



**County Administrative
Office
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: August 18, 2020

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Marta Rodriguez PHONE: 636-5005				

SUBJECT: Amendment to Administrative Regulation 37 and New Administrative Regulation 42 regarding the Distribution of Tickets and Passes

REQUEST(S):
That the Board of Supervisors:

1. Amend Administrative Regulation No. 37 regarding the County's acceptance of gifts and donations, to be effective September 1, 2020.
2. Approve a new Administrative Regulation No. 42 establishing rules and procedures regarding the distribution of tickets and passes by the County, to be effective September 1, 2020.

SUMMARY:

Administrative Regulation No. 37

On June 16, 2009, the Board approved Administrative Regulation (AR) No. 37 to establish thresholds for donations received by the County and to define those donations which could be considered gifts to individual County officials. AR 37 was adopted, in part, to comply with the 2009 Fair Political Practices Commission (FPPC) Regulation section 18944.1, which requires an agency to create a policy regarding the distribution of tickets or passes to agency officials.

The FPPC regulation has been amended several times since 2009. As such, to ensure that the County is following current FPPC regulations, it is proposed that the County amend AR 37 and create a new AR 42 specifically dedicated to the distribution of tickets and passes. The amended AR 37 will continue to govern the acceptance of gifts and donations, including acceptable donation limits.

SUBJECT: Amendment to Administrative Regulation 37 and New Administrative Regulation 42 regarding the Distribution of Tickets and Passes
DATE: August 18, 2020

In addition to removing the sections regulating distribution of tickets and passes, it is recommended that the County update the donation thresholds currently outlined in AR 37 for ease of administration. Specifically, it is recommended that the County Librarian threshold increase from \$2,500 to \$10,000; the CAO's threshold increase from \$10,000 to \$15,000; and all other department donation thresholds increase from \$1,000 to \$1,500.

Proposed Administrative Regulation No. 42

If approved, the new AR 42 would include the following notable changes in relation to the distribution of tickets and passes:

1. The County Administrative Office would be responsible for receiving and distributing tickets and passes and complying with FPPC reporting requirements. The CAO would be designated as the "Policy Administrator."
2. The definition of "public purpose" would be revised. Broadly, tickets to County sponsored or community events, charitable events, or promotional or staff development events would meet the definition of "public purpose."
3. The disproportionate use of tickets or passes by a County Official would be prohibited. Tickets would be required to be distributed fairly and proportionately to County officials as determined by the Policy Administrator.
4. Posting and FPPC reporting requirements would be revised. The Policy Administrator must report ticket distribution within 45 days of the distribution.
5. The process for purchasing, distributing, and reporting tickets obtained with good works funding is defined. Purchasing tickets to charitable fundraisers with good works funding is considered a lawful expenditure of public moneys, tickets may be distributed to persons in addition to immediate family or one guest, and the ticket value must be reported on FPPC Form 802.

The proposed actions will help ensure clarity and FPPC compliance within County policy regarding the acceptance of gifts and donations, and the distribution of tickets and passes.

FISCAL IMPACT/FINANCING:

There is no Net County Cost associated with this agenda item.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County of Tulare Strategic Business Plan includes an Organizational Performance Initiative to increase organizational effectiveness. The proposed action supports this initiative by ensuring the County maintains current policies and procedures aligned with Fair Political Practices Commission regulation.

SUBJECT: Amendment to Administrative Regulation 37 and New Administrative Regulation 42 regarding the Distribution of Tickets and Passes
DATE: August 18, 2020

ADMINISTRATIVE SIGN-OFF:



Jason T. Britt
County Administrative Officer

cc: County Administrative Office

Attachment(s)

- A – Administrative Regulation No. 37 (showing revisions)
- B – Administrative Regulation No. 37 (clean copy)
- C – New Administrative Regulation No. 42 regarding the Distribution of Tickets and Passes by the County

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AMENDMENT TO)
ADMINISTRATIVE REGULATION 37 AND) Resolution No. _____
NEW ADMINISTRATIVE REGULATION 42)
REGARDING THE DISTRIBUTION OF)
TICKETS AND PASSES)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Amended Administrative Regulation No. 37 regarding the County's acceptance of gifts and donations, to be effective September 1, 2020.
2. Approved a new Administrative Regulation No. 42 establishing rules and procedures regarding the distribution of tickets and passes by the County, to be effective September 1, 2020.



COUNTY OF TULARE
ADMINISTRATIVE REGULATION

~~COUNTY OF TULARE~~
~~OFFICE OF THE COUNTY ADMINISTRATOR~~
~~ADMINISTRATIVE REGULATION NO. 37~~
~~(Resolution No. 2009-0461)~~

~~SUBJECT: Gift and Donation Acceptance Policy~~ ~~EFFECTIVE DATE: June 16, 2009~~

SCOPE:

A

<u>Policy Type</u>	<u>General Administrative Practices</u>
<u>Policy Name</u>	<u>AR 37, Gift and Donation Acceptance Policy</u>
<u>Resolution Number</u>	<u>2020- [REDACTED]</u>
<u>Effective Date</u>	<u>September 1, 2020</u>

PURPOSE

~~This policy is necessary to establish thresholds:~~

- ~~1. Establishes rules for accepting donations to the County, and for accepting donations describes the interaction of those rules with donations to Friends of Tulare County.~~
- ~~2. Establishes a policy in accordance with Fair Political Practices Commission (FPPC) Regulation section 18944 regarding donations to the County which would/might otherwise have to be considered as gifts to individual County officials. The policy tracks the requirements of FPPC Regulation 18944.2 regarding reporting of gifts received. This Policy supercedes Resolutions 83-1647, and 85-0364. the limitations of certain donations of travel under FPPC Regulation 18950.1.~~

POLICY FOR THE ACCEPTANCE OF DONATIONS:

General donations are those which are not intended to be used by an individual public official. Pursuant to the authority of Government Code section 25355, the Board of Supervisors may accept or reject any gift, bequest, or devise made to or in favor of the County; or to or in favor of the Board in trust for any public purpose. The Board may hold and dispose of the property and the income and increase thereof for those lawful uses and purposes as are prescribed in the terms of the gift, bequest, or devise.

As authorized by this statute, the Board may delegate to any County officer or employee the power to accept any gift, bequest, or devise made to or in favor of the County, with such limitations as the Board may determine, provided the officer or employee shall file with the board at least quarterly a report that describes the source and value of each gift valued in excess of ten thousand dollars (\$10,000) or any other amount as determined by the board.

Pursuant to Government Code section 25356, if any gift, bequest, or devise is unaccompanied by any provision prescribing or limiting the uses and purposes to which the property received, or the income or increase thereof, may be put, it may



be put to any uses and purposes which the Board prescribes, and the proceeds or income therefrom shall be paid into the general fund of the County.

1. GENERAL DONATIONS:

The County has three thresholds for accepting general donations.

A. Donations which may be accepted by a County Department/Agency.

~~1. The County Librarian may accept any gift or bequest of personal property to the Library with an individual value of \$2,500 or less.~~

~~All other~~

1. County Department/Agency Heads may accept any gift or bequest of personal property earmarked for use by that department/agency with an individual value of \$1,000~~500~~ or less.
2. ~~The Librarian or other~~ Department/Agency Head shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$10,000, quarterly reports to the Board are required thereafter.

B. Donations which may be accepted by the County Librarian.

1. The County Librarian may accept any gift or bequest of personal property to the Library with an individual value of \$10,000 or less.
2. The Librarian shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$50,000, quarterly reports to the Board are required thereafter.

~~B-C.~~ Donations which may be accepted by the County Administrative Officer.

1. With the exception of the donations accepted by any Department/Agency described above, all individual donations with a value of \$~~10~~15,000 or less may be accepted by the County Administrative Officer.
2. The County Administrative Officer shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$~~50~~75,000, quarterly reports to the Board are required thereafter.

~~C-D.~~ Donations which must be accepted by the Board of Supervisors.

1. Donations with an individual value of more than \$~~10~~15,000 shall be accepted by formal action of the Board of Supervisors.
2. The donee department, if any, or the County Administrative Office, if the gift is general, shall be responsible for the agenda item.

2. DONATIONS FOR USE BY INDIVIDUAL OFFICIALS:

Donations which must be used by an individual official (such as a gift basket, or travel ~~or~~and lodging) may be made to the County in such a way that the donation does not need to be reported as a gift to ~~an~~the individual public official. This section of the ~~Policy~~policy is pursuant to ~~the Political Reform Act (Gov. Code, Sec 81000 et seq.) and FPPC~~



COUNTY OF TULARE

ADMINISTRATIVE REGULATION

~~Regulation FPPC Regulations~~ (tit.2, Cal. Code Regs.) ~~See sections~~ 18944.2 and 18950.1, and does not include the ~~acceptance distribution~~ of ~~Ticketstickets~~ or ~~Passes-passes~~ under FPPC Regulation section 18944.1 (see Administrative Regulation No. 42).

~~The rules for determining which donations are subject to Fair Political Practices Commission (FPPC) Regulation § 18944.2 are complex, and this policy does not attempt to describe them. The following rules apply only if it has already been determined, with assistance from County Counsel or the FPPC (the State body charged with administering the Political Reform Act) as needed, that the donation is subject to this regulation.~~

~~“Donation” means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible, including the payment for, or provision of, fees, goods or services to the County, where:~~

- ~~A. The person providing the payment has no legal obligation to do so; and~~
- ~~B. The donation would otherwise be subject to disclosure as a gift to the official (e.g., a single gift from one donor worth \$50 or more).~~

~~(Note: see separate AR re distribution of tickets.)~~

~~Donations Subject to Section 18944 (Gifts Other than Travel or Lodging)~~

In order for a donation subject to this section ~~of the policy~~ to be considered a gift to the County, and not a gift to an individual public official, ALL of the following requirements must be met:

- ~~A. The donation must be used for official County business.~~
- ~~A.B. The County Administrative Officer, or his or her designee, must determine and control the County's County's use of the donation. The donor may identify a purpose for the paymentdonation, but the donor may not designate by name, title, class, or otherwise, an official who may use the paymentdonation. If the paymentdonation will provide a personal benefit to an official, the County Administrative Officer, or his or her designee, shall select the individual who will use it. If a The County Administrative Officer, or his or her designee is taking this action, the designee may not, may select himself or herself as the individual who will use the paymentdonation, provided that the donation is for an item that provides for general use by County officials, and the County Administrative Officer or designee is one of those officials who will have access to such use.~~
- ~~B.C. The gift must be used for official County business reported, posted, and retained as required by FPPC Regulation section 18944:~~

1. The gift must be reported on the appropriate FPPC form, ~~within 30 days after the gift is used.~~ The following information must be included on the form:
 - a. A description of the ~~paymentdonation~~, the date received, the intended purpose, and the amount of the ~~paymentdonation~~ (or the actual or estimated fair market value of the goods or services provided), ~~if the amount is unknown~~.
 - b. The name and address of the donor. If the donor is not an individual, the report shall also describe the business activity, or the nature and interests of the entity. If the donor has raised funds from other persons for the specific purpose of making the ~~paymentdonation~~ to the County, the report shall contain the names of and amounts given by these persons.



- c. The County's use of the paymentdonation, and the name, title, and department of the County official for whom the paymentdonation was used. ~~If applicable, the report shall include the date(s) and place(s) of travel, and a breakdown of the total expenses for transportation, lodging, meals and other related expenses.~~
2. The form must be signed by the County Administrative Officer or his or her designee, and must be maintained by the County as a public record subject to inspection and copying under Section 81008(a).
The form
3. For any quarter year in which payments aggregating to \$2,500.00 or more since the last filing are received by the County, the form, or a detailed summary of the information on the form, shall be filed with the Clerk of the Board of Supervisors, within 30 days after the close of the quarter. The Clerk shall post a copy of the completed form on the County website: in a prominent fashion, within 30 days after the close of the quarter.

~~The Clerk of the Board of Supervisors shall keep two logs of the forms, one in chronological order, and the other organized by the individual official who used the~~

3. DONATIONS OF TRAVEL OR LODGING, SUBJECT TO SECTION 18950.1

Under FPPC Regulation section 18950.1, a gift-

- A. ~~the forms, website postings, and logs shall be kept for a minimum of four years.~~

~~There are certain prohibitions and restrictions governing the acceptance of donations of travel by certain officials.~~

~~Government Code 82020 specifies that any gift of travel, including transportation, and/or lodging, and meals, must be intended to facilitate the public's business need not be considered a gift or income to the individual official, merely because the payment is provided by someone other than the County.~~

The rules under section 18950.1 are as follows:

- A. The donation must be made directly to or coordinated with the County. This means:

1. The donation must be made directly to the County, or by arranging with the County any payments for transportation and lodging that are made directly to the provider of those services.
2. Food may be accepted for attendance at an event where food is provided as part of the admission to the event. All other payments for food must be made to the County pursuant to the County's per diem travel policy.

- B. The donation must be used for official for County business. This means any of the following:

1. The donation is made pursuant to a provision in a contract that requires the contracting party to pay any expenses associated with any required governmental travel resulting from the County's participation in the contract and the payment is used for that purpose.
2. The donation is made for the travel expenses of an official for the purpose of performing a regulatory inspection or auditing function that the County is mandated to perform.
3. The donation is made for the travel expenses of an official and the official is attending solely for purposes of providing training or educational information directly related to the County's functions or duties under



the laws that it administers for individuals who are affected by those laws, and the payment is made by an organization to provide such training for its members.

4. The donation is made for the travel expenses of an official to an educational conference directly related to the County's functions or duties under the laws that it administers, the official is a named presenter at the conference, and the payment is made by the organizers of the event.
5. The donation is made for the travel expenses of an official for the purpose of receiving training directly related to the official's job duties and the payment is provided by an organization that commonly provides such training.
6. The donation is made for food provided to all attendees at a working group meeting in which the County official participates as a representative of the County in a working group meeting under his or her officially assigned job duties and the County is authorized to provide an official to attend the meeting.
7. The payment is for travel expenses that are required to attend a location to view an in place operation, structure, facility, or available product where the viewing would substantially enhance an official's knowledge and understanding in making an informed decision to enter into a contract regarding a similar operation, structure, facility or purchase the product pursuant to the jurisdictional authority of the County.

C. The County must determine the official who will make use of the donation. If the payment is for expenses related to an oral presentation to either provide training on a subject on which the County provides training, or discuss policy and direction in implementing the functions of the County, the donor may request the official who is most qualified to make the presentation.

D. The donation cannot provide a personal benefit to the official who makes use of the payment. This means:

1. The travel must be for purposes approved by the County under the same requirements applicable to travel using County funds, and the official is representing the County in the course and scope of his or her official duties.
2. The travel expenses must be limited to no more than the expenses allowable for travel for County business paid at County expense.

E. Limitations on application of exception:

1. The exception for a donation of travel expenses does not apply if the donation is made for travel by an elected positions: County official, or a County official listed in Government Code section 87200, unless the transportation, lodging, and food is directly related to the official's public duties, is for a purpose that would otherwise be paid for with County funds, is authorized in the same manner as transportation, lodging, and food using County funds, and otherwise meets the requirements of FPPC regulation section 18950.1.

"Elected County official," for purposes of this limitation, means:

- Member of the Board of Supervisors,
1. Members of the Board of Supervisors,
 - Assessor/County Clerk-Recorder,
 - Auditor-Controller/Treasurer-Tax Collector,
 2. Assessor/ County Clerk Recorder,
 - District Attorney, and Public Administrator,
 - Sheriff:-Coroner,

~~B. Government Code 87200 specifies that any gift of travel, including transportation, lodging, and meals~~



~~must be considered a gift to the individual official for the following positions:~~

- ~~• Member of the Board of Supervisors,~~

~~1. County Treasurer,~~

~~2. District Attorney,~~

- ~~• Candidates for any A person who has been elected to one of these ~~three~~ offices ~~at any election, but has not yet taken office, and~~~~
- ~~• A candidate for one of these offices.~~

~~(Note: the restriction applies even if the person is appointed to the elected office.)~~

The additional officials listed in Government Code section 87200 are:

- Chief Administrative Officer,
- County Counsel,
- Members of the Planning Commission, and
- Other public officials who manage public investments (i.e., certain subordinate employees in the Treasurer's office).

(Note: for the employees listed in this statute, the restriction applies only to the individual person holding the specified position, and not to any other deputies or subordinates in those departments.)

~~C. The A payment exception for a donation of travel, including expenses does not apply if acceptance of a pass or discount from a transportation, lodging, and meals, cannot be accepted company by the County in lieu of being considered a gift to an individual a public official, if the payment for travel exceeds the County's reimbursement rates for travel, meals, and lodging.~~

- ~~2. A payment for travel, including transportation, lodging, and meals, cannot be accepted by the County in lieu of being considered a gift to an individual official, unless the County Administrative Officer, or his or her designee, has approved the travel in writing in advance would violate Article XII, Section 7 of the date of the trip California Constitution.~~

4. FRIENDS OF TULARE COUNTY

Although donations to the County are deductible from income taxes, just like any other charitable contribution, some donors prefer to donate only to a private entity which is eligible for charitable contributions pursuant to Internal Revenue Code section 501(c)(3). If a potential donor to the County has such a preference, the potential donor should be directed to Friends of Tulare County (FOTC), through the County of Tulare Health & Human Services Agency, which serves as FOTC staff.

If such a potential donor wishes to donate a restricted gift to FOTC for ultimate use by the County, County staff assigned to serve as FOTC staff shall coordinate with the department ultimately intended to use the gift, to ensure that the County is willing and able to use the gift in the restricted manner. If the potential gift is not logically limited to use by a particular department, the CAO shall be the coordinating department. County staff assigned to serve as FOTC staff shall ensure that these restricted gifts are accounted for properly until actually accepted by the County.

County staff assigned to serve as FOTC staff may accept gifts to FOTC without reference to the thresholds for departments in accepting gifts to the County. Instead, they shall follow the procedures set by FOTC for its staff in accepting and reporting gifts to FOTC.



History: Resol. No. ~~DISTRIBUTION OF TICKETS OR PASSES~~

~~This policy is intended to comply with FPPC Regulation § 18944.1, which sets forth the circumstances under which the County's distribution of tickets or passes to or at the behest of a County official does not result in a gift to the individual official. The regulation requires the Board of Supervisors to adopt a policy regarding tickets or passes, and to report the distribution of tickets or passes.~~

~~2009-0461, 85-0364, 83-1647.~~

~~The term "ticket or pass" shall be defined as in FPPC Regulation § 18944.1. As of the date of the adoption of this policy, the definition was "admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose." The definition excluded "any other benefits the official may receive that are not included with the admission, such as food or beverages, or any other item presented to the official at the event."~~

~~Tickets or passes received or distributed by a County official which do not fall under the regulation may be subject to disclosure by the official and may be subject to gift limits.~~

~~This policy shall be posted on the County website in a prominent fashion.~~

~~A. The public purposes to be accomplished by the distribution of tickets or passes by the County are as follows:~~

- ~~1. to attend an event sponsored by the County (such as a Health Fair or the World Ag Expo);~~
- ~~2. to attend a community event in which the County is a participant (such as a trade fair);~~
- ~~3. to gather information about the operation of a facility similar to one operated by, or to be operated by, the County (such as a museum);~~
- ~~4. to promote tourism as a form of economic development;~~
- ~~5. to promote business networking to enhance staff development;~~

~~B. The distribution of any ticket or pass by the County to, or at the behest of, a County official must accomplish a public purpose of the County.~~

~~C. No County official may transfer any ticket or pass, distributed to such official pursuant to this policy, to any other person, except to members of the official's immediate family solely for their personal use.~~

PROCEDURES

~~When the County provides a ticket or pass to a County official that otherwise meets the definition of gift under Government Code section 82028 and is not exempt under applicable FPPC regulations, the official need not report the ticket or pass as a gift to the individual official, provided that all of the requirements under FPPC Regulation~~

~~§ 18944.1 are met. (Note: this policy does not apply to a ticket or pass provided to a County official by a source other than the County for his or her admission to an event at which the official performs a ceremonial role or function on behalf of the County. By definition under the regulation, this is not a gift to the official.)~~

~~In accordance with this regulation, the following requirements shall apply:~~

~~A. With respect to a ticket or pass from an outside source provided to a County official by the County:~~

~~The ticket or pass may not be earmarked by the original source for use by the County official who uses the ticket or pass;~~



COUNTY OF TULARE

ADMINISTRATIVE REGULATION

1. ~~The County must determine~~, in its sole discretion, which County official may use the ticket or pass.
2. ~~The distribution of the ticket or pass by the County must be made in accordance with this policy.~~

EFFECTIVE DATE: June 16, 2009

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~~B. With respect to a ticket or pass provided by the County to a County official, which ticket or pass the County obtains (i) pursuant to the terms of a contract for use of public property, (ii) because the County controls the event (such as a county fair), or (iii) that is purchased by the County at fair market value, the distribution of the ticket or pass must be made in accordance with this policy.~~

REPORTING

~~B.A. The above requirements do not apply to a ticket or pass which the County and County official both treat as income to the official. However, such a ticket or pass must be reported as described below.~~

~~The distribution of a ticket or pass pursuant to this policy, including a ticket or pass that is treated by the County official and the County as income, shall be reported on the appropriate FPPC form.~~

~~A. The information reported shall include the following:~~

1. ~~The name of the person receiving the ticket or pass, except that if the ticket or pass is distributed to an organization other than the County at the behest of a County official, the County may post 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;~~

~~A description of the event;~~

~~The date of the event;~~

~~The face value of the ticket or pass;~~

2. ~~The number of tickets or passes provided to each person;~~

~~3. If the ticket or pass is behested, the name of the official who behested the ticket or pass; and~~

4. ~~A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official.~~

~~B. The form must be signed by the County Administrative Officer or his or her designee.~~

~~C. Posting and Retention of Report~~

1. ~~The report must be maintained by the County as a public record subject to inspection and copying under Section 81008(a).~~

2. ~~The form shall be filed with the Clerk to the Board of Supervisors. The Clerk shall post a copy of the form on the County website in a prominent fashion within 30 days after the distribution of the tickets or passes.~~

~~The forms and website postings shall be kept for a minimum of four years.~~



Policy Type	General Administrative Practices
Policy Name	AR 37, Gift and Donation Acceptance Policy
Resolution Number	2020- ,
Effective Date	September 1, 2020

PURPOSE

This policy:

1. Establishes rules for accepting donations to the County, and describes the interaction of those rules with donations to Friends of Tulare County.
2. Establishes a policy in accordance with Fair Political Practices Commission (FPPC) Regulation section 18944 regarding donations to the County which might otherwise have to be considered gifts to individual County officials, and the limitations of certain donations of travel under FPPC Regulation 18950.1.

POLICY FOR THE ACCEPTANCE OF DONATIONS

General donations are those which are not intended to be used by an individual public official. Pursuant to the authority of Government Code section 25355, the Board of Supervisors may accept or reject any gift, bequest, or devise made to or in favor of the County; or to or in favor of the Board in trust for any public purpose. The Board may hold and dispose of the property and the income and increase thereof for those lawful uses and purposes as are prescribed in the terms of the gift, bequest, or devise.

As authorized by this statute, the Board may delegate to any County officer or employee the power to accept any gift, bequest, or devise made to or in favor of the County, with such limitations as the Board may determine, provided the officer or employee shall file with the board at least quarterly a report that describes the source and value of each gift valued in excess of ten thousand dollars (\$10,000) or any other amount as determined by the board.

Pursuant to Government Code section 25356, if any gift, bequest, or devise is unaccompanied by any provision prescribing or limiting the uses and purposes to which the property received, or the income or increase thereof, may be put, it may be put to any uses and purposes which the Board prescribes, and the proceeds or income therefrom shall be paid into the general fund of the County.

1. GENERAL DONATIONS

The County has three thresholds for accepting general donations.

A. Donations which may be accepted by a County Department/Agency.

1. County Department/Agency Heads may accept any gift or bequest of personal property earmarked for use by that department/agency with an individual value of \$1,500 or less.
2. Department/Agency Head shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$10,000, quarterly reports to the Board are required thereafter.



B. Donations which may be accepted by the County Librarian.

1. The County Librarian may accept any gift or bequest of personal property to the Library with an individual value of \$10,000 or less.
2. The Librarian shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$50,000, quarterly reports to the Board are required thereafter.

C. Donations which may be accepted by the County Administrative Officer.

1. With the exception of the donations accepted by any Department/Agency described above, all individual donations with a value of \$15,000 or less may be accepted by the County Administrative Officer.
2. The County Administrative Officer shall report to the Board of Supervisors twice each year in September and March regarding all such gifts, except, if gifts from a single source within a single fiscal year reach an aggregate value in excess of \$75,000, quarterly reports to the Board are required thereafter.

D. Donations which must be accepted by the Board of Supervisors.

1. Donations with an individual value of more than \$15,000 shall be accepted by formal action of the Board of Supervisors.
2. The donee department, if any, or the County Administrative Office, if the gift is general, shall be responsible for the agenda item.

2. DONATIONS FOR USE BY INDIVIDUAL OFFICIALS

Donations which must be used by an individual official (such as a gift basket, or travel and lodging) may be made to the County in such a way that the donation does not need to be reported as a gift to the individual public official. This section of the policy is pursuant to FPPC Regulations (tit.2, Cal. Code Regs.) sections 18944 and 18950.1, and does not include the distribution of tickets or passes under FPPC Regulation section 18944.1 (see Administrative Regulation No. 42).

“Donation” means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible, including the payment for, or provision of, fees, goods or services to the County, where:

- A. The person providing the payment has no legal obligation to do so; and
- B. The donation would otherwise be subject to disclosure as a gift to the official (e.g., a single gift from one donor worth \$50 or more).

(Note: see separate AR re distribution of tickets.)

Donations Subject to Section 18944 (Gifts Other than Travel or Lodging)

In order for a donation subject to this section of the policy to be considered a gift to the County, and not a gift to an individual public official, ALL of the following requirements must be met:

- A. The donation must be used for official County business.



- B. The County Administrative Officer, or his or her designee, must determine and control the County's use of the donation. The donor may identify a purpose for the donation, but the donor may not designate by name, title, class, or otherwise, an official who may use the donation. If the donation will provide a personal benefit to an official, the County Administrative Officer, or his or her designee, shall select the individual who will use it. The County Administrative Officer, or his or her designee, may select himself or herself as the individual who will use the donation, provided that the donation is for an item that provides for general use by County officials, and the County Administrative Officer or designee is one of those officials who will have access to such use.
- C. The gift must be reported, posted, and retained as required by FPPC Regulation section 18944:
1. The gift must be reported on the appropriate FPPC form. The following information must be included on the form:
 - a. A description of the donation, the date received, the intended purpose, and the amount of the donation (or the actual or estimated fair market value of the goods or services provided, if the amount is unknown).
 - b. The name and address of the donor. If the donor is not an individual, the report shall also describe the business activity, or the nature and interests of the entity. If the donor has raised funds from other persons for the specific purpose of making the donation to the County, the report shall contain the names of and amounts given by these persons.
 - c. The County's use of the donation, and the name, title, and department of the County official for whom the donation was used.
 2. The form must be signed by the County Administrative Officer or his or her designee, and must be maintained by the County as a public record subject to inspection and copying under Section 81008(a).
 3. For any quarter year in which payments aggregating to \$2,500.00 or more since the last filing are received by the County, the form, or a detailed summary of the information on the form, shall be filed with the Clerk of the Board of Supervisors, within 30 days after the close of the quarter. The Clerk shall post a copy of the completed form on the County website in a prominent fashion, within 30 days after the close of the quarter.

3. DONATIONS OF TRAVEL OR LODGING, SUBJECT TO SECTION 18950.1

Under FPPC Regulation section 18950.1, a gift of travel and/or lodging intended to facilitate the public's business need not be considered a gift or income to the individual official, merely because the payment is provided by someone other than the County.

The rules under section 18950.1 are as follows:

- A. The donation must be made directly to or coordinated with the County. This means:
1. The donation must be made directly to the County, or by arranging with the County any payments for transportation and lodging that are made directly to the provider of those services.
 2. Food may be accepted for attendance at an event where food is provided as part of the admission to the event. All other payments for food must be made to the County pursuant to the County's per diem travel policy.



- B. The donation must be used for official County business. This means any of the following:
1. The donation is made pursuant to a provision in a contract that requires the contracting party to pay any expenses associated with any required governmental travel resulting from the County's participation in the contract and the payment is used for that purpose.
 2. The donation is made for the travel expenses of an official for the purpose of performing a regulatory inspection or auditing function that the County is mandated to perform.
 3. The donation is made for the travel expenses of an official and the official is attending solely for purposes of providing training or educational information directly related to the County's functions or duties under the laws that it administers for individuals who are affected by those laws, and the payment is made by an organization to provide such training for its members.
 4. The donation is made for the travel expenses of an official to an educational conference directly related to the County's functions or duties under the laws that it administers, the official is a named presenter at the conference, and the payment is made by the organizers of the event.
 5. The donation is made for the travel expenses of an official for the purpose of receiving training directly related to the official's job duties and the payment is provided by an organization that commonly provides such training.
 6. The donation is made for food provided to all attendees at a working group meeting in which the County official participates as a representative of the County in a working group meeting under his or her officially assigned job duties and the County is authorized to provide an official to attend the meeting.
 7. The payment is for travel expenses that are required to attend a location to view an in place operation, structure, facility, or available product where the viewing would substantially enhance an official's knowledge and understanding in making an informed decision to enter into a contract regarding a similar operation, structure, facility or purchase the product pursuant to the jurisdictional authority of the County.
- C. The County must determine the official who will make use of the donation. If the payment is for expenses related to an oral presentation to either provide training on a subject on which the County provides training, or discuss policy and direction in implementing the functions of the County, the donor may request the official who is most qualified to make the presentation.
- D. The donation cannot provide a personal benefit to the official who makes use of the payment. This means:
1. The travel must be for purposes approved by the County under the same requirements applicable to travel using County funds, and the official is representing the County in the course and scope of his or her official duties.
 2. The travel expenses must be limited to no more than the expenses allowable for travel for County business paid at County expense.
- E. Limitations on application of exception:
1. The exception for a donation of travel expenses does not apply if the donation is made for travel by an elected County official, or a County official listed in Government Code section 87200, unless the transportation, lodging, and food is directly related to the official's public duties, is for a purpose that would otherwise be paid for with County funds, is authorized in the same manner as transportation, lodging, and food using County funds, and otherwise meets the requirements of FPPC regulation section 18950.1.



“Elected County official,” for purposes of this limitation, means:

- Member of the Board of Supervisors,
- Assessor/County Clerk-Recorder,
- Auditor-Controller/Treasurer-Tax Collector,
- District Attorney-Public Administrator,
- Sheriff-Coroner,
- A person who has been elected to one of these offices but has not yet taken office, and
- A candidate for one of these offices.

(Note: the restriction applies even if the person is appointed to the elected office.)

The additional officials listed in Government Code section 87200 are:

- Chief Administrative Officer
- County Counsel,
- Members of the Planning Commission, and
- Other public officials who manage public investments (i.e., certain subordinate employees in the Treasurer’s office).

(Note: for the employees listed in this statute, the restriction applies only to the individual person holding the specified position, and not to any other deputies or subordinates in those departments.)

2. The exception for a donation of travel expenses does not apply if acceptance of a pass or discount from a transportation company by a public official would violate Article XII, Section 7 of the California Constitution.

4. FRIENDS OF TULARE COUNTY

Although donations to the County are deductible from income taxes, just like any other charitable contribution, some donors prefer to donate only to a private entity which is eligible for charitable contributions pursuant to Internal Revenue Code section 501(c)(3). If a potential donor to the County has such a preference, the potential donor should be directed to Friends of Tulare County (FOTC), through the County of Tulare Health & Human Services Agency, which serves as FOTC staff.

If such a potential donor wishes to donate a restricted gift to FOTC for ultimate use by the County, County staff assigned to serve as FOTC staff shall coordinate with the department ultimately intended to use the gift, to ensure that the County is willing and able to use the gift in the restricted manner. If the potential gift is not logically limited to use by a particular department, the CAO shall be the coordinating department. County staff assigned to serve as FOTC staff shall ensure that these restricted gifts are accounted for properly until actually accepted by the County.

County staff assigned to serve as FOTC staff may accept gifts to FOTC without reference to the thresholds for departments in accepting gifts to the County. Instead, they shall follow the procedures set by FOTC for its staff in accepting and reporting gifts to FOTC.



Policy Type	General Administrative Practices
Policy Name	AR 42, Distribution of Tickets or Passes by the County
Resolution Number	2020-
Effective Date	September 1, 2020

PURPOSE

This policy establishes rules in accordance with Fair Political Practices Commission (FPPC) Regulation section 18944.1 regarding the distribution and reporting of tickets or passes distributed to, or at the behest of, County officials. The FPPC regulation requires the Board of Supervisors to adopt a policy regarding tickets or passes, and to report the distribution of tickets or passes.

DEFINITIONS

For the purposes of this policy, the following words, terms, and phrases shall have the following meanings:

- a. "County official" means an official who is included in the County's conflict of interest code and therefore must complete Form 700.
- b. "Ticket" or "pass" means any form of admission to a facility, event, show, or performance for entertainment, amusement, recreation, or a similar purpose.
- c. "Immediate family" means spouse (including a registered domestic partner) and dependent children.

SCOPE

This Policy applies to tickets or passes which provide access, entry, or admission to a facility or event for an entertainment, amusement, recreational, social, charitable, or similar purpose, for which tickets or passes are sold to the public, and are:

- a. Gratuitously provided to the County by an outside source;
- b. Purchased by the County;
- c. Received by the County pursuant to the terms of a contract for the use of public property or because the County controls the event; or
- d. Acquired and distributed by the County in any other manner.

This policy does not apply to any other item of value provided to the County or any County Official, regardless of what type of item is involved, received gratuitously or for which consideration is provided. (See AR 37.)

POLICY

FPPC Regulation 18944.1 sets forth the circumstances when the County's receipt and distribution of tickets or passes, when no consideration of equal or greater value is provided by the County official, does not result in a gift to the official. Tickets or passes received by a County official not in compliance with this policy may be considered a gift, which requires disclosure on the County official's statement of economic interests (Form 700). In addition, FPPC Regulation 18946.4 provides for deducting the value of a charitable contribution from a ticket to a charitable fundraiser, before the value of the item received is calculated. Finally, FPPC Regulation 18944.3 provides that purchases by the County which result in



the provision of food, beverages, entertainment, goods, or services of more than a nominal value to a County official are not gifts to the official, where the payment is a lawful expenditure of public moneys.

This policy must be maintained as a public record and is subject to inspection and copying under Section 81008. The County must post this policy on its website within 30 days of adoption or amendment and must send to the Commission by e-mail the agency's website link that displays the policy so that the Commission may post the link.

1. POLICY ADMINISTRATOR

The County Administrative Officer, or designee, shall be responsible for administering this policy.

Tickets or passes that are received by the County shall be forwarded to the County Administrative Officer, or designee, who shall act as the Ticket Administrator.

The Ticket Administrator shall:

- a. Determine if the distribution of the tickets or passes accomplishes a public purpose in accordance with Section 2 of this policy;
- b. Determine the face value of the tickets or passes (which for a charitable fundraiser means the value of the item received by the public official (such as a meal or round of golf), after the true donation is subtracted);
- c. Determine the individuals who may use the tickets or passes; and
- d. Report the distribution of tickets or passes to the Clerk to the Board of Supervisors using FPPC Form 802.

The Ticket Administrator shall have the authority, in his or her sole discretion, to establish specific 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 Ticket Administrator.

2. PUBLIC PURPOSE

The distribution of any ticket or pass by the County to, or at the behest of, a County official must accomplish a public purpose of the County and be reported as provided in this policy. The public purposes of the County include, but are not limited to, the following:

- a. Attending an event sponsored by the County (e.g., health fair);
- b. Attending a community event in which the County is a participant (e.g., World Ag Expo, charitable fundraiser);
- c. Gathering information about the operation of a facility similar to one operated by, or to be operated by, the County (e.g., a museum);
- d. Promoting tourism as a form of economic development;
- e. Promoting business networking to enhance staff development;
- f. Promoting County resources, programs, and facilities;
- g. Monitoring and evaluating County venues;
- h. Promoting cultural, recreational, and educational facilities, services, and programs available to the public within the County; and
- i. Supporting local charities.

FPPC Regulation section 18944.1 specifies that distribution of the tickets or passes to County officials, other than members of the Board of Supervisors, the Chief Administrative Officer, political appointees, or department heads, for their personal use, to support general employee morale or retention, or to reward public service, is deemed to serve a public purpose.



For purposes of this paragraph, “personal use” means use by the official, plus his or her immediate family, or no more than one guest.

County officials who receive tickets or passes under the policy are prohibited from transferring or giving the tickets or passes to any other person except to members of the County official’s immediate family, or no more than one guest, solely for their attendance at the event. No person receiving a ticket or pass pursuant to this policy shall sell or receive reimbursement for the value of the ticket or pass.

This policy prohibits the disproportionate use of tickets or passes by a member of the Board of Supervisors, the County Administrative Officer, a political appointee, or department head.

Tickets that are donated or provided by an outside source and are earmarked for use by a specific County official by that source are considered gifts to the County official and are subject to the disclosure and reporting requirements applicable to gifts, unless one of the exemptions listed in Section 3 of this policy applies.

3. EXEMPTIONS TO POLICY

- a. Ceremonial Role or Function. Tickets provided to a County Official to carry out his or her job duties where the County official will perform a ceremonial function on behalf of the County at the event are not considered gifts to the County official. Examples of a ceremonial role include: throwing out the first pitch at a baseball game; cutting a ribbon at an opening; or making a presentation of a certificate, proclamation, award, or other item (see FPPC Regulation 18942.3). However, the distribution of such tickets must still be reported on Form 802.
- b. Income. If the County official treats the tickets as income consistent with federal and state income tax laws, this Policy shall not apply.
- c. Reimbursement. If the County official reimburses the County for the face value of the tickets within thirty (30) days of receipt or acceptance of the tickets, as defined in the Political Reform Act, this Policy shall not apply.

4. REPORTING REQUIREMENTS

The distribution of tickets or passes pursuant to this policy shall be reported and retained as required by FPPC Regulation section 18944.1. The distribution must be reported on FPPC Form 802 within 45 days of the distribution.

- a. Except as provided in paragraphs b and c below, the information reported shall include the following:
 - i. The name of the County official receiving the ticket or pass;
 - ii. A description of the event;
 - iii. The date of the event;
 - iv. The fair value of the ticket or pass (see FPPC Regulation 18946, subd. (d)(1), and FPPC Regulation 18946.4);
 - v. The number of tickets or passes provided to each person;
 - vi. If the ticket or pass is behested, the name of the County official who behested the ticket or pass;
 - vii. If the ticket was transferred to members of the County official’s immediate family or no more than one guest solely for their attendance at the event, the relationship of the transferee;
 - viii. A description of the public purpose under which the distribution was made; and
 - ix. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities.



- b. If the ticket or pass is distributed to a County department or other unit of the County, and not used by the Board of Supervisors, the County Administrative Officer, a political appointee, or department head, the County may report the name of the department or other unity of the County receiving the ticket or pass and the number of tickets or passes provided, in lieu of reporting the name of the individual employee as otherwise required in Section 4.a.i.
- c. The form must be signed by the County Administrative Officer or designee, and filed with the Clerk to the Board of Supervisors. The forms must be maintained as public records and are subject to inspection and copying under Section 81008(a). The Clerk to the Board of Supervisors shall post the form, or a summary of the information on the form, on the County website, and shall send to the Commission by e-mail the County's website link that displays the form so that the Commission may post the website link.

Note regarding report to FPPC of tickets and passes to charitable fundraiser events

FPPC Regulation section 18946.4 provides that the value of tickets to a charitable fundraiser is limited. First, the true donation is subtracted. Second, the first two tickets provided by the charity itself are deemed to have no value. Accordingly, the Ticket Administrator shall report on Form 802 only the value of the item received by the official, not the purchase price of the ticket, and shall also exclude the first two tickets provided by the charity itself. (Note: nominal items distributed to all attendees at a charitable fundraiser event, such as pens with the charity's logo, are deemed to have no value.)

5. SPECIAL RULES FOR TICKETS PURCHASED WITH GOOD WORKS FUNDING

Government Code section 26227 authorizes the Board of Supervisors to appropriate and expend money from the General Fund "to establish county programs or to fund other programs deemed by the board of supervisors to be necessary to meet the social needs of the population of the county." These needs include, but are not limited to, "the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons."

Pursuant to this legal authority, the County has a formal program of good works funding, under which local charities may ask a Board member to authorize monetary support for the charity. The supervisor requests a certain amount of money, the County Administrative Officer enters into a formal contract with the charity for that amount, and the contracts are ratified by formal action of the Board of Supervisors.

Many of these donations are in the form of tickets to charitable fundraisers. For tickets purchased by the County with good works funding (tickets purchased by others or provided directly by the charity are subject to the general rules above), the following rules shall apply, pursuant to FPPC Regulation section 18944.3.

- a. Payment from County funds to a charity is a lawful expenditure of public moneys.
- b. The portion of the purchase price paid by the County for a ticket to a charitable fundraiser which would otherwise be considered a gift to a County official of "food, beverage, entertainment, goods, or services of more than a nominal value," is not a gift to that official.
- c. Tickets purchased by the County to a charitable fundraiser may be distributed solely to members of the Board of Supervisors, the County Administrative Officer, a political appointee, or department head, or may include other County officials.
- d. County officials may distribute the tickets received to persons in addition to immediate family or one guest. Such persons shall use the tickets solely for their attendance at the event. No person receiving a ticket purchased by the County with good works funding shall sell or receive reimbursement for the value of the ticket.



COUNTY OF TULARE

ADMINISTRATIVE REGULATION

- e. The distribution of tickets purchased by the County to a charitable fundraiser shall be reported on FPPC Form 802 as provided above. (This includes reporting Board members' further distribution of tickets to others for attendance at the event.)

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