

RESOLUTION NO. 1377

RESOLUTION OF THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS ADOPTING A TICKET DISTRIBUTION POLICY

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 amended its regulations regarding the distribution to public officials of certain types of tickets or passes to events, and one new provision of such regulations requires the adoption of a written policy by the Board of Directors (Board) of Mesa 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); and

WHEREAS, Mesa may occasionally receive, purchase, generate, or otherwise gain ownership of tickets and passes to events for entertainment, amusement, recreational, or similar purposes, and the Board wishes to avail Mesa 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 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 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, provided that the determination is consistent with State law; and

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

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. **Intention; Purpose.** It is the intention of the Board to adopt a 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 receives from public and private entities and

individuals, which Mesa purchases, or which Mesa owns because of its control of the event or facility, are distributed in furtherance of a public purpose of Mesa.

Section 3. **Ticket Distribution Policy.** The Ticket Policy in the form attached hereto as Attachment A, and incorporated herein by this reference, is hereby adopted by the Board as the Ticket Policy applicable to Mesa and Mesa 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'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 and/or the Ticket Policy.

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

RESOLUTION NO. 1377

ATTACHMENT A

RESOLUTION OF THE MESA CONSOLIDATED WATER DISTRICT BOARD OF DIRECTORS ADOPTING A TICKET DISTRIBUTION POLICY

1. **Purpose of Ticket Policy.** As stated by the Mesa Board, this Ticket Policy is to ensure that all tickets Mesa receives from public and private entities and individuals, which Mesa purchases, or which Mesa owns because of its control of the event or facility, are distributed in furtherance of a public purpose of Mesa.
2. **Definitions.**
 - a. “Official” or “Mesa Official” means any Mesa 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 initial adoption of this Ticket Policy, the terms “ticket or pass” mean admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.)
3. **Limitation.** This Policy shall only apply to Mesa’s distribution of tickets to, or on the behest of a Mesa Official.
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 through the distribution of tickets to, or at the behest of, a Mesa Official. The following list is illustrative rather than exhaustive, of the public purposes of Mesa that may be served by Mesa Officials attending events using tickets distributed to them by Mesa:
 - a. Encouragement of, and education about, wise water use and water conservation programs.
 - b. Promotion of Mesa sponsored or supported community events and programs.
 - c. Promotion of specific programs sponsored or supported by Mesa.
 - d. Promotion of Mesa in terms of Mesa’s standing and reputation in the water community.

- e. Promotion of open government by Mesa 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, including, but not limited to, Mesa'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.
- i. Attraction and retention of highly qualified employees in Mesa service.
- j. Recognizing or rewarding meritorious service by a Mesa employee, promoting enhanced Mesa employee performance or morale.
- k. Information-gathering and education regarding matters of local, regional, and state-wide concern that affect Mesa.
- 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.

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

- 5. **Prohibition Against Transfer.** The transfer by any Mesa Official of any Ticket, distributed to such Official pursuant to this Ticket Policy, to any other person, except to members of the Mesa Official's immediate family for their personal use, 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 posting California FPPC Form 802, Mesa's General Manager, or the General Manager's designee, shall be the "Agency Head."
- 7. **Posting Form 802 on Mesa's Website.** Within 30 days of distributing a Ticket hereunder, Mesa will post a completed California FPPC Form 802 (or such other form(s) as the FPPC may proscribe for such purpose from time to time) in a prominent place on the Mesa website. Such form(s) shall remain posted for the period of time specified for such purpose by the regulations published by the FPPC.
- 8. **Website Posting.** The Ticket Distribution Policy set forth in Section 1 above shall be posted Mesa's website in a prominent fashion.