

# HEBER PUBLIC UTILITY DISTRICT CONTRIBUTIONS FOR PUBLIC PURPOSES

POLICY TITLE: CONTRIBUTIONS FOR PUBLIC PURPOSES

POLICY NO: 3036

ADOPTED VIA RESOLUTION: 2018-07

EFFECTIVE DATE: SEPTEMBER 1, 2018

3036.1        PURPOSE:

The intent of this policy is to establish policy for the Heber Public Utility District to contribute to the betterment of the Heber community it serves through contributions for public purposes within the scope of its jurisdiction.

3036.2        DEFINITIONS:

Public purposes within the jurisdiction of the HPUD are the following:

- 1) Matters pertaining to the HPUD itself;
- 2) Matters pertaining to the water operations of the HPUD; and
- 3) Matters pertaining to the wastewater operations of the HPUD; and
- 4) Matters pertaining to the parks and recreation operations of the HPUD.

Events that promote public purpose have the effect of:

- 1) Promoting business activity, growth, development, which in turn increase sales and real property tax revenue to the District;
- 2) Promotion of HPUD owned businesses or enterprises;
- 3) Promotion of HPUD, or HPUD sponsored or supported community programs and/or resources that are available to HPUD residents, such programs and resources to include volunteer services and charitable/nonprofit organization programs.
- 4) Promotion of private facilities available for HPUD resident use, including facilities of charitable/nonprofit organizations.
- 5) Promotion of HPUD facilities available for HPUD resident use.
- 6) Promotion of HPUD tourism on a local, state, national or worldwide scale.
- 7) Promotion of HPUD recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- 8) Promotion of open, visible and accessible government by HPUD official appearances, participation and/or availability at an event.

- 9) Promotion of inter-governmental relations, i.e., cooperation and coordination of resources between the HPUD and other government agencies or entities in the Imperial Valley.
- 10) Promotion of HPUD attraction and retention of highly qualified employees, for which any such employee or prospective employee may receive no more than four tickets per event.
- 11) Promotion of public exposure and awareness of, the various recreational, cultural and educational venues and facilities available to the public within the District.
- 12) Meeting and greeting residents and visitors at HPUD held or sponsored events, and to make observations and suggestions as to the conduct and operation of HPUD held events.

3036.3        SCOPE:

This policy applies to all requests for HPUD contributions, including cash, transfers in kind, uncompensated provision of services, sponsorships or advertisements. It is the HPUD's objective to comply with Article XVI, Section 6, of the California Constitution, which prohibits the making of "gifts" of public funds:

"The Legislature will have no power ... to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever ..."

3036.4        POLICY AND PROCEDURE:

The HPUD may only make contributions for public purposes within the jurisdiction of the district.

All requests for HPUD contributions will be made in writing, with the original request submitted to the General Manager's office. Each request will contain the following information on letterhead:

- 1) Name of the requesting agency, group;
- 2) Mission or purpose of the agency or group;
- 3) Name, address and phone number of a contact representative;
- 4) A description of the project, program or event, and how it fulfills a public purpose within the jurisdiction of the HPUD; and
- 5) Contribution being requested from the HPUD.

If the contribution requested totals \$250.00 or more, the requesting agency or group must also provide:

- 1) Proof of good standing/qualification in California, and as a nonprofit recognized by the Internal Revenue Service;
- 2) Audited financial statements for the three years preceding the request;

- 3) Form 900 tax returns for the three years preceding the request;
- 4) A pro-forma budget for the current year; and
- 5) A list of responsible directors and their address and telephone information.

No matter how worthy the cause, the HPUD is prohibited from making outright “donations” (i.e. an outright gift – made without any expectation of tangible value being returned) of public funds or property to be used strictly for charitable or similar purposes.

3036.5            RESPONSIBILITY

A permissible amount of annual contributions will be included in the HPUD operational budget for the HPUD Board approval.

Contribution requests will be reviewed and approved as follows:

- 1) Contributions up to \$100.00 will be reviewed and by the Finance Manager and approved by the General Manager.
- 2) Contributions equal to or greater than \$101.00 may only be approved by the Board of Directors.
- 3) The General Manager shall administer this policy or other related policies in such a way as to achieve the maximum benefit to the residents of Heber and visitors. This policy shall be enforced by the General Manager and his/her agents as he/she may designate to perform said duty.

3036.6            INCLUSION IN POLICY MANUAL:

Upon adoption by the Board of Directors, this policy shall be included in the Policy Manual and become a part thereof.



## RESOLUTION NO. 2018-07

### A RESOLUTION OF THE HEBER PUBLIC UTILITY DISTRICT ADOPTING POLICY 3037 ESTABLISHING A CONTRIBUTIONS FOR PUBLIC PURPOSES POLICY

**WHEREAS**, the Heber Public Utility District (HPUD) Board of Directors desires to comply with Article XVI, Section 6, of the California Constitution, which prohibits the making of "gifts" of public funds; and

**WHEREAS**, the HPUD receives requests for donations from charitable organizations, non-profit organizations, school clubs, service clubs, community events, businesses and individuals; and

**WHEREAS**, the HPUD acknowledges that many of the donation requests have a direct connection to public purpose; and

**WHEREAS**, the HPUD acknowledges that Special Districts must also demonstrate that the donation expenditure falls within the specifically enumerated powers of that particular type of Special Districts; and

**WHEREAS**, the HPUD desires to establish a policy that identifies the eligible contributions for public purposes; and,

**WHEREAS**, the policy establishes guidelines to contribute to the betterment of the Heber community it serves through contributions for public purposes within the scope of its jurisdiction; and

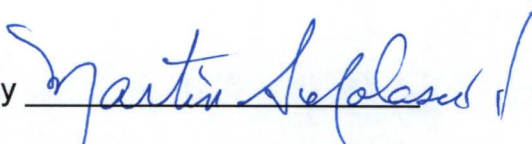
**WHEREAS**, the policy lists some of the community events and activities that have the effect of benefiting public purposes within the jurisdiction of the Heber Public Utility District; and

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of Heber Public Utilities District as follows:

1. That the foregoing is true, correct and adopted.
2. That the HPUD Board of Directors hereby adopts the Contributions for Public Purposes Policy Number 3037, which is attached hereto as Exhibit "A" and made a part hereof a Policies and Procedures Manual.

PASSED, ADOPTED AND APPROVED at a regular meeting of the Heber Public Utility District held on the 21<sup>st</sup> day of June 2018, by the following vote:

HEBER PUBLIC UTILITY DISTRICT

By   
Martin Nolasco, Jr., President

I, Raquel Carrillo, Heber Public Utility District Board Secretary, do hereby certify that the foregoing Resolution No. 2018-07 was duly and regularly adopted at a regular meeting of the Heber Public Utility District, held on the 21<sup>st</sup> day of June 2018, by the following vote:


AYES: M. Cardenas, T. Sandoval, M. Nolasco, Jr., P. Tabarez, Jr.

NOES:

ABSENT: K. Garcia

ABSTAINED:

ATTEST:

By   
Raquel Carrillo, Board Secretary