SUMMARY STATEMENT

ITEM NO. DRPA-10-047
SUBJECT: Prohibition on Accepting Gifts of Value

COMMITTEE: Unfinished Business

COMMITTEE MEETING DATE: October 3, 2012

BOARD ACTION DATE: October 17, 2012

PROPOSAL: That the Board adopt a revised policy prohibiting DRPA/PATCO Commissioners and employees from accepting any gift of value that relates in any way to that person’s official duties.

PURPOSE: To adopt a revised policy prohibiting DRPA/PATCO Commissioners and employees from accepting any gift of value that relates in any way to that person’s official duties.

BACKGROUND: On August 18, 2010, the Board approved DRPA-10-047 (Prohibiting the Pennsylvania and New Jersey Governors, to the Extent to Board Can Bind Them, and All Commissioners, Officers and Employees from Soliciting or Accepting any Gifts of Value) in an effort to ensure that contracts of the Authority are awarded on the basis of merit and cost-effectiveness and that operations of the Authority are conducted on a fair and impartial basis by removing a source of actual or apparent improper influence. Since that time, the policy then adopted has been revised and the Board wishes to adopt the revised policy, which is attached hereto, to replace the policy adopted on August 18, 2010.

SUMMARY:
Amount: N/A
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A
RESOLUTION

RESOLVED: That the Board adopts the revised policy prohibiting DRPA/PATCO Commissioners and employees from accepting any gift of value that relates in any way to that person’s official duties, which is attached hereto; and

RESOLVED: That the Board hereby replaces the Gifts of Value policy that was adopted by the Board on August 18, 2010 with the policy attached hereto.

SUMMARY:

Amount: N/A
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A
SCOPE
Defines the policy prohibiting DRPA/PATCO commissioners, officers and all other employees and members of their immediate families from soliciting or accepting any “thing of value” or “gift of value” that would relate to a commissioner, officer or employee’s official duties.

POLICY
Commissioners, officers and employees and their immediate family members are prohibited from soliciting or accepting any gift, good, gratuity, discount, compensation, travel, lodging, loan, favor, entertainment admission, promise of future employment or other thing of value or gift of value that would relate in any way to a commissioner, officer or employee’s official duties.

This amendment to the original policy will become effective upon passage by the DRPA Board of Commissioners on October 17, 2012.

For the purposes of this policy, the term “thing of value,” “gift of value” or “gift” would include any good, gratuity, discount, compensation, travel, lodging, loan, favor, entertainment admission, promise of future employment or other service or item given without market-value compensation or consideration.

Exceptions to the foregoing prohibition are limited as follows:

- Employees and officers may accept reasonable, openly disclosed discounts offered by vendors unconditionally to all DRPA/PATCO employees as a class, to government employees as a class or to the general public. Commissioners, who must serve without compensation, may not accept any discounts offered to DRPA/PATCO employees as a class.
- Employees, officers and commissioners may exchange gifts of $25 or less (market value in the DRPA Port District, not including sales or service tax) as long as the gifts are occasional (associated with a personal event, gift-giving holiday or rite of passage) and are not intended as or cannot reasonably be construed as instruments of improper influence or conspicuous favor.
- Employees, officers and commissioners may pool their funds to purchase gifts to commemorate employee, officer or commissioner rites of passage. While this policy places no limit on the total cost of such gifts, no individual may contribute more than $25 to a gift’s purchase price.
- Employees may accept plaques or trophies of nominal value given by outside organizations to recognize exemplary service or excellence in performance of a DRPA- or PATCO-related duty.