



Sacramento Housing and Redevelopment Agency
POLICY/PROCEDURE INSTRUCTION

TO: All Agency Employees
FROM: La Shelle Dozier, Executive Director
POLICY SUBJECT: Gifts to SHRA (Form 801)
EFFECTIVE: November 1, 2010

A. Scope and Purpose

The purpose of this policy is to establish procedures pertaining to gifts to the Sacramento Housing and Redevelopment Agency (SHRA) to implement the provisions of Section 18944.2 of Title 2 of the California Code of Regulations (hereinafter the "Regulations"). The Political Reform Act and Section 18944.2 of the Regulations permit payments which constitute gifts under the Political Reform Act to be made to SHRA and thereafter used by officials or employees without these payments being considered "gifts" which must be reported on the official or employee's annual conflict of interest statement.

Except as provided in Section 18944.2, payments that are gifts within the meaning of the Political Reform Act (including but not limited to payments for travel and travel expenses) and that are utilized by SHRA officials or employees are generally considered gifts to those SHRA officials and employees and generally must be reported on the annual conflict of interest statements filed by officials and employees. Such gifts may give rise to conflict of interest issues and are covered under the gift limitation provision that an official or employee may receive from a single source. The current gift limitation is \$420 per year and is subject to change annually based on changing Fair Political Practices Committee (FPPC) requirements.

Section 18944.2 requires that, for a payment to be a gift to SHRA, the following requirements must be met:

1. SHRA must receive and control the payment;
2. The payment must be used for official SHRA business;
3. The SHRA Executive Director, at their sole discretion, must determine the specific official(s) or employee(s) who shall use the payment; provided that the donor may identify a specific purpose for SHRA's use of the payment, so long as the donor does not designate the specific official or officials who may use the payment;

4. The gift of travel does not exceed SHRA's reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. To the extent that the amount of the gift of travel exceeds the amounts stated above, the difference shall be considered a reportable gift.
5. SHRA must memorialize the payment in a written public record which embodies the requirements set forth in 1) through 3) above.

The purpose of the procedure set forth in the following sections of this policy is to implement the provisions of Section 18944.2. Nothing in this policy is intended to alter, amend, or otherwise affect the obligations of SHRA officials and employees under the Political Reform Act and implementing regulations or under SHRA's Conflict of Interest Code.

B. Policy

1. Pursuant to Section 18944.2 of the California Code of Regulations and, except as otherwise provided in the Political Reform Act and applicable FPPC regulations, SHRA shall not accept and process any gifts pursuant to this policy if the donor designates the specific official(s) or employee(s) who may use the gift. The donor of the gift may identify a specific purpose for SHRA's use of the gift so long as he or she does not designate the specific official(s) or employee(s) who may use the gift.
2. Under Section 18944.2, gifts of travel to SHRA may not be utilized by the SHRA Executive Director, the SHRA Deputy Executive Director, the SHRA Director of Administration, the SHRA Director of Finance/Treasurer, members of the SHRA Commission, or the SHRA General Counsel. The SHRA Executive Director's designee may not designate himself or herself as the official to use the gift of travel. Gifts of travel to the individuals listed above are considered a gift to that specific person and must be declared on their annual conflict of interest statement.
3. Gifts of travel, meals, and lodging, and other actual and necessary expenses associated with travel, shall be limited to the rates that SHRA officials and employees are reimbursed under SHRA's reimbursement policy, as it may be amended from time to time. Pursuant to Section 18944.2, to the extent that the value of the gift of travel and related expenses exceeds SHRA's standard reimbursement rate, the difference shall be considered a reportable gift to the employee or official utilizing such gift.

C. Procedure

The following procedures pertaining to gifts shall apply to all SHRA officials and employees:

1. Any gifts that are given to SHRA as a whole with no direction as to the specific official(s) or employee(s) who may use the gift, shall be forwarded

to the SHRA Executive Director or the SHRA Executive Director's designee.

2. The SHRA Executive Director or their designee shall review each gift and determine the specific official(s) or employee(s) who shall use the gift. The gift shall be used solely for official SHRA business.
3. The SHRA Executive Director or their designee shall memorialize the gift in a written public record in the form of a completed FPPC Form 801 or such other form(s) as the FPPC may designate. Within the 30 days of receipt of the gift, the Form 801 shall be filed with, and thereafter maintained by, the Agency Clerk or the Agency Clerk's designee.

The public record shall contain the following:

- a. The identity of the donor and the official(s) and/or employee(s) or class of official(s) or employee(s) receiving or using the gift.
- b. A description of SHRA's use and the nature and amount of the gift.
- c. A copy of this policy.

D. Process

1. Human Resources shall:
Disseminate this policy to all staff upon hire and on an annual basis thereafter.
2. Executive Director (or designee) shall:
Review each gift and determine the official or employee who shall use the gift.
3. Agency Clerk (or designee) shall:
Complete Form 801 and keep on file.

E. Non-compliance

Failure to comply with this Policy may result in disciplinary action up to and including termination.