

TITLE I – POLICY AND ADMINISTRATION

CHAPTER 4

ACCEPTING AND REPORTING OF GIFTS

4.01 Purpose
4.02 Definitions

4.03 Gifts Solicited or Accepted

4.01 PURPOSE.

The purpose of this chapter is to limit the value of gifts that can be made to or received by County officials, employees or their immediate family members and adopting rules requiring public disclosure of gifts exceeding fifteen dollars (\$15.00) in value.

4.02 DEFINITIONS.

1. “County Official” or “County Employee” means an official or employee of the county and includes a firm of which any of those persons is a partner and a corporation of which any of those persons holds ten percent or more of the stock either directly or indirectly, and the spouse and minor children of any of those persons.
2. “Gift” means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:
 - A. Is doing or seeking to do business of any kind with the donee’s agency;
 - B. Is engaged in activities which are regulated or controlled by the donee’s agency;
 - C. Has interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the donee’s official duty;
 - D. Is a lobbyist with respect to matters within the donee’s jurisdiction.
3. However, “gift” does not mean any of the following:
 - A. Campaign contributions;

- B. Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents or periodicals and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in the State, at which the public servant receives information relevant to the public servant's official functions. Information or participation received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars (\$35.00);
 - C. Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
 - D. An inheritance;
 - E. Anything available to or distributed to the public generally without regard to official status of the recipient;
 - F. Actual expenses for food, beverages, travel, lodging, registration and scheduled entertainment of the donee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
 - G. Plaques or items of negligible resale value given as recognition for public services;
4. "Immediate Family Members" means the spouse and minor children of a person required to file reports pursuant to this chapter.
 5. "Is doing business with the donee's agency" means being a party to any one or any combination of sales, purchases, leases or contracts to, from, or with the County or any agency thereof.
 6. "Public Disclosure" means a written report filed by the fifteenth (15th) day of the month following the month in which a gift is received as required by this chapter.

4.03 GIFTS SOLICITED OR ACCEPTED.

1. A County official or employee or that person's immediate family member shall not directly or indirectly solicit, accept or receive from any one donor in any one calendar day a gift or series of gifts having a value of thirty-five dollars (\$35.00) or more.
2. A person shall not, directly or indirectly, offer or make a gift or a series of gifts to a County official or employee or an immediate family member of the official or employee, in any one-calendar day, if the gift or series of gifts has a value of thirty-five dollars (\$35.00) or more. A person shall not, directly or indirectly, join with one or more persons to offer to make a gift or series of gifts to a County official, employee or the immediate family member of said official or employee, in any one calendar day, if the gift or series of gifts has a total value of thirty-five dollars (\$35.00) or more.
3. A person may give and a County official, employee or the immediate family member of the official or employee may accept in any one calendar day a gift or a series of gifts which has a value of thirty-five dollars (\$35.00) or more and not be in violation of this section if the gift or series of gifts is donated with thirty (30) days to a public body, a bona fide educational or charitable organization, or the State Department of General Services.
4. Copies of the completed forms shall be filed with the Auditor's office.
5. A County official, employee or an immediate family member of the official or employee who accepts a gift of food or beverage provided for that person's immediate consumption in the presence of the donor is not required to report the gift. A person who gives a gift of food or beverage to a donor for his or her immediate consumption in the donee's presence is not required to report the gift.
7. Reporting Valuation Guidelines:
 - A. In determining the value of a gift, an individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made;
 - B. The value of a gift to the donee is the value actually received;
 - C. A donor of a gift made by more than one individual to one or more donees shall report the gift if the total value of the gift to the donee exceeds fifteen dollars

[The next page is 35]