

GUIDELINES ON GIFTS

The following information is provided as general guidance on the City of District Heights Ethic Ordinance gift prohibitions, §2-140(c), and on the prestige of office provision, §2-139(f) as it pertains to the acceptance of gifts. For particular questions, employees are strongly encouraged to consult the Ethics Commission at ethics@districtheights.org. In some instances, employees or officials may want to seek a formal opinion from the Ethics Commission. You may also access these and other provisions of the City's Ethics Ordinance Sections 2-136 through 2-146.

The Ethics Ordinance defines a gift as anything of economic value, regardless of the form, without adequate and lawful consideration. The Ethics Ordinance restricts employees and officials from accepting gifts from prohibited sources.

PROHIBITED SOURCES: GIFTS FROM “CONTROLLED DONORS”

A controlled donor is a term used by the State Ethics Commission referring to categories of donors from whom unsolicited gifts may not be accepted unless an exception applies. Section 2-140(e)(6) prohibits city employees (including elected officials and appointed officials) from accepting most gifts from “controlled donors.” A controlled donor is a person who:

- Does business or seeks to do business with the City;
- Has a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the intended gift recipient's official duties;
- Engages in activity that is regulated by the intended the City; or
- Engages in lobbying before the City.

EXCEPTIONS

There are exceptions to the general prohibitions. If the gift fits one of the following exceptions, generally the employee or official may accept the following gifts from a controlled donor:

- Gifts of nominal value that **do not exceed \$20** in cost or trivial items of informational value;
- Ceremonial gifts or awards which have insignificant monetary value;
- Meals and beverages consumed in the presence of the donor or sponsoring entity; **If the meal exceeds \$20, the meal must be reported** on the recipient's financial disclosure statement;
- Reasonable expenses for travel, food, lodging, and scheduled entertainment at a meeting given in return for the official or employee's participation in a panel or as a speaker at the meeting. These expenses must be associated with the meeting. Individuals are strongly encouraged to consult the Ethics Commission before accepting travel expenses to any meetings, conferences or similar functions;
- Tickets or free admission extended to **an elected official** to attend charitable, cultural, or political events, if the purpose of the gift is a courtesy or ceremony extended to the office;
- Gifts from relatives or members of the official or employee's household;
- Honoraria for speaking to or participating in a meeting; however, an official has additional restrictions on accepting an honorarium;
- A specific gift or class of gifts which the City Commission or the Ethics Committee exempts in writing upon a finding that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City and that the gift is purely personal and private in nature.

NO EXCEPTION IF GIFT IMPAIRS IMPARTIALITY

A City employee may not accept any gift—even if it would generally be permitted by exception, if it would impair impartiality, give the appearance of impairing impartiality, or is designed to impair impartiality. Generally, employees should not accept gifts if there are pending negotiations, anticipated or ongoing litigation, or some other type of dispute between the donor and the City, as acceptance of any gift in these circumstances would tend to impair impartiality, give the appearance of impairing impartiality, or be designed to impair impartiality. Employees are *strongly encouraged* to consult the Office of Ethics Commission before accepting any gift under these circumstances.

GIFTS OFFERED BECAUSE OF THE INTENDED RECIPIENT'S POSITION WITH THE CITY

Section 2-139(f), generally referred to as the “prestige of office” or “abuse of office” provision, provides that officials and employees may not intentionally use the prestige of the official’s or employee’s office for their private benefit, or the financial gain of anybody else. This provision prohibits employees from receiving gifts in excess of \$20 that are offered because of the employee’s position, regardless of whether the donor of the gift is a controlled donor. So, for example, **employees may not accept gifts worth more than \$20 from members of the general public, which are offered as an expression of gratitude, a reward, honorarium, or other reason.**

DISCLOSURE OF GIFTS

For employees and officials required to file Financial Disclosure Statements, Section 2-294 provides that **any gift valued at \$20 or more, or a series of gifts from one controlled donor with a cumulative value of \$100 or more must be disclosed.** Disclosure must include the name of the donor and the nature and value of the gift.

TO REQUEST ADVICE

City employees (including elected officials and volunteers) are encouraged to contact the Ethics Commission before accepting any gift offered by a controlled donor or in connection with the job. Knowing the answers to the following questions will help the Ethics Commission provide you with the most accurate answer to your question but even if you don’t have all this information, the Ethics Commission will assist and notify you to seek a formal opinion from the Board.

The following questions will assist the staff in the Ethics Commission in responding to your gift questions:

- Who is the donor? Contact information helps the Ethics Commission determine all the pertinent facts, but you will be notified before the donor is contacted.
- What is the relationship of the donor to the intended recipient? For example, is the donor a vendor, contractor, or city permit holder?
- What is the gift?
- What is the value of the gift? The value is usually determined by cost. If there is more than one intended recipient however, the value may be determined by considering the overall cost to the donor, not the value to the recipient.
- Why is the gift being offered? Are there any issues pending between the donor and the intended recipient or the City?
- Do you have any particular concerns about accepting the gift?

**Incorporated City of District Heights
Ethics Commission**

GIFT DISCLOSURES

January 1, 2024 – December 31, 2024

FILING INFORMATION: Pursuant to §§ 2-142 & of the Ethics Ordinance, this form must be filed annually by appointed officials and certain employees. If you require more space than this form provides, continue on another piece of paper.

Full Name: _____

Address: _____

Position with City: _____

An official or employee must file a statement disclosing gifts received during the preceding calendar year from any person who contracts with or is regulated by the City, including the name of the donor if the gift and the appropriate retail value at the time of receipt. (If this section does not apply to you please state Not Applicable or None)

Gifts Received ¹	Date Received ²	Donor of Gift	Retail Value

¹ As defined in Section 2-

² Received from January 1st to December 31st of the prior calendar year

I hereby make oath or affirm under the penalties of perjury that the contents of this Disclosure Statement are complete, true, and correct to the best of my knowledge, information, and belief.

Signature

Date