

CITY of AUSTIN Administrative Bulletin

Title **Solicitation of Gifts, Contributions, or
Items of Value by City Employees**



Administrative **07-06**
Bulletin Number

Effective Date **07/17/07**

Revised ___ Annually X As Needed

Prepared by Management Services

Original 07/17/07 Revised _____
Date

Manager's *Toley Hammett Juteal*
Approval

PURPOSE

The purpose of this bulletin is to establish a uniform understanding and application of the City's policy on solicitation of gifts, contributions, or items of value by City employees.

POLICY

The policy recognizes the potential for a solicited individual or business to feel at a disadvantage. The policy also recognizes the importance of a City-wide perspective.

A City employee may not solicit a gift, contribution, or other item of value from a City vendor or a person or corporation regulated by the City. It is not an exception to this policy that a particular City employee is not directly involved in the regulation of or a contract with the person or entity that is being solicited.

- The City as a municipal corporation may accept donations.
- A donation to the City is not a donation to a City employee or a group of employees and is considered differently. Donations to individual City employees or groups of employees are subject to the City's gift ordinance and personnel policy on gifts.
- Funds or items donated to the City become City property, subject to all the restrictions that attach to City property.
- An employee may not solicit funds or items of value for any purpose on the job without the express approval of the department director and the City Manager.
- Violations of this bulletin may lead to disciplinary action including termination.

DEFINITIONS

City Manager includes the City Manager's designee.

Department Director includes an ACM for employees who do not report through a department director.

Job-related means in support of any City purpose or program.

ROLES AND RESPONSIBILITIES

Department Director:

- Each department director must implement this bulletin, and establish controls to see the bulletin is followed.

Employees: Each employee must comply with requirements of this procedure.

CORRESPONDING PROCEDURES AND POLICIES

- Texas Penal Code, Chapters 36 (Bribery and Corrupt Influence) and 39 (Abuse of Office).
- City Code, Section 2-7-62 (G) (Standards of Conduct).
- City Code, Section 2-7-72 (I) (Reports).
- Personnel Policy, Use Of City Resources.
- Personnel Policy, Solicitation And Acceptance Of Gifts.
- Administrative Bulletin 92-02, Cash Handling Policy.
- City and Departmental inventory controls.

PROCEDURE

1. Before a City employee may solicit funds or an item of value for a job-related purpose, the employee must first obtain the written approval of the employee's department director and the City Manager.
 - a. In considering whether to recommend approval, a department director shall consider whether a decision to solicit in the community will serve an important municipal purpose. For example, seeking outside resources to support a department's core mission (books or computers for the Library, for example) might be of sufficient importance, while snacks for an employee staff meeting would not.
 - b. In considering whether to recommend approval, a department director shall consider whether the individual or entity to be solicited has a matter pending before the City, for example, a regulatory matter or a contract award, that could cause the individual or entity to feel pressured or cast doubt on the fairness of the City's decision in the matter. For example, if a business that made a donation to the City were to prevail in a contested regulatory matter or win a City

contract, a business that did not prevail or that lost the contract might have reason to doubt the fairness of the process.

2. If a City employee accepts a gift or loan of funds or an item of value on behalf of the City, the employee shall promptly report the gift or loan to the City Manager.
3. The City Manager shall have the gift or loan inventoried as City property in the case of a gift, or as a loan to the City in the case of a loan.
4. The gift or loan is subject to all City controls for inventory, use of City property, disposal of surplus property, accounting, budgeting, appropriation and cash handling.

FORMS

None.