

CHAPTER 1.30
ACCEPTING AND REPORTING OF GIFTS

SECTIONS

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1.30.010 **PURPOSE:** The purpose of this Chapter is to limit the value of gifts that can be made to or received Pottawattamie County officials, employees or their immediate family members and to adopt rules, as mandated by 1987 Iowa Acts, Senate File 480, requiring public disclosure of gifts exceeding fifteen (15) dollars in value. (*Ordinance #88-10/October 6, 1988*)

1.30.020 **DEFINITIONS:** For the purpose of this Chapter, the following terms and words are hereby defined:

.01 **COUNTY:** Pottawattamie County, Iowa. (*Ordinance #88-10/October 6, 1988*)

.02 **COUNTY AUDITOR:** Pottawattamie County, Iowa, Auditor. (*Ordinance #88-10/October 6, 1988*)

.03 **COUNTY OFFICIAL** and **COUNTY EMPLOYEE:** An official or employee of this County. (*Ordinance #88-10/October 6, 1988*)

.04 A. **GIFT:** 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:

- (1) Is doing or seeking to do business of any kind with the donee's agency.
- (2) Is engaged in activities which are regulated or controlled by the donee's agency.
- (3) 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.
- (4) Is a lobbyist with respect to matters within the donee's jurisdiction. (*Ordinance #88-10/October 6, 1988*)

B. **GIFT** does not include any of the following:

- (1) Campaign contributions.
- (2) 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 (3) days, at seminars or other public meetings conducted in the State of Iowa, 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 (35) dollars.
- (3) 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.
- (4) An inheritance.

(5) Anything available to or distributed to the public generally without regard to official status of the recipient.

(6) 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.

(7) Plaques or items of negligible resale value given as recognition for public services. (*Ordinance #88-10/October 6, 1988*)

.05 **IMMEDIATE FAMILY MEMBER:** The spouse and minor children of a person required to file reports pursuant to this Chapter. (*Ordinance #88-10/October 6, 1988*)

.06 **IS DOING BUSINESS WITH THE DONEE'S AGENCY:** 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. (*Ordinance #88-10/October 6, 1988*)

.07 **PUBLIC DISCLOSURE:** A written report filed by the fifteenth day of the month following the month in which a gift is received as required by this Chapter. (*Ordinance #88-10/October 6, 1988*)

1.30.030 **GIFTS SOLICITED OR ACCEPTED**

.01 A county official or county 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 more than thirty-five (35) dollars or more. (*Ordinance #88-10/October 6, 1988*)

.02 A person shall not, directly or indirectly, offer or make a gift or a series of gifts to a county official or county employee or the official or employee's immediate family member, in any one calendar day, if the gift or series of gifts has a value of thirty-five (35) dollars 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, county employee or the official or employee's immediate family member, in any one calendar day, if the gift or series of gifts has a total value of thirty-five (35) dollars or more. (*Ordinance #88-10/October 6, 1988*)

.03 A person may give and a county official, county employee or the official or employee's immediate family may accept in any one calendar day a gift or series of gifts which has a value of thirty-five (35) dollars or more and not be in violation of this Section, if the gift or series of gifts is donated within thirty (30) days to a public body, a bona fide educational or charitable organization, or the State Department of General Welfare. (*Ordinance #88-10/October 6, 1988*)

1.30.040 **REPORTING OF GIFTS**

.01 A county official, county employee, or that person's immediate family member who accepts a gift or a series of gifts from any one donor which exceeds fifteen (15) dollars in any one calendar day shall publicly disclose the nature, amount, date and donor of the gift or series of gifts. (*Ordinance #88-10/October 6, 1988*)

.02 A person who gives a gift or series of gifts to a county official, county employee or the official or employee's immediate family member which exceeds

fifteen (15) dollars in any one calendar day shall publicly disclose the nature, amount, date and donee of the gift or gifts. (*Ordinance #88-10/October 6, 1988*)

- .03 Public disclosure by both the donee and donor shall be made by filing a public disclosure report form by the fifteenth day of the month following the month in which a gift is received. (*Ordinance #88-10/October 6, 1988*)
- .04 Copies of the completed forms shall be filed with the County Auditor's Office. (*Ordinance #88-10/October 6, 1988*)
- .05 A county official, county employee or that person's immediate family member who accepts a gift or 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. (*Ordinance #88-10/October 6, 1988*)
- .06 Reporting and 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 the 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 (15) dollars.

1.30.050 **PENALTY:** In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates a provision of this Chapter is guilty of a serious misdemeanor and may be reprimanded, suspended or dismissed from the person's position or otherwise sanctioned. The penalty for a serious misdemeanor is imprisonment not to exceed one (1) year, or a fine not to exceed one thousand (1,000) dollars, or both. (*Ordinance #88-10/October 6, 1988*)