

## City of Yuba City

<b>Applies:</b> City-Wide	<b>Supersedes:</b> Not Applicable	<b>Effective Date/Revision:</b> March 17, 2010
<b>Source:</b> Fair Political Practices Commission (FPPC) Regulation 18944.2 Form 801		<b>Department:</b> City Clerk
<b>Title</b> <b>GIFTS TO CITY REPORTING POLICY</b>		
<b>Approved:</b> City Council March 16, 2010		

### **PURPOSE:**

The purpose of this policy is to set forth circumstances under which a gift or payment ("Gift") made to the City, that is controlled by the City and used for official City business, is not considered a reportable or a limited gift to an individual City Official, although the Official received a personal benefit from the Gift, in compliance with FPPC Regulation 18944.2.

- A City Official shall mean and refer to the City's "Public Officials" as that term is defined by Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation: Elected Officials, City Boards and Commission members, other appointed officials or any employee required to file an annual Statement of Economic Interests (FPPC Form 700).
- "Gift to City" means any payment that is otherwise a gift to a City Official, as defined in Section 82028.

### **GIFT TO CITY:**

The gift shall be considered a Gift to the City and not a Gift to the City Official if all of the following requirements are met:

- 1) The City Manager, or his or her designee, must determine and control the City's use of the Gift.
- 2) The Gift must be used for official City business.
- 3) The donor may identify a purpose for the gift, but the donor may not designate by name, title, class, or otherwise, an official who may use the gift. If the Gift will provide a personal benefit to an official, the City Manager, or designee, shall select the individual who will use it.
- 4) The City Manager or designee may not select himself or herself as the individual who will use the Gift.

Travel payments must also meet the following requirements:

- 1) A payment for travel may not be used by a City official who holds a position listed in Government Code Section 87200 (i.e. City Council members, Planning Commissioners, City Manager, City Attorney, City Treasurer).
- 2) A payment for travel may not exceed the City's reimbursement rates for travel.
- 3) The City Manager or designee must preapprove travel paid for by a third party before travel commences.
- 4) Travel payments from a federal government agency to the city in connection with education, training, or other inter-agency programs are not reportable.
- 5) Acceptance of a pass or discount from a transportation company by a City Official, may result in forfeiture of the Official's office pursuant to Article XII, Section 7 of the California Constitution.

### **REPORTING REQUIREMENTS**

Within 30 days after the distribution of the Gift, the City will report the Gift on FPPC Form 801 which will be kept on file by the City Clerk. A copy of the form will be posted on [www.yubacity.net](http://www.yubacity.net). These forms shall be posted for 12 months and may be removed at the City's discretion anytime thereafter. The City Clerk shall maintain a log of the forms for a period of not less than four years.

### **ATTACHMENT:**

FPPC Form 801

**Gift to Agency Report**

**A Public Document**

GIFT TO AGENCY REPORT

**1. Agency Name**

Division, Department, or Region (if applicable)

Street Address

Area Code/Phone Number

E-mail

Agency Contact (name and title)

Date Stamp

**California Form 801**  
For Official Use Only

Amendment (explain in comment section)

Date of Original Filing: \_\_\_\_\_  
(month, day, year)

**2. Donor Name and Address**

Individual \_\_\_\_\_ Last Name First Name  Other \_\_\_\_\_ Name

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

If "Other" is marked, describe the entity's business activity (if business) or its nature and interests.

If applicable, identify the name of each source and the amount(s) solicited or received by the donor for this gift:

\_\_\_\_\_ \$ \_\_\_\_\_ Name \_\_\_\_\_ \$ \_\_\_\_\_ Amount

**3. Payment Information**

Date and Amount of Payment (other than travel) \_\_\_\_\_ \$ \_\_\_\_\_  
(month, day, year) (Round to whole dollars)

Travel Payment Information (Round to whole dollars) Location of Travel \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
Date(s) of Travel Transportation Expenses Lodging Expenses Meal Expenses Other Expenses Total Expenses

**Provide a specific description of the nature and use of the payment for official agency business:**

**Identify the officials for whom the payment was used:**

\_\_\_\_\_ Last Name First Name Title Department/Division

\_\_\_\_\_ Last Name First Name Title Department/Division

**4. Verification**

I have determined that it is in the interests of the agency to accept this gift and use it for the official agency business described above.

\_\_\_\_\_ Signature of Agency Head or Designee \_\_\_\_\_ Print Name \_\_\_\_\_ Title \_\_\_\_\_ (month, day, year)

Comment: (Use this space or an attachment for any additional information.)

# Gift to Agency Report Instructions

A Public Document

California  
Form **801**

This form is for use by all state and local government agencies to disclose payments made to the agency when the payments provide a personal benefit to an official of the agency. Examples may include travel, meals or other benefits. Under certain circumstances, these payments will not result in a gift to the official, but will be considered a gift to the agency. The payments must be used for official agency business and must meet other requirements that are set out in FPPC Regulation 18944.2, which is available on the FPPC website [www.fppc.ca.gov](http://www.fppc.ca.gov).

## When to File

This form must be filed within 30 days of the use of the payment. Reports may be faxed, mailed, personally delivered or e-mailed.

## Where to File

**State Agencies:** File this form with the Fair Political Practices Commission ("FPPC"), 428 J Street, Suite 620, Sacramento, CA 95814. Fax: 916-322-0886  
E-mail: [Form801@fppc.ca.gov](mailto:Form801@fppc.ca.gov)

**Local Agencies:** File this form with the official that maintains the agency's statements of economic interests (Form 700).

**Website Posting:** Each agency that maintains a website must also post the form or the information contained on the form on its website within 30 days of the use of the payment. Local agencies that do not maintain a website must forward the form to the FPPC for posting on its website.

## Part 1. Agency Identification

List the agency's name and address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

## Part 2. Donor Information

Disclose the name and address of the donor. If the donor is not an individual, identify the business activity or nature and interests of the entity.

If the donor received payments from other sources that were used in connection with the activity, disclose the name and payment information for each source.

## Part 3. Payment Information

Report the date and amount of each payment. For travel payments, also disclose the location(s), and a breakdown of the expenses. Provide a specific description of the use of the payment and the intended purpose. List each agency official for whom the payment was used.

Example: A business entity paid for an agency employee to travel to attend an informational seminar on solar energy projects in Washington D.C. The description should read: "Travel to attend an EPA co-sponsored solar energy seminar held in Washington, D.C."

## Part 4. Verification

The agency head or his or her designee must sign the form.

## General Information

Gifts to agencies must meet the following requirements:

- The agency head or designee must determine and control the agency's use of the payment.
- The payment must be used for official agency business.
- The donor may identify a purpose for the gift but may not designate by name, title, class or otherwise, an official who may use the payment.
- The agency official who determines who will use the payment may not select himself or herself.

Travel payments must also meet these requirements:

- A payment for travel may not be used by a state or local elected officer or by the state, county, and city officials who hold positions listed in Government Code Section 87200.
- A payment for travel may not exceed the agency's own reimbursement rates for travel, or the State per diem or IRS reimbursement rates if the agency has no policy.
- The agency head or designee must preapprove travel paid for by a third party before travel commences.

Travel payments made by a federal government agency in connection with education, training, or other inter-agency programs are not reportable.

For further information on filing this report or for general information, contact the FPPC.