

RESOLUTION NO. 1414

**RESOLUTION OF THE
MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS
ADOPTING A TICKET DISTRIBUTION POLICY
SUPERSEDING RESOLUTION NO. 1377**

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

WHEREAS, the California Fair Political Practices Commission (FPPC) recently amended its regulations regarding the distribution to public officials of certain types of tickets or passes to events, effective January 1, 2012. The new regulations still requires the adoption of a written policy by the Board of Directors (Board) of Mesa Water before such distribution(s) can be made (see 2 Cal. Code Regs. § 18944.1(c)); and

WHEREAS, the written policy adopted by the Board must contain at least those requirements set forth in 2 Cal. Code Regs. § 18944.1(c), as amended by the FPPC; and

WHEREAS, Mesa Water may occasionally receive, purchase, generate, or otherwise gain ownership of tickets and passes to events for entertainment, amusement, recreational, or similar purposes, and wishes to avail the District and its officials, as defined for purposes of Government Code § 82048 and FPPC regulation § 18701, of the ability to distribute such tickets and passes pursuant to FPPC regulation § 18944.1(c); and

WHEREAS, Mesa Water desires to use such tickets or passes to further its governmental and public purposes, including, but not limited to, enhancing water service and reliability to its customers, promoting Mesa Water programs, organizing and managing emergency preparedness, supplying, encouraging, and facilitating water conservation; and

WHEREAS, as provided in FPPC regulation § 18944.1, such tickets and/or passes distributed in accordance with a duly adopted written policy are, when so distributed, not considered gifts to public officials; and

WHEREAS, the FPPC recognizes and has stated that the Board has discretion in determining whether the distribution of tickets and/or passes serves a legitimate public purpose of Mesa Water, provided that the determination is consistent with State law; and

WHEREAS, such tickets and/or passes purchased or received by Mesa Water are public resources.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA CONSOLIDATED WATER DISTRICT HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

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

Section 2. **Intention; Purpose.** It is the intention of the Board to amend the Ticket Distribution Policy (Ticket Policy) consistent with current FPPC Regulations and State law. The purpose of the Ticket Policy is to ensure that all tickets Mesa Water receives from public and private entities and individuals, which the District purchases, or which it owns because of its control of the event or facility, are distributed in furtherance of a public purpose of Mesa Water.

Section 3. **Ticket Distribution Policy.** The Ticket Policy in the form attached hereto as Appendix A, and incorporated herein by this reference, is hereby adopted by the Board as the Ticket Policy applicable to the District and Mesa Water officials (as defined in the Ticket Policy), the Board reserves the right to amend, revise, or supersede the Ticket Policy as the Board determines to be necessary from time to time.

Section 4. **Other Actions.** Mesa Water's General Manager and other 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 and/or the Ticket Policy.

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

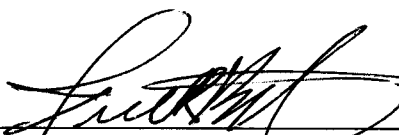
ADOPTED, SIGNED, and APPROVED this 10th day of April by a roll call vote.

AYES: DIRECTORS: Atkinson, Dewane, Fisler, Bockmiller


NOES: DIRECTORS:

ABSENT: DIRECTORS: Ohlig-Hall

ABSTAIN: DIRECTORS:



Fred R. Bockmiller, Jr., P.E.
President, Board of Directors



Coleen L. Monteleone
District Secretary

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APPENDIX A

RESOLUTION OF THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS ADOPTING A TICKET DISTRIBUTION POLICY SUPERSEDING RESOLUTION NO. 1377

1. **Purpose of Ticket Policy.** As stated by the Mesa Water Board, this Ticket Policy is to ensure that all tickets Mesa Water receives from public and private entities and individuals, which the District purchases, or which it owns because of its control of the event or facility, are distributed in furtherance of a public purpose of Mesa Water.
2. **Definitions.**
 - a. “Official” or “Mesa Water Official” means any Mesa Water Director, employee, officer, and/or consultant of Mesa as defined in California Government Code § 2048 and 2 Cal. Code of Regs. § 18701.
 - b. “FPPC” shall mean and refer to the California Fair Political Practices Commission.
 - c. “Policy” or “Ticket Policy” shall mean and refer to this Ticket Distribution Policy.
 - d. “Ticket” shall mean and refer to a “ticket or pass” as those terms are defined in FPPC Regulation § 18944.1, as amended from time to time. As of the date of the adoption of this Ticket Policy, “ticket” is defined to mean “anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public for view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.” “Pass” is defined to mean “a ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public.”
3. **Limitation.** This Policy shall only apply to Mesa Water’s distribution of tickets to, or on the behest of a Mesa Water Official, for which Mesa Water is not reimbursed for the costs of the ticket.
4. **Public Purposes for Ticket Distribution.** The Board finds and determines that the adoption of this Policy may accomplish one or more public purposes of Mesa Water through the distribution of tickets to, or at the behest of, a Mesa Water Official. The following list is illustrative rather than exhaustive, of the public purposes of Mesa Water that may be served by Mesa Water Officials attending events using tickets distributed to them by Mesa Water:
 - a. Encouragement of, and education about, wise water use and water conservation programs.

- b. Promotion of Mesa Water sponsored or supported community events and programs.
- c. Promotion of specific programs sponsored or supported by Mesa Water.
- d. Promotion of Mesa Water in terms of Mesa Water's standing and reputation in the water community.
- e. Promotion of open government by Mesa Water Official(s) by appearances, participation, and/or availability at business, local government, and/or community events.
- f. Increasing public exposure to, and awareness of, the various educational programs available to the public through Mesa Water, including, but not limited to, Mesa Water's Water Issues Study Group program.
- g. Promotion of intergovernmental relations through activities and events.
- h. Promotion of special events sponsored or supported in whole or part by Mesa Water.
- i. Attraction and retention of highly qualified employees in Mesa Water service.
- j. Recognizing or rewarding meritorious service by a Mesa Water employee, promoting enhanced Mesa Water employee performance or morale.
- k. Information-gathering and education regarding matters of local, regional, and state-wide concern that affect Mesa Water.
- l. Attendance at events sponsored by other local governmental agencies, governmental-related industry groups, and non-profit organizations, for the purpose(s) of meeting and conferring with other governmental officials or business representatives regarding issues of interest to or affecting Mesa Water.

The distribution of any Ticket pursuant to this Policy shall accomplish some or all of Mesa Water's stated public purposes.

- 5. **Prohibition Against Transfer.** The transfer of any Ticket, received by a Mesa Water Official pursuant to this Ticket Policy, except to members of the Official's immediate family or no more than one guest solely for their attendance at the event with the official or the official's designee is prohibited. No person receiving a Ticket pursuant to this Ticket Policy shall be permitted to sell, receive reimbursement for the value of, or further transfer any Ticket.
- 6. **Agency Head.** For purposes of completing the California FPPC Form 802, Mesa Water's General Manager, or the General Manager's designee, shall be the "Agency Head."
- 7. **Posting Form 802.** Mesa Water will complete a record of a ticket or pass distributed pursuant to this Policy on a California FPPC Form 802 and maintain it as a public record

subject to inspection and copying. Mesa Water shall forward the Form 802 to the FPPC for posting.

8. **Ceremonial Exemption**. A ticket and/or pass provided to an official or employee and one guest of the official or employee for admission at an event at which the official or employee performs a ceremonial role or function on behalf of Mesa Water is not a gift or income, provided Mesa Water complies with the posting requirements of Section 7 of this Ticket Policy. Any other employee or official who attends the event as part of his or her job duties to assist the official or employee who is performing the ceremonial role has not received a gift or income by attending the event.