

TITLE I – POLICY AND ADMINISTRATION (Chapters 1-6)

CHAPTER 4**PROHIBITION AGAINST THE ACCEPTANCE OF GIFTS
BY COUNTY OFFICIALS, COUNTY EMPLOYEES,
AND THEIR DEPENDENT FAMILY MEMBERS**

4.01 Purpose.
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4.01 PURPOSE.

The Code of Iowa Section 68B (2020) prohibits county officials or employees or their dependent family members from directly or indirectly accepting or receiving “any gift or series of gifts.” Donors are also prohibited from directly or indirectly offering or giving gifts to public officials or employees.

4.02 DEFINITIONS.

For use in this chapter, the following terms are defined:

1. “County Official” or “County Employee” means any official or employee of the County. Also, any firm in which the official or employee is a partner, and a corporation of which any official or employee holds 10 percent or more of the stock either directly or indirectly, and the spouse and minor children of a county official or County Employee. Iowa Code 68B.2 (2020). “County Employee” does not mean an independent contractor.
2. Pursuant to Iowa Code 68B.2 (2020) “Gift” means money, real property, personal property, services, discounts, 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:
 - a. Donor is doing business or seeking to do business of any kind with the gift recipient’s agency (government).
 - b. Donor is engaged in activities which are regulated or controlled by recipient’s agency (government).
 - c. Donor has interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the recipient’s official duty.
 - d. Donor is a lobbyist with respect to matters within the recipient’s jurisdiction.
3. Pursuant to Iowa Code Section 68B.2 (2020) “Gift” does not mean the following:
 - a. Campaign contributions.
 - b. Informational material relevant to the public servant’s official functions.

- c. Gifts from family.
 - d. An inheritance.
 - e. Anything free to the public or fellow members of a qualifying organization.
 - f. Actual expenses for food, beverages, registration, travel, and lodging for a meeting, given in return for participation.
 - g. Items of negligible value given as recognition for the public service.
 - h. Food and beverages at an event at which the recipient is being honored for public service.
 - i. Nonmonetary items with a value of \$3 or less received from any one donor during one day.
 - j. Items or services solicited by, received, or given to a government organization in which the County is a member for purposes of a business or educational conference, seminar, or other meeting.
 - k. Funeral flowers or memorials to a church or nonprofit.
 - l. Gifts for a wedding or 25th or 50th wedding anniversary.
 - m. Payment by an employer for the cost of attending a meeting of a subunit of an agency if the person serves on a subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the County or political subdivision.
 - n. Gifts of food, beverages, travel, or lodging received by a public official or public employee, under qualifying conditions.
 - o. Gifts received from a person who is a citizen of a country other than the United States during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the donee.
 - p. Actual registration costs for informational meetings or sessions.
4. "Family." Family includes immediate family member, who also shall not receive or solicit any gift from a restricted donor. Immediate family means spouse and minor children of a person required to make a public disclosure of any gift. Iowa Code Section 68B.2 (2020).
 5. "Is doing business with the recipient's agency (government, County) means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the County or agency thereof.
 6. "Public Disclosure" means a written report filed with the County Auditor by the fifteenth (15th) day of the month following the month in which a gift was received.
 7. "Restricted Donor" means:
 - a. A person who is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from or with the agency in which the donee holds office or is employed.
 - b. A person who will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public

generally or on a substantial class of person to which the person belongs as a member of a profession, occupation, industry, or region.

- c. A person who is personally, or is the agent of a person who is, the subject of or a party to a matter which is pending before a subunit of a regulatory agency and over which the donee has discretionary authority as part of the donee's official duties or employment within the regulatory agency subunit.
 - d. A person who is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.
- Iowa Code Section 68B.2 (2020).

4.03 GIFT LIMITS.

1. A public official, employee, or candidate or that person's immediate family member shall not receive or solicit any gift from a restricted donor.
2. A restricted donor shall not offer or make a gift to a public official, employee, or candidate. Iowa Code Section 68B.2.
3. If a County official or employee receives a gift, the gift must be publicly disclosed, and a copy of the written report must be filed with the County Auditor's Office.
4. An organization or association which has as one of its purposes the encouragement of the passage, defeat, introduction, or modification of County Ordinances or County projects shall not give and a County Official or County Employee shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars (\$3.00). Iowa Code 68B.2 (2020).
5. A County Official or County Employee or an immediate family member of an Official or employee who accepts a gift of 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 or her immediate consumption in the donee's presence is not required to report the gift.
6. If a County Official or County Employee receives a nonmonetary gift, the gift must be publicly disclosed in writing. Also, the gift should be donated within 30 days to a public body, or a bona fide educational or charitable organization.

4.04 REPORTING VALUATION GUIDELINES.

1. 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. One exception: If food and beverages are donated to a county department or office, the value may be divided by the number of employees within the department or office and so long as the value is not in excess of three dollars (\$3.00) per individual, the food and beverages are not considered a gift.
2. The value of the gift to the donee is the value actually received.

3. 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 or donees exceeds three dollars (\$3.00) per donee.

4.05 QUESTIONS ABOUT GIFTS.

Questions about giving gifts to County Officials and County Employees, or whether County Officials or County Employees should accept gifts, should be directed to the Warren County Attorney's Office.