

RESOLUTION NO. 062 – 2009

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, ADOPTING LEGISLATIVE POLICY MEMORANDA
GOVERNING GIFTS TO THE CITY AND RECEIPT AND
DISTRIBUTION OF TICKETS AND PASSES**

WHEREAS, public officials and employees and consultants designated in the City's Conflict of Interest Code are required to report gifts aggregating \$50 or more from a single source during a calendar year on their Form 700 Statements of Economic Interests pursuant to Government Code section 87210; and

WHEREAS, public officials and designated employees and consultants are prohibited from accepting gifts aggregating \$420¹ or more from a single source in any calendar year pursuant to Government Code section 89503; and

WHEREAS, under Title 2, Section 18944.2 of the California Code of Regulations, as recently revised by the Fair Political Practices Commission ("FPPC"), a payment that would otherwise constitute a gift to a public official, designated employee or consultant, may be considered a gift to the City under certain circumstances; and

WHEREAS, under Title 2, Section 18944.1 of the California Code of Regulations, recently adopted by the FPPC, tickets and passes received by the City for use by City officials, employees or consultants that would otherwise constitute a gift to a public official, designated employee or consultant may be considered exempt from gift limits and reporting requirements, if used for public purposes and distributed in accordance with a written policy duly adopted by the City Council; and

WHEREAS, it is the policy of the City of Santee that all gifts to any public officials, designated employees or consultants are reportable as required by California law and FPPC Regulations and are subject to the gift limit of Government Code section 89503.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santee, California, as follows:

Section 1. The attached (a) Legislative Policy Memorandum 09-01, regarding gifts to the City; and (b) Legislative Policy Memorandum 09-02, regarding the distribution of gifted tickets and passes are hereby adopted by the City Council of the City of Santee; and

¹ This figure is adjusted every other year.

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Section 2. The City Manager is hereby authorized to make changes to each Legislative Policy Memorandum adopted by this Resolution as necessary to comply with California State law and regulations.

ADOPTED by the City Council of the City of Santee, California, at a Regular Meeting thereof held this 9th day of December 2009, by the following roll call vote to wit:

AYES: DALE, JONES, MINTO, RYAN, VOEPEL

NOES: NONE

ABSENT: NONE

(c)(1)



ATTEST:

(c)(1)



CLERK

Attachments:

[Legislative Policy Memorandum 09-01 \(Gifts to City - FPPC Form 801\)](#)

[Legislative Policy Memorandum 09-02 \(Tickets and Passes - FPPC Form 802\)](#)



CITY OF SANTEE

MAYOR
Randy Voepel

CITY COUNCIL
Jack E. Dale
Brian W. Jones
John W. Minto
Hal Ryan

CITY MANAGER
Keith Till

LEGISLATIVE POLICY MEMORANDUM

NUMBER: LPM # 09-01

DATE: December 9, 2009

REVIEWED AND APPROVED BY CITY MANAGER: Keith Till

REVIEWED AND APPROVED BY CITY ATTORNEY: Shawn Hagerty

INITIATED BY: Patsy Bell, CMC, Interim City Clerk

SUBJECT: GIFTS TO THE CITY - FPPC FORM 801 FILING

PURPOSE

Public officials and employees and consultants designated in the City's Conflict of Interest Code are required to report gifts aggregating \$50 or more from a single source during a calendar year on their Form 700 Statements of Economic Interests. (Gov. C § 87210.) In addition, public officials and designated employees and consultants are prohibited from accepting gifts aggregating \$420¹ or more from a single source in any calendar year. (Gov. C § 89503.)

The Fair Political Practices Commission (FPPC) recently adopted a new regulation (2 CCR 18944.2) providing that reporting requirements and the gift limit will not apply to a particular gift if the procedures under these new FPPC Regulations and Forms are followed. The gift will be considered a gift to the City and not a gift to the official or designated employee or consultant, even though the official/ employee/ consultant receives a personal benefit.

POLICY

The City does not accept gifts to the City that are otherwise reportable by City officials, designated employees or consultants. Any gift that benefits a City official, designated employee or consultant must be treated as a gift to that official, employee or consultant for purposes of reporting and the gift limit.

This policy does not apply to gifts to the City that do not confer any personal benefit on any City official, designated employee or consultant.

¹ This figure is adjusted every other year.



CITY OF SANTEE

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CITY MANAGER
Keith Till

LEGISLATIVE POLICY MEMORANDUM

NUMBER: LPM # 09-02

DATE: December 9, 2009

REVIEWED AND APPROVED BY CITY MANAGER: Keith Till (c)(1)

REVIEWED AND APPROVED BY CITY ATTORNEY: Shawn Hagerty (c)(1)

INITIATED BY: Patsy Bell, CMC, Interim City Clerk (c)(1)

**SUBJECT: RECEIPT AND DISTRIBUTION OF TICKETS AND PASSES –
FPPC FORM 802 FILING**

PURPOSE

Public officials and employees and consultants designated in the City's Conflict of Interest Code are required to report gifts aggregating \$50 or more from a single source during a calendar year on their Form 700 Statements of Economic Interests. (Gov. C § 87210.) In addition, public officials and designated employees and consultants are prohibited from accepting gifts aggregating \$420¹ or more from a single source in any calendar year. (Gov. C § 89503.)

The Fair Political Practices Commission (FPPC) recently adopted a new regulation (2 CCR 18944.1) which provides that reporting requirements and the gift limit will not apply to a gift of tickets or passes distributed to a public official or designated employee or consultant by his or her agency if certain procedures are followed. Regulation 18944.1 also requires the City to adopt a policy with certain minimum contents in order to distribute tickets or passes to public officials or designated employees or consultants under the provisions of that Regulation. The policy must be posted on the City's website.

Nothing in this policy supersedes State law or FPPC regulations. City officials and employees are encouraged to review the appropriate regulations for specific information related to the City's Conflict of Interest Code and the filing of Form 700s.

POLICY

Any ticket or pass received by or at the behest of a public official, employee or consultant must be treated a gift to that official, employee or consultant for purposes of reporting and the gift limit.

¹ This figure is adjusted every other year.