

Date: November 20, 2023

To: All City Officials, Employees and Commissioners

From: Thomas B. Modica, City Manager 

Subject: **Reminder Regarding the Acceptance of Gifts as City officials and Employees**

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As the holiday season quickly approaches, it is a good time to provide a refresh and reminder of the rules and regulations around the acceptance of gifts.

As City officials and employees, we hold a position of public trust. These rules exist to ensure that we do not compromise that trust nor create conflicts of interest while doing our work on behalf of the City of Long Beach (City).

Attached are the following items:

- A. Gifts Infographic
- B. Gifts FAQ
  - a. Please distribute Attachments A and B throughout your departments and to any commissions your team supports.
- C. Vendor Code of Conduct (Code) – This was recently recommended by the Ethics Commission. It is also recommended that this is shared with any vendors doing business (or potentially doing business) with the City. Accepting gifts from any vendor as defined in the Code is against State law, and vendors should be mindful of this.

If you have any questions, please reach out to Ethics Officer Heather Van Wijk at [heather.vanwijk@longbeach.gov](mailto:heather.vanwijk@longbeach.gov) or 562-570-7443.

ATTACHMENTS – A - GIFTS INFOGRAPHIC  
B - GIFTS FAQ  
C - VENDOR CODE OF CONDUCT

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DEPARTMENT HEADS

# Gift Guide

## WHAT IS A GIFT?

A gift is anything of value that you receive without providing adequate consideration. A gift may include gift baskets, cookies & candy, meals, tickets to sporting or theater events, and rebates or discounts in the price of anything of value.



## PUBLIC DISCLOSURE OF GIFTS

If you are a Form 700 filer, you must publicly disclose a gift on the Form 700 if you receive a gift or multiple gifts from one source and the total value of all gifts received is \$50.

If the exact dollar amount is unknown, you must report the good faith estimate of the item's fair market value on your Form 700.

## GIFT RESTRICTIONS FOR CITY OFFICIALS AND COMMISSIONERS

Form 700 filers may not accept a gift or combination of gifts during the calendar year from a single source with a total value that exceeds \$590. Additional restrictions apply to employees of City Manager Departments.



## GIFTS FROM LOBBYISTS

Under the City's Lobbyists Ordinance, 2.08.150:

A lobbyist is prohibited from delivering a gift or coordinating a gift to be delivered to any City official

City officials are prohibited from accepting gifts from a lobbyist.

## IMPORTANT NOTE FOR CITY EMPLOYEES IN CITY MANAGER DEPARTMENTS:

Employees of City Manager Departments may not accept tickets/passes or gifts of consumable goods, such as food, drink and other products provided by someone involved or potentially involved with business with the City.  
PLEASE SEE AR 8-02.



**This is a brief overview of gift laws.**

Please refer to the [Ethics Guide for Long Beach City Officials & Employees](#) for further explanation or contact the City Attorney's office with questions.

# FAQ: Can I Accept Gifts?



## Accepting Gifts

The State's Political Reform Act and certain City policies regulate your receipt of certain gifts. Gift regulations in the Political Reform Act applies to all persons required to file a Statement of Economic Interests - Form 700 (Form 700). It is important for you to be familiar with these laws because accepting a prohibited gift may subject you to penalties and may require the City to void contracts if a conflict of interest has occurred. All City Departments are subject to the [City's Policy Regarding the Use and Distribution of Tickets and Passes Provided to the City for Entertainment Purposes](#).

### What is a gift?

A gift is **anything of value** that you receive for which you do not provide monetary or other consideration of equal or greater value. Gifts can include:

- Gift baskets
- Cookies and candy
- Meals
- Tickets to sporting or theater events
- Rebates or discounts in the price of anything of value

### Who is subject to gift restrictions?

**All** City officials and employees are subject to gift restrictions. This includes elected officials, appointed officials, and City employees.

### What are the gift restrictions for elected officials, appointed officials and commissioners?

City officials and commissioners may not accept any gift intended to influence them in the performance of their official duties. Additionally, City officials and commissioners who are required to file statements of economic interests may not accept a gift or combination of gifts during the calendar year from a single source with a total value that exceeds \$590 (January 1, 2023-December 31, 2024) if the gift is required to be reported on their Form 700. A gift is required to be reported if the donor does business within the City of Long Beach.

### What are the gift restrictions for City employees in City Manager departments?

City employees working in departments under the City Manager's oversight are subject to restrictions on the acceptance of gifts **in addition** to the Political Reform Act. City employees working in departments under the City Manager **may not** accept gifts of consumable goods, such as food, drink and other products provided by someone involved or potentially involved with business with the City. [See AR 8-02.](#)

### **What are the exceptions to the gift limits?**

The following items are not subject to City or state gift limitations:

- Gifts from family members
- Gifts from personal friends
- Gifts of minimal value, such as flowers or candy
- Gifts received as part of a bona fide business relationship

### **How do I disclose a gift?**

You must publicly disclose a gift you receive and its value if the total value of all gifts you received from that source during the calendar year is at least \$50. You can disclose gifts on your Form 700, which you are required to file if you are a City official or employee who is subject to gift restrictions.

### **Can I accept gifts from a lobbyist?**

**No**, a lobbyist is **prohibited** from **delivering** a gift or coordinating a gift to be delivered to any City official or employee. Additionally, City officials and employees are **prohibited** from **accepting** gifts from a lobbyist.

### **What if I have questions about the gift restrictions?**

If you have any questions about the gift restrictions, please contact the City Attorney's Office.

### **Are meals considered gifts?**

**Yes**, meals are considered gifts, *unless* an exception applies. For example, a meal is not considered a gift if it is provided to you as part of your official duties or if it is a social event with friends or family.

### **Are invitations to events considered gifts?**

**Yes**, an invitation or a ticket to an event is considered a gift, unless it is a political fundraiser or a fundraiser for an organization exempt from taxation (charitable organization), and you have received a ticket from the charity itself, or from the political committee itself.

### **Are raffle prizes considered gifts?**

**Yes**, raffle prizes are considered gifts, unless they are awarded to you by the City of Long Beach or a fellow City employee.

### **If a gift is given away or shared with staff, does it still count as a gift?**

**Yes**, if you receive a gift and then share it, give it to someone else, or throw it away, it is still considered a gift to you. It should be returned to the giver whenever possible.

### **Are gifts of travel restricted?**

**Yes**, gifts of travel are severely restricted. Generally, you may not accept reimbursement for travel and related expenses from sources other than the City of Long Beach if travelling on official duty. Some minor exceptions apply, and you should contact the City Attorney's office for advice about how to proceed if such travel is offered.

### **City Ticket Policy**

At various times, the City receives free tickets to sporting or entertainment events, either pursuant to a City contract or a donation from the event's sponsor. As a City official or employee, you may be offered such tickets. However, you have no right to tickets and you should be aware there are restrictions on who can use such tickets.

### **Can I use City tickets to events?**

**Yes however**, your attendance at the event must 1) be authorized by the City's ticket policy, located on the City's website, and 2) must serve a governmental or public purpose.

### **If I use the tickets, what do I have to do?**

Any use of City tickets will require the user to fill out a Form 802 within 30 days of the event. This form can be obtained from the City Manager's office.

More details may be found at [City of Long Beach Policy Regarding the Use and Distribution of Tickets and Passes Provided to the City for Entertainment Purposes](#) for more information.

*This is a brief overview of gift laws. Please refer to the [Ethics Guide for Long Beach City Officials & Employees](#) for further explanation or contact the City Attorney's office with questions.*





## VENDOR CODE OF CONDUCT

### *ANCHORED IN ETHICS*

The City of Long Beach (City) is committed to operating ethically to preserve public trust and confidence. We require our partners to act ethically in every aspect of their business. This Vendor Code of Conduct (Code) applies to any person, entity, vendor, contractor, consultants, and their subcontractors (collectively “vendors”) providing goods or services to or on behalf of the City. Vendors providing goods or services to or on behalf of the City are expected to share in the following core ethics values as provided in the [City of Long Beach Code of Conduct](#):

- Accountability—willingness to accept responsibility and account for one’s actions.
- Equity—ensuring fairness and due process.
- Impartiality—loyalty to the public good.
- Diversity—embracing histories, values, and ideas from all backgrounds, and recognizing their contribution to improving the City’s operations, services, and programs.
- Transparency—actions and practices that are open to public observation and scrutiny.
- Integrity—being truthful, seeking truth, and adherence to the City’s values.

Vendors are responsible to ensure their employees are aware of this Code, as well as all contractual requirements applicable to City work.

### COMPLIANCE WITH LAWS AND REGULATIONS

The City expects its vendors to operate in accordance with the principles contained in this Code and in full compliance with all applicable laws and regulations. It is critical that vendors do not undermine the competitive process. Vendors are expected to:

- Compete fairly and honestly for City business.
- Independently and honestly prepare and submit bids and proposals based upon their own costs and qualifications without colluding or otherwise obtaining information about a competitor’s proposal or bid to gain an unfair advantage.

## Vendor Code of Conduct

- Not engage in corruption, extortion, embezzlement, kickbacks, or bribery to obtain an unfair or improper advantage in the competitive process.
- Perform fully, timely, and honestly in accordance with the terms of their contracts and to demonstrate their responsibility through a history of successful and honest performance.

### CONFLICTS OF INTEREST

Vendors must avoid conflicts of interest with a City elected official, officer, employee, commissioner, or consultant of the City. A conflict of interest is a situation in which your responsibilities to your employer and City conflict with, or appear to conflict with, your private or personal interests. Vendors must never improperly benefit at the expense of the City.

**Statements of Economic Interest.** Where applicable by State law and the City's Conflict of Interest Code, vendors must comply with requirements for filing of Statement of Economic Interests (Form 700).

**Disclose Relationships.** Vendors must promptly disclose and attest if they (including their company employees or affiliates) have financial, familial, or personal relationships with City officials or employees who may be involved in their contract selection or contract administration processes. Any perceived or actual conflict of interest that may arise must be disclosed *prior* to entering an agreement with or providing goods or services for the City.

Vendors must disclose any employee financial or family relationships with a City elected official, officer, employee, commissioner, or consultant of the City involved in their contract selection or administration as described in [Administrative Regulation 32-1](#). Furthermore, City management employees are prohibited from recommending or attempting to influence any contractor or business which has a business relationship with the City to employ a member of their immediate family.

**Disclose Gifts, Meals, and Entertainment.** Vendors are prohibited from offering a gift of any kind to a City employee or officer directly or indirectly which may influence or appear to influence the drafting of procurement requirements, evaluations, awards, or payments. Such an offer is not a "gift," it is a bribe. City employees must report attempts

## **Vendor Code of Conduct**

at bribery. “Gifts” include tickets, meals, entertainment, services, other business courtesies, and anything of value.

As a public entity, the City is required to comply with applicable state law and regulations relating to conflicts of interest, honoraria, and acceptance of gifts. The City regulates, and in most cases prohibits employees from accepting gifts, tickets, meals, entertainment, or other business courtesies. Vendors should know which City department they are working with and abide by the rules for that department. See [Administrative Regulation 8-2](#) and [Resolution No. RES-19-0098](#) regarding Tickets, Passes & Events.

### **DIVERSITY, EQUITY, AND INCLUSION**

Vendors are expected to treat all people including employees and subcontractors of the vendor, the public, and City staff with respect and dignity with the intention of respecting and engaging the City’s diverse communities and to ensure equitable and socially just programs and services are provided.

### **HARASSMENT AND DISCRIMINATION**

Vendors must ensure that policies and procedures are in place to prevent and address retaliation, harassment, and abuse, or the threat of such, in the workplace. Vendors will conduct themselves in a professional manner and treat others with respect, fairness, and dignity. Vendors will comply with applicable federal, state, and local laws, rules, regulations, and statutes prohibiting harassment and discrimination.

### **HEALTH AND SAFETY**

Vendors must provide their employees with a safe work environment and integrate sound health and safety management practices into its business to detect, prevent and handle potential risks to health, safety, and security of employees. Vendors will follow all applicable laws relating to health and safety. Workers must have the right to refuse unsafe work and to report unhealthy working conditions. Vendors must provide employees with a copy of the vendor’s health and safety guidelines and training in terms of equipment and work practices.



## **Vendor Code of Conduct**

Vendors must identify, evaluate, and manage occupational health and safety hazards through prioritized process of hazard elimination, engineering controls, and/or administrative controls. Vendors must provide workers with job-related, appropriately maintained, personal protective equipment and instruction on its proper use.

### **SUSTAINABILITY AND SOCIAL RESPONSIBILITY**

Vendors must comply with environmental laws and policies. Vendors are expected to implement practices in line with the City's [Climate Action Plan](#) vision to create a more sustainable, resilient and equitable city by addressing climate change in a way that remedies existing environmental health disparities while also improving health, quality of life, and enhancing economic vitality throughout Long Beach.

### **PROTECTION AND PROPER USE OF CITY ASSETS**

Vendors will protect City property, physical assets, and proprietary information. Vendors must investigate and take corrective action in response to suspected fraud, waste or abuse incidents perpetrated by employees, contractors/subcontractors and agents, and promptly report all findings of fraud, waste or abuse to the City, as well as State and Federal regulatory agencies as applicable.

### **FINANCIAL INTEGRITY AND ACCOUNTABILITY**

Vendors must maintain honest and accurate accounting and business records. Vendors must comply with all applicable laws and regulations and contractual terms related to management of records, wage and benefits, labor and cost reporting. Vendors must have processes to identify, understand, and implement applicable laws and regulations and requirements and must maintain documents and records to ensure regulatory compliance. Vendors may not alter records for any improper use, including unauthorized payment. The [Federal False Claims Act](#) and similar state laws make it a crime to present a false or fraudulent claim to the government for payment. Vendors must comply with all requirements of the Federal False Claims Act and similar state laws in its billing practices to the City.

### **CONFIDENTIALITY**

## Vendor Code of Conduct

Vendors must protect the City's confidential or proprietary information from improper disclosure and must not use confidential or proprietary information for its own benefit or the benefit of any other person or entity.

### REPORTING OR RAISING CONCERNS

If a vendor becomes aware of or suspects misconduct related to the provision of good or services, the City requires vendors to report or file an allegation of wrongdoing or misconduct relating to their work for the City. Vendors and their representatives are encouraged to use the City of Long Beach Ethics Helpline.

- [Online Reporting Form](#)

You may remain anonymous while using the City's Helpline.

Further, the Vendor should take measures to report to the appropriate enforcement agency to address the misconduct.

The City will assess its vendors' compliance with this Code. Any violations of this Code may jeopardize a vendor's relationship with the City, up to and including termination of any agreement.

*This Code of Conduct is not a contract. It does not confer rights on any Vendor, nor does it impose obligations on the City. In case of conflict between this Code of Conduct and your Contract, the terms of your Contract shall prevail.*

