



## POLICY AND PROCEDURE

APPROVED BY	POLICY TITLE	EFFECTIVE DATE
Board of Directors	<b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	April 12, 2016
		Page 1 of 8

### ROWLAND WATER DISTRICT

#### PART I. BASIC GIFT RULES

##### A. Purpose

The purpose of this policy is to adopt uniform rules relating to the acceptance of gifts, including rebates or discounts. This policy applies to all elected and appointed officials that make up the Board of Directors, as well as all Rowland Water District ("RWD") employees that are designated in the RWD's Conflict of Interest Code.

##### B. Gift Definition

A "gift" is defined in the Political Reform Act as any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.

##### C. Policy

No official or designated employee may accept any gift in violation of the Political Reform Act.

##### D. Gift Limit

No official or designated employee shall receive gifts per calendar year that exceed the current gift limit as set forth in the related FPPC gift regulations.

##### E. Receipt and Reporting Requirements

All officials and designated employees shall report all gifts from a single reportable source during a calendar year worth \$50 or more on his or her Statement of Economic Interests. Gifts from a single reportable source must be added up over the course of a calendar year. Once the \$50 threshold is reached, an official and



## POLICY AND PROCEDURE

APPROVED BY	POLICY TITLE	EFFECTIVE DATE
Board of Directors	<b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	April 12, 2016
		Page 2 of 8

designated employee's reporting obligation for that single reportable source is triggered unless an exception under the Political Reform Act and/or FPPC Regulations apply.

### **F. Donated, Returned or Declined Gifts**

All officials and designated employees are permitted to refuse or return any gift unused within 30 days. An official or designated employee may also donate the gift to a 501 (c)(3) charitable organization within 30 days as permitted under FPPC Regulation 18941(c)(2).

## **PART II. TICKET DISTRIBUTION POLICY**

### **A. Purpose**

1. The purpose of this Ticket Distribution Policy ("Policy") is to ensure that all Tickets the Rowland Water District (RWD) receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.
2. This Policy applies to Tickets which provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose, and are either:
  - a) gratuitously provided to the RWD by an outside source;
  - b) acquired by the RWD by purchase;
  - c) acquired by the RWD as consideration pursuant to the terms of a contract for the use of RWD property; or
  - d) acquired and distributed by the RWD in any other manner.
3. This Policy shall only apply to the RWD's distribution of Tickets to, or at the behest of, a RWD Official.
4. This Policy, together with the procedures established pursuant to Section D (4) below, shall supersede and replace any prior RWD policy governing Tickets to which this Policy applies.



## POLICY AND PROCEDURE

APPROVED BY	POLICY TITLE	EFFECTIVE DATE
Board of Directors	<b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	April 12, 2016
		Page 3 of 8

### **B. Scope**

This Policy applies to all elected and appointed officials, as well as all designated RWD employees.

### **C. Definitions**

Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, et seq., as the same may from time to time be amended) and the Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may from time to time be amended).

1. "RWD" shall mean and include the Rowland Water District and any other affiliated agency created or activated by the Board of Directors, and any departments, boards and commissions thereof.
2. "RWD Official" shall mean and refer to the RWD's "public officials," as that term is defined by Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any RWD board or committee member or other appointed official or designated employee required to file a Statement of Economic Interests (FPPC Form 700).
3. "Immediate family" shall mean and refer to the spouse and dependent children.
4. "Policy" shall mean and refer to this Ticket Distribution Policy.
5. "Ticket" shall mean and refer to a "ticket" or "pass" as those terms are defined in FPPC Regulation 18946 and referenced in FPPC Regulation 18944.1, both Regulations as being amended from time to time, but which currently define a "ticket" or "pass" as anything that provides access to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.



## POLICY AND PROCEDURE

APPROVED BY	POLICY TITLE	EFFECTIVE DATE
Board of Directors	<b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	April 12, 2016
		Page 4 of 8

### **D. General Provisions.**

1. The use of complimentary Tickets is a privilege extended by RWD and not the right of any person to which the privilege may from time to time be extended.
2. Tickets distributed to a RWD Official pursuant to this Policy shall not be transferred to any other person, except to members of such RWD Official's immediate family solely for their personal use or to no more than one guest solely for their attendance at the event.
3. No person who receives a Ticket pursuant to this Policy shall resell or receive compensation for the value of such Ticket.
4. The RWD General Manager shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets in accordance with this Policy. All requests for Tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the RWD General Manager.
5. The RWD General Manager or his/her designee shall be the "Head" for purposes of implementing the provisions of this Policy and completing and posting the FPPC California Form 802. In such case, where the RWD General Manager desires to obtain a Ticket, the Board of Directors authorizes the RWD General Manager to exercise the RWD's sole discretion in determining whether the RWD's General Manager use or behest of Tickets is in accordance with the terms of this Policy.
6. No Ticket gratuitously provided to the RWD by an outside source and distributed to, or at the behest of, a RWD Official pursuant to this Policy shall be earmarked by the original source for provision to a particular RWD Official.
7. A Ticket provided to a RWD Official and one guest of the official at which the official performs a ceremonial role, as defined in FPPC Regulation 18942.3, on behalf of the RWD must be disclosed on Form 802 as set forth below. Any additional effort by the RWD to either limit or expand



## POLICY AND PROCEDURE

APPROVED BY  Board of Directors	POLICY TITLE  <b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	EFFECTIVE DATE April 12, 2016
		Page 5 of 8

permissible ceremonial roles will require that the revised policy be forwarded to the FPPC.

8. The value of any Ticket shall be the face value of the Ticket.

### **E. Conditions Under Which Tickets May be Distributed.**

Subject to the provisions of this Policy, complimentary Tickets may be distributed under the following separate conditions:

1. If the distribution is to a RWD Official, the RWD Official reimburses the RWD for the face value of the Ticket(s).
2. If the distribution is to a RWD Official, the RWD Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws and the RWD complies with the reporting requirements of Section F below.
3. If the distribution is to a RWD Official or is at the behest of a RWD Official, such distribution accomplishes a governmental and/or public purpose. The following is a list of governmental and/or public purposes the RWD may accomplish through the distribution of Tickets. The list is illustrative rather than exhaustive:
  - a) Facilitating the performance of a ceremonial role or function by a RWD Official on behalf of the RWD at an event.
  - b) Facilitating the attendance of a RWD Official at an event where the job duties of the RWD Official require his or her attendance at the event.
  - c) Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.



## POLICY AND PROCEDURE

APPROVED BY  Board of Directors	POLICY TITLE  <b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	EFFECTIVE DATE April 12, 2016
		Page 6 of 8

- d) Promotion of RWD resources and/or facilities available to RWD service area residents.
- e) Promotion of RWD-run, sponsored or supported community programs or events.
- f) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting RWD service area residents.
- g) Promotion of business activity and development within the RWD.
- h) Promotion of RWD services on a local, state, national or worldwide scale.
- i) Promotion of RWD recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- j) Promotion of open government by RWD official appearances, participation and/or availability at business and/or community events.
- k) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the RWD.
- l) Attracting or rewarding volunteer public service.
- m) Encouraging or rewarding significant academic, athletic, or public service achievements by residents or businesses of the RWD service area.
- n) Attracting and retaining highly qualified employees in the RWD service.
- o) Recognizing or rewarding meritorious service by a RWD employee.
- p) Promoting enhanced RWD employee performance or morale.



## POLICY AND PROCEDURE

APPROVED BY	POLICY TITLE	EFFECTIVE DATE
Board of Directors	<b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	April 12, 2016
		Page 7 of 8

- q) Recognizing contributions made to the RWD by former Board of Directors Members or RWD employees.
4. If the distribution is to an organization outside of the RWD, such distribution is done pursuant to a public purpose outlined in Section E (3).
  5. Subject to the provisions of this Policy, Tickets obtained by the RWD pursuant to terms of a contract for use of public property because the RWD controls the event, or, by purchase at fair market value, may be distributed to RWD Officials. Any distribution must accomplish a governmental and/or public purpose in accordance with Section E (3) above.
  6. Any Ticket obtained pursuant to Section E (5) which is distributed to a RWD official, other than an elected official or member of the governing body of the RWD, for the official's personal use, to support general employee morale, retention, or to reward public service is also deemed to serve a public purpose. Such Ticket distribution shall be disclosed pursuant to Section F. For purposes of this subsection, "personal use" is defined as use by the official, his or her family, or no more than one guest.
  7. Any RWD Official, any member of the public official's immediate family, or guest of the public official may return any unused ticket to the RWD for redistribution pursuant to this Policy.
  8. The FPPC recognizes the discretion of the Board of Directors to determine whether the distribution of a Ticket serves a legitimate public purpose of the District, provided the determination is consistent with state law.
  9. The provisions of this Policy apply only to benefits the RWD Official receives that are provided to all members of the public with the same class of Ticket.

### **F. Disclosure Requirements**

1. This Policy shall be posted on the RWD's website in a prominent fashion. RWD shall, within 30 days of adoption or amendment, send to the FPPC by email, a website link that displays the policy.



## POLICY AND PROCEDURE

APPROVED BY	POLICY TITLE	EFFECTIVE DATE
Board of Directors	<b>GIFT RULES AND TICKET DISTRIBUTION POLICY</b>	April 12, 2016
		Page 8 of 8

2. Tickets distributed by the RWD to any RWD Official which the RWD Official treats as income pursuant to Section E (2) above, or, which are distributed for one or more public purposes described in Section E (3) above, must be recorded on FPPC California Form 802 or, on such alternative form(s) as may from time to time be designated by the FPPC. This form must be maintained as a public record, be subject to inspection and copying as required under Government Code section 81008 (a). Within 45 days RWD must post these forms on its website and email a website link to the FPPC that displays the Form.
3. Tickets distributed by the RWD for which the RWD receives reimbursement from the RWD Official as provided under Section E (1) above shall not be subject to the disclosure provisions of Section F (2).
4. Tickets distributed by the RWD to any RWD official other than an elected official or member of the governing body of the RWD, for the official's personal use, defined as use by the official, his or her family, or no more than one guest, to support general employee morale, retention, or to reward public service is also deemed to serve a public purpose, as described in Section E (5), shall be disclosed in accordance with Section F (2).
5. For Tickets distributed pursuant to this Policy, the District may post the name of the department or other unit of the RWD and the number of Tickets provided to the department or other unit in lieu of posting the name of the individual employee(s) as otherwise required.
6. Tickets distributed to an organization outside of the RWD pursuant to Section E (4), shall be disclosed in accordance with Section F (2) above, but, may be done by posting the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization as otherwise required.