

## RESOLUTION NO. 1376

### RESOLUTION OF THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS ADOPTING A POLICY AUTHORIZING THE PROVISION OF FOOD/MEALS TO MESA CONSOLIDATED WATER DISTRICT OFFICIALS AT CERTAIN MEETINGS

WHEREAS, the Mesa Consolidated Water District (Mesa) is a county water district organized and operating according to California Law; and

WHEREAS, the California Fair Political Practices Commission (FPPC) recently adopted a new regulation (2 Cal. Code of Regs. § 18944.3) addressing the issue of when a “payment” by a governmental agency, including the provision of meals, constitutes a gift by that agency to its own officials; and

WHEREAS, under the provisions of 2 Cal. Code of Regs. § 18944.3, a payment by a governmental agency that provides food, beverage, entertainment, goods, or services of more than nominal value to its officials is a gift “unless the payment is a lawful expenditure of public monies”; and

WHEREAS, an “official” for purposes of 2 Cal. Code of Regs. § 18944.3 is defined to include Mesa Directors, officers, employees, and consultants who are required, by statute or by designation under Mesa’s Conflict of Interest Code, to file an annual Form 700 Statement of Economic Interests; and

WHEREAS, a determination of whether the payment is a lawful expenditure of public funds invokes a “gift of public funds” analysis, and a gift of public funds generally does not occur when an expenditure serves a legitimate public purpose; and

WHEREAS, in order to maximize attendance by Mesa’s Directors, facilitate efficient conducting of meeting of the Mesa Board of Directors (Board) and Committee meetings, allow members of the public who work during normal business hours, presentations by other public agencies and officials and other scheduling considerations, Mesa Board meetings, including, but not limited to, workshop sessions, meetings of the Mesa’s Board and/or Mesa’s Committees, are in certain cases conducted during normal mealtime hours, and in such case, Mesa may make basic food and refreshments available to Mesa officials in order to conduct such meetings in an efficient manner and in order to minimize the interruption of such meetings for formal meals.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA CONSOLIDATED WATER DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

**Section 1.**     **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Funding; Determination – Public Purpose.** The Board finds and determines that the provision of meals and refreshments at the certain business meetings held at Mesa and attended by Mesa’s Directors, General Manager and/or staff serves valid public purposes of Mesa by avoiding inconvenience of those attending the

meetings, by avoiding interruption of meetings in progress for meals, assisting in scheduling such meeting(s) and by promoting attendance at such meetings.

**Section 3.** **Authorization.** The Board hereby authorizes Mesa's General Manager to expend Mesa funds as the General Manager deems appropriate for the provision of reasonable food and refreshments at business meetings of the Board or Committees conducted during the breakfast, lunch, or dinner hour(s).

**Section 4.** **Other Actions.** Mesa's General Manager and other Mesa officers and staff are hereby authorized and directed to take all necessary and appropriate actions as may be required or desirable to carry out the authorizations and directives of this Resolution.

**Section 5.** **Effective Date.** This Resolution shall be effective upon adoption.

ADOPTED, SIGNED, and APPROVED this 14th day of July 2009 by a roll call vote.

AYES: DIRECTORS: Atkinson, Ohlig-Hall, Bockmiller, Dewane  
NOES: DIRECTORS:  
ABSENT: DIRECTORS:  
ABSTAIN: DIRECTORS:

  
Shawn Dewane  
President, Board of Directors

  
Coleen L. Monteleone  
District Secretary