

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Acceptance and Use of Gifts and Donations

**Policy
Number**

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Purpose

To establish a Board of Supervisors policy relating to the: (1) acceptance of donations of personal property for County use exceeding the threshold value specified in the Administrative Code, and (2) acceptance of donations intended to be used for official County business purposes by employees who are designated by the County.

Background

From time to time, civic-minded citizens, service groups and businesses offer gifts and donations to the County. In these times of great fiscal constraint, such gifts and donations can help expand important services and programs that the County can provide to the Community. These gifts and donations take many forms including cash with or without a designated purpose, or new or used equipment. The decision to accept these offers rests with department heads when the value is below the threshold value. The Board of Supervisors must ratify all gifts that exceed the threshold value, in accordance with County Administrative Code Section 66, ACCEPTANCE OF GIFTS.

The County also may receive gifts or donations that are paid directly to the County, but which are intended to be used for official County business purposes by employees in the performance of their duties including, for example, attendance at job training sessions. The payments of gifts or donations may be used for travel, meals, and other benefits related to official County business such as travel to educational conferences. This Policy establishes that these payments are gifts or donations to the County, and are not to be treated as gifts to employees, who are designated by the County to attend training, and who may benefit from the County's expenditure of such payments. When the County receives gifts or donations, such as payments for travel, the County will designate the employees who will participate in official County approved training, the cost of which will be paid by the payments of the gifts or donations. This Policy provides for a process for the administration of these types of gifts or donations.

Policy

A. Acceptance of Gifts or Donations for County Use:

It is the policy of the Board of Supervisors that recommendations to approve or ratify acceptance of gifts and donations (in accordance with County Administrative Code Section 66) for County use be prepared by the Chief Administrative Officer in accordance with the following policy guidelines:

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1. Acceptance of the gift or donation shall result in a clear benefit, and be consistent with priorities, goals and operational limitations of the County.

2. Acceptance of the gift or donation shall not be automatically construed to result in publicity, advertisement, or promotional use. Any decision to publicize the donation shall be examined on the individual circumstance. The determination to publicize will be made by the Chief Administrative Officer in consultation with the Board of Supervisors where appropriate.

3. Acceptance of the gift or donation will in no way infringe on the County's commitment to competitive procurement of current or future goods and services nor cause a competitive advantage to accrue to the donor.

4. As appropriate, the Chief Administrative Officer's recommendation to ratify acceptance shall disclose relevant information such as:

- a. costs of shipping, delivery, installation, maintenance and training;
- b. compatibility with existing equipment and performance standards; and
- c. fiscal impacts on other County departments and offices that may result from receipt of the donation.

5. The Chief Administrative Officer shall screen donation proposals for potential conflicts of interest and the possibility of negative publicity.

6. The department that receives the gift shall prepare a letter acknowledging receipt of the gift and expressing gratitude on behalf of the Board of Supervisors and the County of San Diego. The letter should be prepared for review by the Chief Administrative Officer and the signature of the Chair of the Board of Supervisors.

7. In the event that the County or any of the County's non-profit entities requires underwriting services, and the underwriters desire to host a closing dinner, County officials will request that a contribution to a local charity be made in lieu of the dinner.

8. Gifts, donations, or contributions, whether in-kind or cash, that are provided to the County in support of Community Outreach Events such as the annual "State of the County" address, Regional State of the County addresses, Town Hall meetings and similar events shall be used exclusively to support the activities and functions associated with the event. Such gifts, donations, and contributions are approved and accepted, subject to the Chief Financial Officer's deposit of cash contributions in a trust account which is established for the purpose of funding costs arising from the activities and functions associated with the event.

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B. Official County Use of Gifts or Donations by Employees Designated by County:

It is the policy of the Board of Supervisors that the following process shall apply to the County's acceptance of gifts and donations (in accordance with County Administrative Code Section 66) intended to be used for official County business purposes by employees who are designated by the County:

1. This section B shall apply to gifts or donations provided to the County, which are intended for use on official County business but do not designate by name, title, class or otherwise, an individual County official or employee who may use the gift or donation or who the County shall designate for the use of the gift or donation. The use of such gifts or donations on official County business shall be by County employees who are designated by the County.
2. The terms "use on official County business" include, but are not limited to, the travel to and participation in training presentations to improve the employee's job performance skills.
3. The Board of Supervisors hereby delegates to the Chief Administrative Officer (CAO) the authority to: (a) designate the County employee(s) to use the gift or donation for official County business, or (b) assign as his designee a County department head, for purposes of designating the County employee(s) to use the gift or donation on official County business.
4. Pursuant to the Fair Political Practices (FPPC) regulations, when a County employee is designated to use, and in fact does use, a gift or donation to the County on official County business, and the employee serves in a position that is required to file FPPC Form 700 - Statement of Economic Interests, the employee's use of the gift or donation on official County business is not subject to the state law and FPPC regulation provisions governing gift prohibitions, limitations, or reporting rules. This exception from the gift prohibitions, limitations, and reporting rules, however, according the FPPC regulations, does not apply to County officials serving in positions specified in certain state law provisions, including all County elected positions, the Chief Administrative Officer, County Counsel, and other public officials who manage public investments, and to candidates for any of these offices at any election.

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5. Within thirty (30) days of the employee's use of the gift or donation payment, the County shall complete and file FPPC Form 801 with the Clerk of the Board. Form 801 shall include the FPPC required information about the use of the gift or donation payment. The County department head of the employee who used the gift or donation payment shall be responsible for completing and filing Form 801 with the Clerk of the Board of Supervisors. A copy of Form 801 is available from the FPPC website at: <http://www.fppc.ca.gov/forms/801.pdf>

6. FFPC Form 801 includes the following instructing regarding the use of 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.”

7. The policy guidelines set forth above under section A of this Policy shall apply to the provisions under this section B, where applicable and appropriate.

Sunset Date

This policy will be reviewed for continuance by 12-31-14.

Board Action

7-24-90 (40)

1-21-97 (16)

1-28-03 (16)

12-9-08 (33)

5-11-10 (15)

CAO Reference

1.Chief Financial Officer/Auditor and Controller