

# SALT LAKE CITY CORPORATION

EDWIN P. RUTAN, II  
CITY ATTORNEY

LAW DEPARTMENT

RALPH BECKER  
MAYOR

## MEMORANDUM

February 11, 2010

**RE:** Determination of Non-Applicability Pursuant to SLCC Section 2.44.180B

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This is to confirm oral advice given on February 5, 2010.

A City employee in the executive branch has inquired whether it is permissible for him/her to accept a \$50 "gift" card for a local restaurant from another City employee under the circumstances described below. Pursuant to Section 2.44.180B, I have determined as City Attorney that the restrictions on gifts in Section 2.44.080 do not apply to these facts. I have also determined that the Executive Order on Employee's Acceptance of Gifts does not apply.

The \$50 card was given by a division manager in one City department to an employee in another department in recognition of the fine job that the employee had done in implementing a City program that the division manager was responsible for. Gift cards such as these are used by a number of City departments, including the City Attorney's Office, as part of a "Rewards and Recognition" program for work well done. While there is no indication that Section 2.44.080 was intended to prohibit the City from creating a rewards and recognition program for City employees, a very strict, literal reading of Section 2.44.080A(2) might reach an employee award under a rewards and recognition program.

Pursuant to Section 2.44.180B, I have determined that assuming that a "gift" is involved, Section 2.044.080 is not applicable here based on the following determinations: (1) the gift was not given with the intent to influence official action; (2) there exists no substantial likelihood that the gift will influence official action; and (3) the giving of this determination of non-applicability will not be detrimental to the interests of the City.

It is clear from the Preface to the Executive Order that it is directed at external influence on City employees. Therefore the Executive Order does not apply to awards to employees under a rewards and recognition program.

Edwin P. Rutan, II  
City Attorney

cc: City Recorder