

ADMINISTRATIVE MANUAL  
TOWN OF LOS GATOS

Subject: Policy on Gifts,  
Gratuities or Rewards

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Section Number:

Approved:

*D. Swartzfager*

Effective Date:

1/25/89

Revised Date:

PURPOSE

To set forth policies regarding the acceptance of gifts, gratuities or rewards.

SCOPE

This policy applies to all permanent, part-time, temporary, contractual, or volunteer employees of the Town of Los Gatos.

POLICY

No employee shall accept money or other consideration or favor from anyone other than the Town for any reason. Acceptance of gifts, gratuities or favors of any kind might reasonably be interpreted as an attempt to influence an employee's actions with respect to Town business.

More specifically, no employee or any family member shall accept any gift at any time, whether in the form of a service, loan, thing, or promise from any person, firm or corporation, which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any employee accept a gift, favor or thing of value that may tend to influence them in the discharge of their duties, or grant in the discharge of their duties any improper favor, service, or thing of value.

In situations where an employee receives a gift which is extremely embarrassing to return, or is given anonymously, the Town Manager's Office will return the gift to the party who sent it, or for anonymous gifts, the gift should be turned in to the Town Manager's Office for distribution to a local charity.

PROCEDURES

- A. If a gift is offered to an employee, the employee is required to not accept the gift.
- B. Should a gift be received, the employee is required to notify their Supervisor immediately. The Supervisor is to return the gift to the donor.

If the gift is given anonymously or return of the gift is not accepted, then the employee is to notify their Supervisor immediately. The Supervisor is to notify the Department Head. The gift is to be delivered to the Manager's Office.

The Town Manager's Office will notify donor and return the gift, or, if the gift was given anonymously, it will be donated to an appropriate non-profit agency in the community.

- C. All persons covered by this policy should be aware that violations of this policy may be grounds for disciplinary action up to and including termination.

Responsibilities

Employee

- Refuse gifts as defined above
- Notify Supervisor/Department Head of any gift received

Supervisor/Department Head

- If not the Department Head the Supervisor must notify the Department Head of receipt of any gifts; deliver, or arrange to have delivered, any gifts given anonymously or gifts which the donor refuses to accept to the Town Manager

Town Manager

- Return gift to original sender or donate gift to appropriate local agency

APPROVED AS TO FORM:

  
Town Attorney

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1/19/89 pm



ADMINISTRATIVE CODE  
CITY MANAGER'S  
DIRECTIVE-PROCEDURE

CMD NUMBER 70  
DATE 12-1-88  
CANCELS None

CMD 70

GIFTS TO THE CITY

Policy: Only the City Council may accept gifts to the City.

Scope: Gifts may be tangible or intangible. A service or a good will gesture rendered free or below cost to the City government may be considered a gift to the City. Before the Council accepts gifts of any kind, it should review any conditions imposed by the donor and be satisfied that acceptance would be beneficial and not unduly burdensome to the City.

Responsibility

Action

Employee

1. If a gift is offered to the City (as opposed to individuals) or to any unit of City government, refer the donor to your department head.

Department Head

2. Express appreciation to potential donor and explain City's policy regarding acceptance of gifts.  
3. Prepare a report to the City Manager. Discuss all aspects of the offer. The report should cover the following:

- Reasons for the offer.
- Conditions attached to the gift.
- Potential liability to the City, the donor, or the public.
- Benefits and drawbacks.
- Costs to City, including estimated maintenance and repair.
- Public perception and inferred (rightly or wrongly) commitments.
- Suggested conditions under which the offer could be accepted.

Post-It™ brand fax transmittal memo 7671	# of pages ▶	2
To	Dave Krapp	
From	Jennifer Sparachio	
Co.	Santa Clara	
Dept.	Phone #	984-3100
Fax #	Fax #	241-6771
	Fax #	354-8431



CMD NUMBER 70

Any other pertinent comments.

Recommendation whether to accept or reject

- 4. Forward report to City Manager, with own recommendation and any further comments.
- City Manager 5. Forward report to City Council with recommendation. Advise department head of Council action
- Department Head 6. Inform donor of Council action and prepare a thank-you letter for the Mayor's and City Manager's signatures.