

DATE: January 11, 1988

TO: Metropolitan Sewer Task Force  
FROM: City Attorney  
SUBJECT: Acceptance of Christmas Gift

Task Force member Robert Cozens inquired of the propriety of accepting a silver dollar medallion from the firm of James M. Montgomery during the Christmas holidays. We understand the gift to be promotional in nature but worth under fifty dollars (\$50.). This inquiry presents the opportunity for both the specific answer and the general rule for task force members with respect to acceptance of gifts.

It has long been our advice that members of purely advisory boards and commissions, such as the Metropolitan Sewer Task Force, are not subject to the restrictions of the Political Reform Act. California Government Code section 81000 et seq. This advice flows from the specific exemption accorded an "unsalaried member ... which serves a solely advisory function ...." California Government Code section 82019; Commission on Cal. State Gov. Org. and Econ. v. Fair Political Practices Commission, 75 Cal.App.3d 716, 724 (1977). However, Council Policy 000-4 Code of Ethics contains restrictions for both public employees and appointees.

POLICY

It is the policy of the Council that the following code of ethics be adopted for all elected officials, officers, appointees and employees of The City of San Diego:

First: No elected official, officer, appointee or employee of The City of San Diego shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the

proper discharge of his official duties or would tend to impair his independence or judgment or action in the performance of such duties.

Second: No elected official, officer, appointee or employee shall engage in any enterprise or activity which shall result in any of the following:

...

(e) Receiving or accepting,

directly or indirectly, any gift or favor from anyone doing business with The City of San Diego under circumstances from which it could reasonably be inferred that such was intended to influence him in his official employment or duties, or as a reward for official action.

Emphasis added.

Applying the foregoing to a promotional silver dollar valued under fifty dollars (\$50.), it cannot "reasonably be inferred" that such a gift was either meant to or would tend to influence an advisory recommendation. Hence we find that under Council Policy 000-4 the gift may be accepted. Of course any other gratuities must be weighed against the quoted standard and will therefore have to be assessed separately.

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By

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