



Council Meeting: July 9, 2013

SUBJECT: Amend Council Policy 7.3.21 *Recognition of Elected and Appointed Officials and Visiting Dignitaries* to reflect restrictions set by the Political Reform Act

BACKGROUND

At the May 23, 2013 Council Budget Workshop, Council directed staff to eliminate the presentation of a diamond pin to incoming Councilmembers. This edit is noted in blue in Attachment A, Council Policy 7.3.21 *Recognition of Elected and Appointed Officials and Visiting Dignitaries* and requires no further Council action.

While making this Council-directed revision, however, staff became aware of additional amendments necessary to bring the policy and City practice into compliance with the Political Reform Act's restrictions on the receipt of gifts by elected officials.

This RTC addresses those additional revisions, which are highlighted in Attachment A.

EXISTING POLICY

Council Policy 7.3.21 *Recognition of Elected and Appointed Officials and Visiting Dignitaries*

Political Reform Act, California Government Code Section 89503(a): No elected state officer, elected officer of a local government agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). (The FPPC adjusts the gift limitation value on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index; the limit as of January 1, 2013 is \$440.)

DISCUSSION

Per the California Fair Political Practices Commission, if you are a local elected officer, a candidate for local elective office, a local official specified in Government Code Section 87200, or a judicial candidate, you may not accept gifts from any single source totaling more than \$440 in a calendar year. The current language could be misinterpreted and in fact has been, to think the dollar gift limit could be doubled when the outgoing Mayor was also an outgoing Councilmember. The proposed revisions, as presented in Attachment

A, Council Policy 7.3.21, make it clear that the total value may not exceed the limit as set by the FPPC, regardless of the number of gifts.

FISCAL IMPACT

Council's action at the Budget Workshop to eliminate the presentation of a diamond pin to incoming Councilmembers will result in a savings of up to \$1800 every two years. Limiting the gift amount for the outgoing Mayor, when s/he is also an outgoing Councilmember, will result in savings of up to \$450 every two years.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

RECOMMENDATION

Staff recommends approval of proposed changes to Council Policy 7.3.21 *Recognition of Elected and Appointed Officials and Visiting Dignitaries*, as presented in Attachment A. These amendments will ensure that the City is in compliance with gift restrictions as set by the Political Reform Act.

Reviewed by:

Robert Walker, Assistant City Manager
Prepared by: Yvette Blackford, Senior Management Analyst

Approved by:

Gary M. Luebbers
City Manager

Attachments

A. Council Policy 7.3.21 *Recognition of Elected and Appointed Officials and Visiting Dignitaries* (as proposed to be amended).

COUNCIL POLICY MANUAL

Policy 7.3.21 Recognition of Elected and Appointed Officials and Visiting Dignitaries

POLICY PURPOSE:

This policy is designed to establish procedures for formal recognition of Councilmembers, Mayors, Board and Commission members, and visiting dignitaries.

POLICY STATEMENT:

1. City Council
 - A. Written communications which acknowledge or recognize City councilmembers (including, but not limited to, City letterhead stationery, Council meeting minutes, news releases and media requests, public information flyers, event invitations, Quarterly Reports, City plaques, General Plan Sub-Elements) shall list those members in the following order: Mayor, followed by Vice Mayor, followed by remaining councilmembers in order of seniority. Seniority shall be designated by the length of continuous service on the Council. Should two members have equal seniority, the councilmember who received more votes in the most recent election would be determined to have the higher seniority.
 - B. For public introductions, the Mayor shall be introduced first, then the Vice Mayor, followed by Councilmembers in random order.
 - C. ~~Plaques~~Councilmembers: ~~Incoming Councilmembers will be presented with a three diamond version of the City's logo lapel pin upon installation. Outgoing Councilmembers and Mayors at the end of their term~~ will be presented with a personalized plaque commemorating his or her service to the City; ~~and a memento(s) of appreciation selected by the Councilmember. The total cost of the each plaque memento(s) shall not exceed the gift limit established by the Fair Political Practices Commission (FPPC) in effect at the time. In the event an outgoing Councilmember is also the outgoing Mayor, two plaques may be presented as long as the value of each does not exceed the FPPC limit.~~
 - D. ~~Gifts~~Mayor: ~~Councilmembers and completing a term as Mayors at the end of their term~~ will be presented with a plaque commemorating his or her service as Mayor, and a gift memento(s) of appreciation; ~~The total cost of the each gift memento(s) shall not exceed the gift limit established by the Fair Political Practices Commission FPPC in effect at the time. In the event an outgoing Councilmember is also the outgoing Mayor, two gifts may be presented as long as the combined value does not exceed the FPPC limit.~~

Blue edits – Council action at Budget Workshop

Red edits – Additional amendments proposed for Council consideration.

COUNCIL POLICY MANUAL

2. Boards and Commissions

An annual event to recognize the service of all Board and Commission members, as well as citizens serving on special ad-hoc committees, shall be coordinated through the Office of the City Manager.

Outgoing Board and Commission members shall receive a certificate of appreciation and a small memento of appreciation. The type of certificates and mementos provided are at the discretion of the Office of the City Manager, shall not exceed the gift limit established by the Fair Political Practices Commission in effect at the time, and will be suitable for the occasion.

3. Official City Souvenirs

A. Visiting Dignitaries: The City Council recognizes that gifts to visiting dignitaries are an appropriate method of commemorating certain occasions. At the discretion of the Mayor or City Manager, visiting dignitaries will be presented with an official City souvenir, appropriate to each dignitary's level of office.

B. Councilmembers Visiting Other Jurisdictions: Mayors and Councilmembers who visit dignitaries in other cities and countries on official City business may, at their discretion, present an official City souvenir, to the dignitary visited. Appropriateness of these gifts will be determined by the Office of the City Manager.

C. Visiting delegates or tour groups may be presented with official City souvenirs, at the discretion of the Office of the City Manager. Councilmembers with requests for souvenirs for specific visiting groups should coordinate such requests through the Office of the City Manager.

D. Requests for Souvenirs: All requests, both internal and external, for official City souvenirs will be handled through the Office of the City Manager, and souvenirs will be provided as appropriate.

(Adopted: [No RTC, Council Motion] (8/2/1982); Amended: RTC 00-096 (3/28/2000); (Clerical/clarity update, Policy Update Project 7/2005); Amended RTC 06-376 (11/28/2006); Amended: RTC 08-113 (4/8/08); Amended: Council Motion, Budget Workshop (5/23/2013); Amended: RTC 13-XXX (07/09/13))

Lead Department: Office of the City Manager

Blue edits – Council action at Budget Workshop

Red edits – Additional amendments proposed for Council consideration.