations apply to specific facts or circumstances, please contact the City Attorney's Office.

To report a possible violation of this policy or any ethical regulations, please report such information through the normal chain of command (immediate supervisor, department head, Human Resources, City Administrator or City Attorney). Individuals who wish to remain anonymous can call the Whistleblower & Fraud Prevention Hotline at (844) 864-6371 or use the web portal at <http://cityofvernon.ethicspoint.com>.

City Gift Policy Acknowledgment

I, [print name] , have read and understand Administrative Policy Manual Chapter 1, Article 6 – **CITY GIFT POLICY** and agree to comply with the requirements of the policy.

Employee Signature

Date