

RESOLUTION 09-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT ADOPTING A TICKET AND/OR PASSES DISTRIBUTION POLICY TO CONFORM WITH TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS SECTION 18944.1

WHEREAS, the California Fair Political Practices Commission (“FPPC”) recently amended Section 18944.1 of Title 2 of the California Code of Regulations adopting new disclosure and reporting requirements concerning gifts of tickets and/or passes to public officials provided from their local agency for admission to entertainment, recreational, amusement and similar events; and

WHEREAS, the Twentynine Palms Water District (“District”) may, from time to time, receive complimentary or discounted tickets and/or passes from outside sources for distribution to the District’s Board Members, General Manager and/or employees; and

WHEREAS, the Board has determined that the receipt of all such discounted, free and purchased tickets and/or passes are public resources; and

WHEREAS, the Board desires that distribution of these public resources be handled in a manner that furthers the District’s public purposes as reasonably described herein, such as the promotion of District activities, programs and facilities, water conservation, water supply and distribution, and statewide and regional water policy issues affecting or involving the District; and

WHEREAS, according to Section 18944.1, these tickets and/or passes are not gifts to public officials if the District distributes these tickets and/or passes in accordance with a duly adopted written policy in compliance with Section 18944.1, subdivision (b)(2); and

WHEREAS, the FPPC has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of the District, provided that the determination is consistent with state law; and

WHEREAS, the District desires to adopt this ticket and/or passes policy to conform with California Code of Regulations, Section 18944.1, as amended by the Fair Political Practices Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Twentynine Palms Water District as follows:

Section 1: Purpose of Policy. The purpose of this policy is to ensure that all tickets and/or passes provided to the District shall be distributed in furtherance of District's public purposes as required under Section 18944.1.

Section 2: Limitations.

- a. This Policy shall only apply to the District's distribution of tickets and/or passes to, or at the behest of, a public official for which no consideration of equal or greater value is provided by the public official.
- b. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this policy.
- c. Unless exempted otherwise under state law, any ticket and/or pass received or directed for use by a District official not in conformance with this policy remains subject to separate disclosure requirements and the annual gift limit.
- d. This policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy.
- e. Tickets and/or passes to events that primarily provide informational material and are provided to assist the District official in the performance of his or her official duties or that of his or her elected office being sought are also not generally subject to this policy. As any event becomes more entertainment oriented, this policy as well as District counsel should be consulted.

Section 3: Official Duties; Ceremonial Roles. Tickets provided to a Board Member, the General Manager and/or a District employee as part of their official duties, or tickets provided so that the Board Member, General Manager or District employee may perform a ceremonial role or function on behalf of the District, shall not be subject to this Tickets and/or Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

Section 4: Public Purpose. The District shall only provide a ticket and/or pass to or at the request of a Board Member, the General Manager and/or District employee, for the following purposes:

- a. Promotion of water conservation and water supply within the District, regionally and statewide.
- b. Promotion of water quality within the District, regionally and statewide.
- c. Promotion of water services within the District, regionally and statewide.
- d. Marketing promotions highlighting the achievements of public agencies, local residents, nonprofits, community groups and businesses in the areas of water conservation, water services, water supply, or water quality.
- e. Promotion and marketing of District facilities and resources available for public use.
- f. Promotion of District recognition, visibility, and/or profile on a local, state, national or international scale.
- g. Promotion of District issues and interests at events sponsored by other governmental agencies and government related industry groups, and nonprofit organizations, including but not limited to annual State of the City events hosted by surrounding cities, League of California Cities, Association of California Water Agencies, or California Special Districts Association events.
- h. Promotion of open government by District official appearances, participation and/or availability at business or community events.
- i. Sponsorship agreements involving private events where District specifically seeks to enhance District's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- j. All written contracts where District as a form of consideration has required that a certain number of tickets or suites be made available for its use.
- k. Recognizing or rewarding meritorious service by a District employee.
- l. Promoting enhanced District employee performance or morale.

- m. Recognizing contributions made to the District by former Board Members, General Managers, or District employees.
- n. Employment retention programs.
- o. Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- p. Spouses of District officials in order to accompany him or her to any of the events listed above.
- q. Any purpose similar to above included in any District contract.

Section 5: Return of Tickets and/or Passes. Any District Board Member, the General Manager and/or employee or any member of their immediate family may return any ticket and/or pass unused to the District for redistribution pursuant to this policy. Government Code Section 82029 has defined immediate family to mean spouse and dependent children. Under no circumstances may either the public official or a member of his or her immediate family sell, receive anything of value for or further transfer any ticket and/or pass provided under this policy.

Section 6: General Manager. The Board delegates the authority to distribute any tickets and/or passes in accordance with this policy to the General Manager or his or her designee. In such case, where the General Manager desires to obtain a ticket or pass, the Board authorizes the Board President to exercise the Board's discretion in determining whether the General Manager's use or distribution of tickets and/or passes is in accordance with the terms of this policy.

Section 7: Transfer Prohibition. The transfer by any District Board Member, the General Manager or employee of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the Board Member, General Manager or District employee's immediate family for their personal use, is prohibited.

Section 8: Website Posting. This policy shall be posted on the District's website in a prominent fashion.

Section 9: Website Disclosure. The distribution of tickets and/or passes pursuant to this policy shall be posted on the District's website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time.

PASSED, APPROVED AND ADOPTED this 22nd day of April 2009 by the following vote.

Ayes: Directors Gallagher, Moore and Yockey
Noes: None
Abstain: None
Absent: Directors Anthony and Cisneros

Kerron E. Moore, Vice President
Board of Directors

Attest:

Mike Wright, Board Secretary
Twentynine Palms Water District