

EAST BAY REGIONAL PARK DISTRICT

POLICY FOR GIFTS TO AN AGENCY

1. AUTHORITY.

This policy is enacted pursuant to the Political Reform Act (California Code of Regulations, Title 2, Division 6, section 18944.2).

2. PURPOSE.

The purpose of this policy is to set forth circumstances, pursuant to section 18944.2, under which payment made to the District, that is controlled by the District and used for official District business, is not considered a reportable or limited gift to an official or employee, although the official or employee receives a personal benefit from the payment.

3. OFFICIAL DISTRICT BUSINESS.

“Official District Business” as used in this policy shall refer to activities and/or functions in which an individual participates in or performs in order to carry out the mission, programs, and goals of the District.

4. DEFINITIONS.

Payment: As defined in Government Code section 82044, “payment” means a payment, distribution, loan, advance, deposit, gift, or other rendering of money, property, services, or anything else of value, whether tangible or intangible.

Agency Head: An individual in whom the ultimate legal authority of an agency is vested, or who has been delegated authority to make determinations by the District for purposes of this policy.

5. AUTHORITY OF GENERAL MANAGER.

The District delegates the authority to determine and control the District’s use of payment in accordance with this policy to the General Manager or his or her designee.

6. GIFTS TO THE DISTRICT.

A payment, which is otherwise a gift to an official or employee, as defined in Government Code section 82028, shall be considered a gift to the District and not a gift to the official or employee if the following requirements are met:

- (a) The General Manger determines and controls the use of the payment.
 - i. The donor may identify the purpose, but may not designate by name, title, class or otherwise an official or employee who may use the payment.
 - ii. The General Manager selects the individual who will use the payment. The General Manager may not select himself or herself as the individual who will use the payment.
- (b) The payment must be used for official District business.
- (c) The District reports the gift.

7. WEBSITE POSTING.

This policy and any reporting requirement shall be posted on the District's website.

8. DISCLOSURE FORM.

The use of the payment pursuant to this policy shall be reported on FPPC Form 801, or any other form as may be required, and shall be filed with the Clerk of the Board within thirty (30) days after use of the payment. The information on the form shall include all the information as required under section 18944.2. The Clerk of the Board shall post a copy of the form on the District's website.

9. FILING OFFICER AND RETENTION OF FORMS.

The Clerk of the Board is the filing officer of these forms and shall keep a log of the forms under both the name of the District and official receiving the payment.

The forms are public record and are subject to inspection and copying. The forms shall be maintained on file and on the District's website for a period of not less than four (4) years.

10. LIMITATIONS.

This policy does not apply to the following payments:

- (a) A payment for travel, including transportation, lodging, and meals for an official specified in Government Code section 87200.
- (b) A payment for travel to the extent that it exceeds the District's reimbursement rates for travel, meals, and lodging, and other actual expenses.
- (c) A payment for travel that the General Manager or his or her designee has not pre-approved in writing in advance of the date of the trip.
- (d) Passes or tickets, which are governed by Regulation 18944.1 and by the District's policy for receipt and distribution of tickets and passes.
- (e) Payments from the federal government or federal government agency, such as a grant, reimbursement, funding, or other payment, for education, training, or other inter-agency programs.