



# CITY COUNCIL Meeting Agenda

Thursday, January 5, 2023

1:30 PM

City Hall Council Chamber

44950 Eldorado Drive, Indian Wells, CA 92210

*Welcome to a meeting of the Indian Wells City Council.*

**Public Comments:** *Members of the Public who wish to speak should fill out a blue slip and submit it to the City Clerk, comments are limited to 3 minutes. In accordance with State Law, remarks during public comment are to be limited to subjects within the City's jurisdiction.*

**Notification:** *If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act (ADA) please contact the City Clerk at 760-346-2489, 48 hours prior to the meeting.*

*Please turn off all communication devices (phones) or put them on non-audible mode (vibrate) during Council proceedings. All documents for public review are available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.*

**A. CONVENE THE INDIAN WELLS CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL**

MAYOR DONNA GRIFFITH  
MAYOR PRO TEM GREG SANDERS  
COUNCIL MEMBER TY PEABODY  
COUNCIL MEMBER BRUCE WHITMAN  
COUNCIL MEMBER DANA REED

**B. APPROVAL OF THE FINAL AGENDA**

**C. PROCLAMATIONS AND PRESENTATIONS**

- C.1 Proclamation Recognizing March 1, 2023 as Coachella Valley Giving Day
- C.2 Introduction of New Director of Indian Wells Tourism Don Prince
- C.3 Riverside County Fire Update by Battalion Chief Matthew Kotz
- C.4 Riverside County Sheriff Update by Lieutenant David Wright
- C.5 Southern California Edison Update by Aaron Thomas

**D. PUBLIC COMMENTS**

Members of the Public who wish to speak on consent items or items not listed on the agenda may do so at this time. Public Comments are limited to 3 minutes. Speakers will be alerted when their time is up and are then to return to their seats and no further comments will be permitted.

Please note that while the City Council values your comments, the Council cannot respond nor take action on matters not listed on the agenda until the matter may appear on the forthcoming agenda.

**E. CITY MANAGER'S REPORTS**

The City Manager or Department Heads may make brief announcements, informal comments, or brief the Council on items of interest.

**F. CITY ATTORNEY REPORTS AND COMMENTS**

**G. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered to be routine and will be approved by one motion. Reading of text of Ordinances is waived and Ordinances are adopted as second reading, by title only. There will be no separate discussion of these items unless members of the Council request specific items be removed from the Consent Calendar for separate discussion and action.

- G.1 City Treasurer’s Report for November 2022 7**

**RECOMMENDED ACTION:**

Council **RECEIVES** and **FILES** the City Treasurer’s Report for November 2022.

- G.2 October 6, 2022, City Council Meeting Minutes 26**

**RECOMMENDED ACTION:**

Council **APPROVES** the October 6, 2022, City Council Meeting Minutes.

- G.3 October 14, 2022, Special Council Meeting Minutes 39**

**RECOMMENDED ACTION:**

Council **APPROVES** the October 14, 2022, Special Council Meeting Minutes.

- G.4 November 28, 2022, Special Closed-Session Meeting Minutes 42**

**RECOMMENDED ACTION:**

Council **APPROVES** the November 28, 2022, Special Closed-Session Meeting Minutes.

- G.5 November 28, 2022, Special Council Meeting Minutes 45**

**RECOMMENDED ACTION:**

Council **APPROVES** the November 28, 2022, Special Council Meeting Minutes.

**H. PUBLIC HEARINGS**

*No Public Hearing Items.*

**I. GENERAL BUSINESS**

The Mayor will call upon the members of the public to address the Council regarding the agenda item being considered. After the public has provided comment, the item is closed to further comment and brought to the Council for discussion and action.

- I.1 Annual Review of FPPC Gift Restrictions, City Ticket Distribution Policy, and City Campaign Contribution Reporting Requirement 56**

**RECOMMENDED ACTION:**

Council **RECEIVES** and **FILES** information report.

**J. COUNCIL MEMBERS' REPORTS**

Council Members may ask a question for clarification, make a referral to staff, or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.

- J.1 Request to Place on a Future Agenda Discussion on Possible Changes to the Recreational Vehicle Permit Process 82**

**RECOMMENDED ACTION:**

Council **DISCUSSES** and provides **DIRECTION** to staff.

- J.2 Request to Place on a Future Agenda Discussion relating to the Indian Wells Golf Resort Management Agreement 83**

**RECOMMENDED ACTION:**

Council **DISCUSSES** and provides **DIRECTION** to staff.

- J.3 Request to Place on a Future Agenda Discussion Regarding Request for Proposals for City Attorney Services 84**

**RECOMMENDED ACTION:**

Council **DISCUSSES** and provides **DIRECTION** to staff.

**K. COUNCIL MEMBERS' COMMENTS**

Council Members may make a brief announcement or a brief report on their own activities.

**K.1 COUNCIL MEMBER REED**

California Joint Powers Insurance Authority  
Riverside County Transportation Commission  
CVAG Transportation Committee  
CVAG Public Safety Committee

**K.2 COUNCIL MEMBER WHITMAN**

Coachella Valley Mountains Conservancy  
Desert Sands Unified School District  
Indian Wells Marketing Committee  
Indian Wells Public Safety Committee  
Visit Greater Palm Springs

**K.3 COUNCIL MEMBER PEABODY**

Cove Communities Services Commission  
Coachella Valley Animal Campus  
Indian Wells Golf Resort Advisory Committee  
Indian Wells Marketing Committee  
Sunline Transit Agency

**K.4 MAYOR PRO TEM SANDERS**

Cove Communities Services Commission  
Coachella Valley Economic Partnership  
Desert Sands Unified School District  
Indian Wells Finance & Legal Services Oversight Committee  
Indian Wells Personnel Committee  
Indian Wells Public Safety Committee  
Indian Wells Tee Committee

**K.5 MAYOR GRIFFITH**

CVAG Executive Committee  
CVAG Conservation & Energy Environmental Commission  
CVAG Homelessness Committee  
Indian Wells Community Activities Committee  
Indian Wells Golf Resort Advisory Committee  
Indian Wells Grants In Aid Committee  
Indian Wells Historic Preservation Foundation  
Indian Wells Finance/Legal Services Oversight Committee  
Indian Wells Personnel Committee  
Indian Wells Tee Committee

**L. ADJOURNMENT**

To a scheduled Strategic Planning Session of the City Council to be held at 9:00 a.m. on February 1, 2023 in the Indian Wells Golf Resort Celebrity Ballroom.

Affidavit of Posting,

I, Angelica Avila, certify that on December 29, 2022 I caused to be posted a notice of a City Council Meeting to be held on January 5, 2023 at 1:30 p.m. in the City Hall Council Chamber.

Notices were posted at Indian Wells Civic Center and City's Website  
[[www.cityofindianwells.org](http://www.cityofindianwells.org)]

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Angelica Avila, City Clerk

# INDIAN WELLS CITY COUNCIL

## January 5, 2023



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**To:** City Council  
**From:** Finance Department  
**Prepared by:** Ruby D. Walla, Assistant Finance Director  
**Subject:** **City Treasurer's Report for November 2022**

### RECOMMENDED ACTION:

Council **RECEIVES** and **FILES** the City Treasurer's Report for November 2022.

### DISCUSSION:

Attached are the monthly cash balance and investment reports for November 2022. Investments reflected in this report are "Marked-to-Market," meaning the market value of the City's investments is updated monthly. This method provides a clear depiction of the City's portfolio's value subject to the investment market's performance. As a result, the City of Indian Wells maintains prudent fiscal reserves and minimizes un-invested cash.

#### Cash and Investments

As of November 30, 2022:

- The City's cash and investments totaled \$75,171,324.34
- The City's portfolio earned a 1.585% rate of return.

#### Treasurer's Certification

Compliance - The City Treasurer certifies that the City's cash and investments presented in this Report comply with the City's investment policy and with the legal requirements of the State of California Government Code section 53600.

Liquidity - The City Treasurer certifies that the City's portfolio is sufficient to meet its financial obligations for the next six months. The investment portfolio will remain sufficiently liquid to meet all operating requirements, which might be reasonably anticipated. This is accomplished by striving to have securities mature while cash is needed to meet anticipated demands (static liquidity). Additionally, since all possible

cash demands cannot be anticipated, the portfolio consists mainly of securities with active secondary or resale markets (dynamic liquidity).

### Fiscal Prudence

When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the City, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City.

### Background

Staff provides Council with a monthly update to the Treasurer's Report. The Report presents the City's cash activity and investment portfolio and includes a reconciliation between investment balances and General Ledger. Specifically, the report provides information on the types of investments, dates of maturities, costs, the updated market value of securities, and rates of interest earned in the portfolio.

The City maintains a written investment policy in compliance with legal requirements of Government Code section 53600 and governs the investments made by the City. It is the policy of the City of Indian Wells to invest public funds in a manner that will provide maximum security with the highest investment return while meeting the daily cash flow demands of the City. Therefore, the investments purchased by the City are consistent with the City's investment policy and are allowable under the current legislation of the State of California.

The City invests in U.S. treasuries, federal agency securities, medium-term corporate notes, municipal bonds, federally insured certificates of deposit, and overnight cash investments. Criteria for selecting investments in the order of priority are (1) safety, (2) liquidity, and (3) yield.

## **ATTACHMENTS:**

1. City Treasurer's Report



City of Indian Wells  
**Bank Reconciliation Report - City Held Cash**  
 Finance Department

MONTH: **November 30, 2022**

Investment #	Investment Type	Investment Description	Book Value
<b>Bank Checking &amp; Sweep</b>			
1		Pacific Western Bank - Sweep **.*1117	545,419.64
2		Pacific Western Bank - Accts. Payable **.*3411	0.00
3		Pacific Western Bank - Payroll **.*1752	0.00
6		Pacific Western Bank - Ambulance **.*7937	0.00
7		Pacific Western Bank - Public Funds MMA **.*5064	10,001.33
4		Union Bank of CA - Sweep Investment **.*0121	33,524.09
8		US Bank Money Market - Investment	0.00
9		US Bank Money Market - 4590	101,275.15
10		US Bank Money Market - 4591	18,449.59
19		Petty Cash	2,000.00
			<b>710,669.80</b>
<b>Managed Pool Accounts</b>			
21		Local Agency Investment Fund - City 98-33-385	13,432,864.63
			<b>13,432,864.63</b>
<b>Certificates of Deposit</b>			
457		Certificate of Deposit-Morgan Stanley Bank 61747MF63	250,000.00
460		Certificate of Deposit-Alleliance Bank Texas 01748DBA3	245,000.00
463		Certificate of Deposit-CitiBank NA 17312QH69	250,000.00
464		Certificate of Deposit-Goldman Sachs Bank 38148PG43	250,000.00
465		Certificate of Deposit-Salle Mae 795450N84	250,000.00
473		Certificate of Deposit-First National Bank of America 32110YLK9	248,000.00
480		Certificate of Deposit-Discover Bank 254673JUL8	250,000.00
484		Certificate of Deposit-Comenity Capital Bank 20033AM86	250,000.00
483		Certificate of Deposit-USB Bank USA 90348JFF2	250,000.00
498		Certificate of Deposit-RIA Federal Credit Union 749622AL0	249,000.00
499		Certificate of Deposit-Capital One Bank 14042TAY3	249,000.00
501		Certificate of Deposit-BankWest 06652CHAZ	249,000.00
507		Certificate of Deposit-Wells Fargo Natl Bank West 949495AQ8	249,000.00
512		Certificate of Deposit-BMW Bank North America 05580AVX9	250,000.00
513		Certificate of Deposit-Nicolet Natlon Bank 654062JZ2	250,000.00
514		Certificate of Deposit-Live Oak Banking Company 538036LD4	250,000.00
515		Certificate of Deposit-Alma Bank 020080BX4	250,000.00
516		Certificate of Deposit-State Bank of India 856285TP8	248,000.00
517		Certificate of Deposit-First Natl Bank of McCreor TX 32112UDR	249,000.00
518		Certificate of Deposit-Centerstate Bank 15201ODE4	248,000.00
519		Certificate of Deposit-Northwest Bank 66736ABV0	249,000.00
520		Certificate of Deposit-Encore Bank 29260MBE4	249,000.00
521		Certificate of Deposit-First Freedom Bank 32027BAM9	249,000.00
522		Certificate of Deposit-Pacific Western Bank 69506YRL5	248,000.00
525		Certificate of Deposit-Bank of Baroda 06063HMS9	249,000.00
548		Certificate of Deposit-Tovota Financial Sds Bank 89235MKY6	250,000.00
550		Certificate of Deposit-Greenstate Credit Union 39573LBI1	250,000.00
557		Certificate of Deposit-Pentagon Federal Credit Union 70962LAS1	249,000.00
558		Certificate of Deposit-Nelnet Bank, Inc 64034KAG6	250,000.00
561		Certificate of Deposit-Beal Bank 07371AYE7	250,000.00
562		Certificate of Deposit-Beal Bank USA 07371CE88	250,000.00
574		Certificate of Deposit-Austin Telco Fed Credit Union 052392BT3	250,000.00
573		Certificate of Deposit-Capital One NA 14042RUJ8	250,000.00
575		Certificate of Deposit-Synchrony Bank 87164XR65	250,000.00
			<b>8,475,000.00</b>
<b>Medium Term Corporate Notes</b>			
523		Wells Fargo 95001DGU9	1,000,000.00
524		Bank of New York Mellon Corp 06406RAN7	1,009,129.38
526		Montebello CA Pens Oblig AA 612285AE6	1,040,905.36
533		JP Morgan Chase Bank NA 46632FRU1	2,000,000.00
538		JP Morgan Chase 48128G2O2	1,000,000.00
549		Bank of America MTN 06048WWM31	1,000,000.00
556		Bank of America MTN 06048WWM72	1,000,000.00
570		Citicorp	2,000,000.00
			<b>10,050,034.74</b>
<b>Federal Agency Issues</b>			
527		Fed. Nat'l Mortgage Assoc. 3136G4C43	2,000,000.00
529		Fed. Farm Credit Bank 3133EL280	2,000,000.00
530		Fed. Home Loan Mtg Corp 3134GWCG9	1,000,508.19
532		Fed. Nat'l Mortgage Assoc. 3135GAZ23	2,000,000.00
534		Fed. Farm Credit Bank 3130AL351	1,000,000.00
535		Fed. Farm Credit Bank 3130AL6G4	1,000,000.00
536		Fed. Farm Credit Bank 3130AL6J8	2,000,000.00
539		Fed. Farm Credit Bank 3130ALDN1	2,000,000.00
541		Fed. Farm Credit Bank 3130ALH20	1,000,000.00
542		Fed. Farm Credit Bank 3130ALJ62	1,000,000.00
544		Fed. Farm Credit Bank 3130ALMM3	2,000,000.00
546		Fed. Farm Credit Bank 3130ALW67	1,000,000.00
551		Fed. Farm Credit Bank 3130AMW57	2,000,000.00
552		Fed. Farm Credit Bank 3133EMH21	2,000,000.00
553		Fed. Farm Credit Bank 3133EML67	2,000,000.00
554		Fed. Farm Credit Bank 3133EMN99	2,000,000.00
555		Fed. Farm Credit Bank 3133EMW73	3,000,000.00
559		Fed. Home Loan Bank 3130AQWFG	1,000,000.00
560		Fed. Home Loan Bank 3130AQWJ8	1,000,000.00
563		Fed. Home Loan Bank 3130AQZ55	1,000,000.00
565		Fed. Home Loan Bank 3130ARCV1	2,000,000.00
564		Fed. Home Loan Mtg Corp 3134GXXM9	1,000,000.00
566		Fed. Home Loan Bank 3130ARGE5	1,000,000.00
567		Fed. Home Loan Mtg Corp 3134GXOP2	1,000,000.00
568		Fed. Home Loan Bank 3130ASZ20	1,700,000.00
569		Fed. Home Loan Bank 3134GXUM4	1,000,000.00
571		Fed. Home Loan Bank 3130ASS67	1,000,000.00
572		Fed. Home Loan Bank 3130ASS91	1,000,000.00
			<b>41,700,508.19</b>
<b>Municipal Bonds</b>			
537		Dixon CA Unified School District 255651KY6	502,246.98
531		Natomas CA School District 63877NMM6	300,000.00
			<b>802,246.98</b>
<b>Total Pooled Cash and Investments</b>			<b>\$ 75,171,324.34</b>
Fair Value Increase (over cost)			(3,834,818.31)
<b>Outstanding items</b>			
Outstanding Warrants/Wire Transfers			(421,192.40)
Outstanding Payroll Warrants/Wire Transfers			195,558.77
Deposit in Transit			(118,000)
Outstanding Outgoing ACH			17,919.74
Outstanding Outgoing ACH			17,183.76
Outstanding Outgoing ACH			15,974.04
Outstanding Outgoing Wire			25,638.61
Outstanding Outgoing ACH			18,611.89
Outstanding Bank Adl			25.00
Outstanding Bank Adl			(1.00)
Credit Card in Transit			6,430.44
			<b>(123,969.15)</b>
<b>Total Outstanding Items</b>			<b>(123,969.15)</b>
<b>Reconciled Bank Balance</b>			<b>\$ 71,212,536.88</b>
<b>General Ledger Balance</b>			<b>\$ 71,212,536.88</b>
			0.00

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## NET CASH & INVESTMENT SUMMARY NOVEMBER 2022

<b><u>UNRESTRICTED FUNDS</u></b>	<b>November 2022</b>	<b>November 2021</b>
<b>GENERAL FUND</b>		
101- GENERAL	\$ 9,787,002.38	\$ 4,751,008.85
<b>TOTAL GENERAL FUND</b>	<b>9,787,002.38</b>	<b>4,751,008.85</b>
<b><u>RESTRICTED FUNDS</u></b>		
<b>SPECIAL REVENUE FUNDS</b>		
202 - TRAFFIC SAFETY	9,160.67	8,550.24
203 - PUBLIC SAFETY 1/2 CENT SALES TAX	18,694.90	15,745.74
204 - MEASURE "A"	116,854.63	133,240.95
209 - F.A.M.D. #1	1,777,752.54	2,547,000.35
210 - SCAQMD (VEHICLE REG.)	13,269.33	12,226.66
211 - AB 3229 COPS FUNDING	88,129.76	77,951.51
214 - GAS TAX 2103 MAINTENANCE	17,382.89	18,172.59
215 - GAS TAX 2105 MAINTENANCE	11,393.22	11,091.42
216 - GAS TAX 2106 CONSTRUCT/MAINT	9,184.60	8,564.86
217 - GAS TAX 2107 MAINTENANCE	15,727.36	10,605.13
218 - GAS TAX 2107.5 ENG./ADMIN	1,000.00	1,843.83
219 - GAS TAX RMRA	47,557.18	275,828.46
228 - EMERG. UPGRADE SERVICES	3,940,414.88	3,473,321.08
247 - AB 939 RECYCLING FUND	399,046.84	522,591.38
248 - SOLID WASTE	215,501.59	260,284.88
251 - STREET LIGHTING DISTRICT 2000-1	14,630.15	13,255.41
253- INDIAN WELLS VILLAS OPERATIONS	1,330,554.81	1,388,769.81
254- MOUNTAIN VIEW VILLAS OPERATIONS	2,075,291.54	2,166,091.54
256- HOUSING AUTHORITY	12,236,705.57	14,626,067.92
271 - ELDORADO DRIVE LLMD	57,528.16	55,824.51
272 - MONTECITO/STARDUST LLMD	2,954.26	820.12
273 - CASA DORADO LLMD	996.40	3,729.34
274 - THE COVE LLMD	1,392.72	3,159.31
275 - SH 111/IWGR (ENTRANCE) LLMD	4,798.70	93,049.08
276 - CLUB/IW LANE LLMD	9,777.34	11,013.57
277 - COLONY LLMD	65,957.01	83,012.87
278 - COLONY COV ESTATES LLMD	50,332.89	59,901.94
279 - DESERT HORIZONS LLMD	15,604.36	58,661.20
280 - MOUNTAIN GATE LLMD	87,686.63	96,054.43
281 - MOUNTAIN GATE ESTATES LLMD	44,085.00	53,533.21
282 - VILLAGIO LLMD	217,826.23	254,472.20
283 - VAIDYA LLMD	34,413.02	36,584.51
284 - CLUB, SOUTH OF 111 LLMD	26,990.10	25,176.52
285 - MONTELENA LLMD	59,172.08	64,460.53
286 - SUNDANCE LLMD	1,965.44	717.67
287 - PROVINCE LLMD	78,706.38	77,055.40
288 - PROVINCE DBAD	555,949.58	593,786.02
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<b>23,654,388.76</b>	<b>27,142,216.19</b>
<b>CAPITAL PROJECT FUNDS</b>		
310 - PARK FACILITIES FEES	478.00	0.00
311 - TRANSPORTATION FACILITIES FEES	1,958.00	0.00
313 - RECREATION FACILITIES FEES	3,922.00	0.00
314 - PARK-IN-LIEU FEES	47,677.00	0.00
315 - CITYWIDE PUBLIC IMPROVEMENT FEE	67,859.00	17,426.00
316 - CAPITAL IMPROVEMENT	7,807,994.44	2,008,302.58
319 - ART IN PUBLIC PLACES	411,601.45	172,750.54
321 - HIGHWAY 111 CIRCULATION IMP FEE	36,233.70	0.70
<b>TOTAL CAPITAL PROJECT FUNDS</b>	<b>8,377,723.59</b>	<b>2,198,479.82</b>

<b><u>RESTRICTED FUNDS (Cont.)</u></b>	<b>November <u>2022</u></b>	<b>November <u>2021</u></b>
<b>REPLACEMENT FUNDS</b>		
326 - BUILDINGS CAPITAL RESERVE	1,670,511.80	1,743,602.80
327 - BRIDGES CAPITAL RESERVE	1,717,718.00	1,792,873.00
328 - MEDIANS & PARKWAYS CAPITAL RESERVE	1,367,251.07	1,427,071.07
329 - STORM DRAINS CAPITAL RESERVE	690,432.00	720,640.00
330 - TRAFFIC SIGNALS CAPITAL RESERVE	567,375.00	592,199.00
331 - TRAFFIC SIGNALS CAPITAL RESERVE	518,147.00	540,817.00
332 - CITY STREETS CAPITAL RESERVE	18,840,062.00	19,664,371.00
333 - CITY VEHICLES CAPITAL RESERVE	118,879.00	124,081.00
350 - DISASTER RECOVERY RESERVE	142,129.00	0.00
<b>TOTAL REPLACEMENT FUNDS</b>	<b><u>25,632,504.87</u></b>	<b><u>26,605,654.87</u></b>
<b>SUCCESSOR AGENCY FUNDS</b>		
453 - RDA (WHITewater)	544,757.56	2,392,663.40
456 - RDA OBLIGATION RETIREMENT	1,062,774.00	0.00
<b>TOTAL SUCCESSOR AGENCY FUNDS</b>	<b><u>1,607,531.56</u></b>	<b><u>2,392,663.40</u></b>
<b>ENTERPRISE FUNDS</b>		
560 - INDIAN WELLS GOLF RESORT	(240,917.03)	0.00
<b>TOTAL ENTERPRISE FUNDS</b>	<b><u>(240,917.03)</u></b>	<b><u>0.00</u></b>
<b>INTERNAL SERVICE FUNDS</b>		
601 - OPEB BENEFIT FUND	908,515.49	439,639.81
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b><u>908,515.49</u></b>	<b><u>439,639.81</u></b>
<b>RESERVE FUNDS</b>		
602 - COMPENSATED ABSENCES	581,403.00	606,841.00
<b>TOTAL RESERVE FUNDS</b>	<b><u>581,403.00</u></b>	<b><u>606,841.00</u></b>
<b>TRUST &amp; AGENCY FUNDS</b>		
732 - SPECIAL DEPOSITS	904,384.26	933,622.69
<b>TOTAL TRUST &amp; AGENCY FUNDS</b>	<b><u>904,384.26</u></b>	<b><u>933,622.69</u></b>
<b>TOTAL ALL FUNDS</b>	<b><u>71,212,536.88</u></b>	<b><u>65,070,126.63</u></b>
<b>FISCAL AGENTS</b>		
253 - INDIAN WELLS VILLAS	515,111.83	469,252.84
254 - MOUNTAIN VIEW VILLAS	1,047,284.09	930,456.36
453 - UNION BANK OF CALIFORNIA TRUSTEE	11.44	17.69
460 - US BANK - INDIAN WELLS FINANCE AUTHORITY	12,094,086.06	0.00
560 - INDIAN WELLS GOLF RESORT	593,549.70	1,478,978.43
601 - PARS SECTION 115 TRUST - PENSION	822,918.67	946,983.77
601 - PARS SECTION 115 TRUST - OPEB	199,678.19	0.00
<b>TOTAL FISCAL AGENTS</b>	<b><u>15,272,639.98</u></b>	<b><u>3,825,689.09</u></b>
<b>TOTAL ALL FUNDS &amp; FISCAL AGENTS</b>	<b><u>\$ 86,485,176.86</u></b>	<b><u>\$ 68,895,815.72</u></b>
<b>UNRESTRICTED FUNDS</b>	<b>9,787,002.38</b>	<b>4,751,008.85</b>
<b>RESTRICTED FUNDS</b>	<b><u>76,698,174.48</u></b>	<b><u>64,144,806.87</u></b>
	<b><u>\$ 86,485,176.86</u></b>	<b><u>\$ 68,895,815.72</u></b>

**The City of Indian Wells  
Portfolio Management  
Portfolio Summary  
November 30, 2022**

City of Indian Wells  
44-950 Eldorado Drive  
Indian Wells CA 92210  
(760)346-2489

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Term</b>	<b>Days to Maturity</b>	<b>YTM 360 Equiv.</b>	<b>YTM 365 Equiv.</b>
Bank Certificates of Deposit	1,493,000.00	1,486,052.49	1,493,000.00	1.99	1,826	125	2.844	2.884
Managed Pool Accounts - LAIF	13,432,864.63	13,432,864.63	13,432,864.63	17.87	1	1	1.980	2.007
Money Market Sweep/Checking Account	710,669.80	710,669.80	710,669.80	0.95	1	1	0.824	0.835
Negotiable CD's	6,982,000.00	6,500,753.26	6,982,000.00	9.29	1,766	935	1.684	1.707
Medium Term Corporate Notes	10,000,000.00	9,176,340.00	10,050,034.74	13.37	1,456	851	1.695	1.719
Federal Agency Issues - Callables	41,700,000.00	38,030,239.00	41,700,508.19	55.47	1,649	1,145	1.361	1.380
Miscellaneous Securities - Coupon	800,000.00	740,333.00	802,246.98	1.07	1,449	745	0.653	0.662
<b>Investments</b>	<b>75,118,534.43</b>	<b>70,077,252.18</b>	<b>75,171,324.34</b>	<b>100.00%</b>	<b>1,325</b>	<b>846</b>	<b>1.563</b>	<b>1.585</b>

<b>Total Earnings</b>	<b>November 30 Month Ending</b>
Current Year	96,210.87
<b>Average Daily Balance</b>	<b>75,407,424.20</b>
<b>Effective Rate of Return</b>	<b>1.55%</b>

The above investments are consistent with the City's investment policy and allowable under current legislation of the State of California. Investments were purchased using safety, liquidity, and yield as criteria. In addition, cash flow from revenue and maturing investments will be sufficient to cover expenditures for the next six months. All securities are "Marked-to-Market" on a monthly basis.

  
Kevin McCarthy, Finance Director

**The City of Indian Wells  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 360	Days to Maturity	Maturity Date
<b>Bank Certificates of Deposit</b>												
01748DBA3	460	Allegiance Bank Texas		02/07/2018	245,000.00	244,434.05	245,000.00	2.600		2.564	68	02/07/2023
17312QH69	463	CITIBANK NA		03/29/2018	250,000.00	248,882.50	250,000.00	2.850		2.811	118	03/29/2023
32110YLK9	473	First National Bank of America		07/20/2018	248,000.00	245,713.44	248,000.00	3.150		3.107	231	07/20/2023
38148PG43	464	Goldman Sachs Bank		04/25/2018	250,000.00	248,642.50	250,000.00	3.000		2.959	145	04/25/2023
61747MF63	457	Morgan Stanley Bk NA		01/11/2018	250,000.00	249,687.50	250,000.00	2.650		2.614	41	01/11/2023
795450N84	465	Sallie Mae		04/25/2018	250,000.00	248,692.50	250,000.00	3.050		3.008	145	04/25/2023
<b>Subtotal and Average</b>			<b>1,493,000.00</b>		<b>1,493,000.00</b>	<b>1,486,052.49</b>	<b>1,493,000.00</b>			<b>2.844</b>	<b>125</b>	
<b>Managed Pool Accounts - LAIF</b>												
SYS21	21	LAIF - City			13,432,864.63	13,432,864.63	13,432,864.63	2.007		1.980		1
SYS23	23	LAIF - Redevelopment			0.00	0.00	0.00	0.233		0.230		1
<b>Subtotal and Average</b>			<b>13,944,531.30</b>		<b>13,432,864.63</b>	<b>13,432,864.63</b>	<b>13,432,864.63</b>			<b>1.980</b>		<b>1</b>
<b>Money Market Sweep/Checking Account</b>												
SYS1	1	Pacific Western Bank			545,419.64	545,419.64	545,419.64	0.250		0.247		1
SYS6	6	Pacific Western Bank-Ambulance		07/01/2020	0.00	0.00	0.00			0.000		1
SYS7	7	Pacific Western-PublicFundsMMA			10,001.33	10,001.33	10,001.33	1.870		1.844		1
SYS8	8	US Bank Money Market		08/31/2021	0.00	0.00	0.00			0.000		1
SYS10	10	US Bank Money Market-4591		08/30/2022	18,449.59	18,449.59	18,449.59	3.530		3.482		1
SYS9	9	US Bank Money Market-4590		08/30/2022	101,275.15	101,275.15	101,275.15	3.620		3.570		1
SYS2	2	Pacific Western - Acct Payable		07/01/2020	0.00	0.00	0.00			0.000		1
SYS3	3	Pacific Western-Payroll		07/01/2020	0.00	0.00	0.00			0.000		1
SYS4	4	Union Bank-Checking			33,524.09	33,524.09	33,524.09	0.200		0.197		1
SYS19	19	Petty Cash		07/01/2020	2,000.00	2,000.00	2,000.00			0.000		1
SYS5	5	WestAmerica Bank		07/01/2020	0.00	0.00	0.00			0.000		1
<b>Subtotal and Average</b>			<b>434,227.79</b>		<b>710,669.80</b>	<b>710,669.80</b>	<b>710,669.80</b>			<b>0.824</b>		<b>1</b>
<b>Negotiable CD's</b>												
020080BX4	515	Alma Bank		03/31/2020	250,000.00	230,732.50	250,000.00	1.400		1.380	848	03/28/2025
052392BT3	574	Austin Telco Fed Credit Union		09/21/2022	250,000.00	238,340.00	250,000.00	3.800		3.748	1,755	09/21/2027
06063HMS9	525	Bank of Baroda		07/22/2020	249,000.00	223,285.77	249,000.00	0.700		0.690	964	07/22/2025
06652CHA2	501	BankWest Inc.		07/26/2019	249,000.00	237,615.72	249,000.00	2.000		1.973	603	07/26/2024
07371AYE7	561	Beal Bank - Plano TX		02/23/2022	250,000.00	221,992.50	250,000.00	1.900		1.874	1,539	02/17/2027
07371CE88	562	Beal Bank USA		02/23/2022	250,000.00	221,992.50	250,000.00	1.900		1.874	1,539	02/17/2027
05580AVX9	512	BMW BANK NORTH AMERICA		03/31/2020	250,000.00	231,650.00	250,000.00	1.550		1.529	851	03/31/2025
14042TAY3	499	Capital One Bank USA NA		07/18/2019	247,000.00	237,495.44	247,000.00	2.300		0.000	573	06/26/2024
14042RUJ8	573	Capital One NA		09/21/2022	250,000.00	239,490.00	250,000.00	3.900		0.000	1,755	09/21/2027
15201QDE4	518	Centerstate Bank NA		04/30/2020	248,000.00	227,517.68	248,000.00	1.250		1.233	881	04/30/2025

Portfolio CITY

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**The City of Indian Wells  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 360	Days to Maturity	Maturity Date
<b>Negotiable CD's</b>												
20033AM86	484	Comenity Capital Bank		10/30/2018	250,000.00	247,050.00	250,000.00	3.450		3.403	333	10/30/2023
254673UL8	480	Discover Bank		10/03/2018	250,000.00	247,067.50	250,000.00	3.300		3.255	306	10/03/2023
29260MBE4	520	ENCORE BANK		04/30/2020	249,000.00	236,400.60	249,000.00	1.150		1.135	516	04/30/2024
32027BAM9	521	First Freedom Bank		04/30/2020	249,000.00	236,231.28	249,000.00	1.100		1.086	516	04/30/2024
32112UDR9	517	First Natl Bank of McGregor TX		04/28/2020	249,000.00	228,873.33	249,000.00	1.350		1.332	879	04/28/2025
39573LBL1	550	Greenstate Credit Union		06/16/2021	250,000.00	217,727.50	250,000.00	0.900		0.888	1,293	06/16/2026
538036LD4	514	Live Oak Banking Company		03/31/2020	250,000.00	230,652.50	250,000.00	1.400		1.382	851	03/31/2025
64034KAG6	558	Nelnet Bank, Inc.		02/02/2022	250,000.00	218,587.50	250,000.00	1.500		1.479	1,524	02/02/2027
654062JZ2	513	Nicolet National Bank		03/31/2020	250,000.00	230,652.50	250,000.00	1.400		1.382	851	03/31/2025
66736ABV0	519	Northwest Bank		04/30/2020	249,000.00	227,979.42	249,000.00	1.200		1.184	881	04/30/2025
69506YRL5	522	Pacific Western Bank CA CD		04/30/2020	248,000.00	227,517.68	248,000.00	1.250		1.233	881	04/30/2025
70962LAS1	557	Pentagon Federal Credit Union		09/29/2021	249,000.00	214,613.10	249,000.00	0.900		0.888	1,398	09/29/2026
749622AL0	498	RIA Federal Credit Union		06/24/2019	249,000.00	242,989.14	249,000.00	2.500		2.468	390	12/26/2023
856285TF8	516	State Bank of India NY, NY CD		04/29/2020	248,000.00	229,494.24	248,000.00	1.600		1.578	880	04/29/2025
87164XR65	575	Synchrony Bank		09/23/2022	250,000.00	240,007.50	250,000.00	3.950		3.896	1,757	09/23/2027
89235MKY6	548	Toyota Financial Sgs Bk		04/22/2021	250,000.00	219,190.00	250,000.00	0.900		0.888	1,238	04/22/2026
90348JFF2	483	UBS Bank USA		10/30/2018	250,000.00	247,195.00	250,000.00	3.500		3.454	330	10/27/2023
949495AQ8	507	Wells Fargo Natl Bk West		01/28/2020	249,000.00	248,412.36	249,000.00	1.900		1.875	47	01/17/2023
<b>Subtotal and Average</b>			<b>6,982,000.00</b>		<b>6,982,000.00</b>	<b>6,500,753.26</b>	<b>6,982,000.00</b>			<b>1.684</b>	<b>935</b>	
<b>Medium Term Corporate Notes</b>												
06048WM31	549	Bank of America MTN A		05/28/2021	1,000,000.00	865,220.00	1,000,000.00	1.250		1.233	1,274	05/28/2026
06048WM72	556	Bank of America MTN A		07/30/2021	1,000,000.00	858,510.00	1,000,000.00	1.200		1.184	1,337	07/30/2026
06406RAN7	524	Bank of New York Mellon Corp		05/14/2020	1,000,000.00	928,520.00	1,009,129.38	1.600		1.190	875	04/24/2025
17330PJ83	570	Citigroup		07/29/2022	2,000,000.00	1,986,400.00	2,000,000.00	3.800		3.720	240	07/29/2023
48128G2Q2	538	JPMorgan Chase & Co		02/26/2021	1,000,000.00	867,230.00	1,000,000.00	0.800		0.789	1,183	02/26/2026
46632FRU1	533	JP Morgan Chase Bank NA		01/22/2021	2,000,000.00	1,747,120.00	2,000,000.00	0.700		0.690	1,148	01/22/2026
612285AE6	526	Montebello CA Pens Oblig AA		07/17/2020	1,000,000.00	939,170.00	1,040,905.36	2.503		0.819	913	06/01/2025
95001D6U9	523	Wells Fargo & Company		04/30/2020	1,000,000.00	984,170.00	1,000,000.00	2.150		2.959	150	04/30/2023
<b>Subtotal and Average</b>			<b>10,050,847.16</b>		<b>10,000,000.00</b>	<b>9,176,340.00</b>	<b>10,050,034.74</b>			<b>1.695</b>	<b>851</b>	
<b>Federal Agency Issues - Callables</b>												
3133ELZ80	529	Fed. Farm Credit Bank		07/29/2020	2,000,000.00	1,806,360.00	2,000,000.00	0.580		0.572	971	07/29/2025
3133EMH21	552	Fed. Farm Credit Bank		06/17/2021	2,000,000.00	1,777,460.00	2,000,000.00	0.900		0.888	1,292	06/15/2026
3133EML67	553	Fed. Farm Credit Bank		06/22/2021	2,000,000.00	1,770,080.00	2,000,000.00	0.800		0.789	1,299	06/22/2026
3133EMN99	554	Fed. Farm Credit Bank		06/30/2021	2,000,000.00	1,818,540.00	2,000,000.00	0.740		0.730	942	06/30/2025
3133EMW73	555	Fed. Farm Credit Bank		07/28/2021	3,000,000.00	2,654,430.00	3,000,000.00	0.870		0.858	1,335	07/28/2026
3130AL3S1	534	Fed. Home Loan Bank		02/17/2021	1,000,000.00	887,560.00	1,000,000.00	0.625		0.616	1,174	02/17/2026

**The City of Indian Wells  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 360	Days to Maturity	Maturity Date
<b>Federal Agency Issues - Callables</b>												
3130AL6G4	535	Fed. Home Loan Bank		02/25/2021	1,000,000.00	886,240.00	1,000,000.00	0.600		0.592	1,182	02/25/2026
3130AL6J8	536	Fed. Home Loan Bank		02/24/2021	2,000,000.00	1,774,120.00	2,000,000.00	0.625		0.616	1,181	02/24/2026
3130ALDN1	539	Fed. Home Loan Bank		03/16/2021	2,000,000.00	1,781,440.00	2,000,000.00	0.800		0.789	1,201	03/16/2026
3130ALHZ0	541	Fed. Home Loan Bank		03/18/2021	1,000,000.00	904,070.00	1,000,000.00	0.530		0.523	930	06/18/2025
3130ALJ62	542	Fed. Home Loan Bank		03/24/2021	1,000,000.00	892,390.00	1,000,000.00	0.875		0.863	1,209	03/24/2026
3130ALMM3	544	Fed. Home Loan Bank		03/30/2021	2,000,000.00	1,791,440.00	2,000,000.00	1.000		0.986	1,215	03/30/2026
3130ALW67	546	Fed. Home Loan Bank		04/22/2021	1,000,000.00	897,160.00	1,000,000.00	1.100		1.085	1,238	04/22/2026
3130AMW57	551	Fed. Home Loan Bank		06/30/2021	2,000,000.00	1,783,500.00	2,000,000.00	0.650		0.967	1,307	06/30/2026
3130AQWF6	559	Fed. Home Loan Bank		02/25/2022	1,000,000.00	913,880.00	1,000,000.00	2.150		2.121	1,547	02/25/2027
3130AQWJ8	560	Fed. Home Loan Bank		02/24/2022	1,000,000.00	910,580.00	1,000,000.00	2.050		2.022	1,546	02/24/2027
3130AQZ55	563	Fed. Home Loan Bank		03/10/2022	1,000,000.00	924,820.00	1,000,000.00	2.500		2.466	1,560	03/10/2027
3130ARCV1	565	Fed. Home Loan Bank		03/28/2022	2,000,000.00	1,925,940.00	2,000,000.00	1.500		1.846	483	03/28/2024
3130ARGE5	566	Fed. Home Loan Bank		04/21/2022	1,000,000.00	938,420.00	1,000,000.00	3.000		2.959	1,602	04/21/2027
3130AS3Z0	568	Fed. Home Loan Bank		05/26/2022	1,700,000.00	1,644,699.00	1,700,000.00	3.000		2.959	726	11/26/2024
3130ASS67	571	Fed. Home Loan Bank		08/16/2022	1,000,000.00	989,160.00	1,000,000.00	4.500		4.438	1,719	08/16/2027
3130ASS91	572	Fed. Home Loan Bank		08/10/2022	1,000,000.00	962,720.00	1,000,000.00	4.000		3.945	1,713	08/10/2027
3134GWCG9	530	Fed. Home Loan Mtg Corp		07/30/2020	1,000,000.00	910,970.00	1,000,508.19	0.650		0.621	881	04/30/2025
3134GXMX9	564	Fed. Home Loan Mtg Corp		03/25/2022	1,000,000.00	949,630.00	1,000,000.00	2.200		2.170	845	03/25/2025
3134GXQP2	567	Fed. Home Loan Mtg Corp		04/28/2022	1,000,000.00	961,390.00	1,000,000.00	3.030		2.988	879	04/28/2025
3134GXUM4	569	Fed. Home Loan Mtg Corp		06/07/2022	1,000,000.00	976,960.00	1,000,000.00	3.050		3.008	554	06/07/2024
3136G4C43	527	Fed. Nat'l Mortgage Assoc		08/14/2020	2,000,000.00	1,807,440.00	2,000,000.00	0.650		0.641	987	08/14/2025
3135GA2Z3	532	Fed. Nat'l Mortgage Assoc		11/17/2020	2,000,000.00	1,788,840.00	2,000,000.00	0.560		0.552	1,082	11/17/2025
<b>Subtotal and Average</b>			<b>41,700,516.67</b>		<b>41,700,000.00</b>	<b>38,030,239.00</b>	<b>41,700,508.19</b>			<b>1.361</b>	<b>1,145</b>	
<b>Miscellaneous Securities - Coupon</b>												
255651KY6	537	Dixon CA Unified School Dist		02/18/2021	500,000.00	466,880.00	502,246.98	0.672		0.395	609	08/01/2024
63877NMM6	531	Natomas CA Sch Dist AA Insured		10/01/2020	300,000.00	273,453.00	300,000.00	1.100		1.085	974	08/01/2025
<b>Subtotal and Average</b>			<b>802,301.29</b>		<b>800,000.00</b>	<b>740,333.00</b>	<b>802,246.98</b>			<b>0.653</b>	<b>745</b>	
<b>Total and Average</b>			<b>75,407,424.20</b>		<b>75,118,534.43</b>	<b>70,077,252.18</b>	<b>75,171,324.34</b>			<b>1.563</b>	<b>846</b>	

**2014, 2015, 2016, 2020 Series**  
**Portfolio Management**  
**Portfolio Summary**  
**November 30, 2022**

City of Indian Wells  
44-950 Eldorado Drive  
Indian Wells CA 92210  
(760)346-2489

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Term</b>	<b>Days to Maturity</b>	<b>YTM 360 Equiv.</b>	<b>YTM 365 Equiv.</b>
Money Market Sweep/Checking Account	3,715.29	3,715.29	3,715.29	100.00	1	1	0.000	0.000
<b>Investments</b>	<b>3,715.29</b>	<b>3,715.29</b>	<b>3,715.29</b>	<b>100.00%</b>	<b>1</b>	<b>1</b>	<b>0.000</b>	<b>0.000</b>

<b>Total Earnings</b>	<b>November 30 Month Ending</b>
Current Year	0.00
<b>Average Daily Balance</b>	<b>3,706.55</b>
<b>Effective Rate of Return</b>	<b>0.00%</b>



Kevin McCarthy, Agency Treasurer



**2014, 2015, 2016, 2020 Series  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 365	Days to Maturity	Maturity Date
<b>Money Market Sweep/Checking Account</b>												
SYS28	28	2014A Bonds Reserve		07/01/2020	0.00	0.00	0.00			0.000	1	
SYS26	26	All Bond Series Principal		07/01/2020	152.72	152.72	152.72			0.000	1	
SYS25	25	All Bond Series Interest		07/01/2020	24.59	24.59	24.59			0.000	1	
SYS27	27	All Bond Series Debt Svc		07/01/2020	3,537.98	3,537.98	3,537.98			0.000	1	
SYS24	1	Cost Of Issuance Escrow		07/01/2020	0.00	0.00	0.00			0.000	1	
<b>Subtotal and Average</b>			<b>3,706.55</b>		<b>3,715.29</b>	<b>3,715.29</b>	<b>3,715.29</b>			<b>0.000</b>	<b>1</b>	
<b>Total and Average</b>			<b>3,706.55</b>		<b>3,715.29</b>	<b>3,715.29</b>	<b>3,715.29</b>			<b>0.000</b>	<b>1</b>	

**2015 A Bonds  
Portfolio Management  
Portfolio Summary  
November 30, 2022**

City of Indian Wells  
44-950 Eldorado Drive  
Indian Wells CA 92210  
(760)346-2489

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Term</b>	<b>Days to Maturity</b>	<b>YTM 360 Equiv.</b>	<b>YTM 365 Equiv.</b>
Money Market Sweep/Checking Account	1.00	1.00	1.00	100.00	1	1	0.000	0.000
<b>Investments</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>100.00%</b>	<b>1</b>	<b>1</b>	<b>0.000</b>	<b>0.000</b>

<b>Total Earnings</b>	<b>November 30 Month Ending</b>
Current Year	0.00
<b>Average Daily Balance</b>	<b>1.00</b>
<b>Effective Rate of Return</b>	<b>0.00%</b>



Kevin McCarthy, Agency Treasurer

**2015 A Bonds  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 365	Days to Maturity	Maturity Date
<b>Money Market Sweep/Checking Account</b>												
SYS27	27	2015 A Reserve		08/31/2021	1.00	1.00	1.00			0.000	1	
SYS22	22	UBC Cost Of Issuance Escrow		07/01/2020	0.00	0.00	0.00			0.000	1	
<b>Subtotal and Average</b>			<b>1.00</b>		<b>1.00</b>	<b>1.00</b>	<b>1.00</b>			<b>0.000</b>	<b>1</b>	
<b>Total and Average</b>			<b>1.00</b>		<b>1.00</b>	<b>1.00</b>	<b>1.00</b>			<b>0.000</b>	<b>1</b>	

**2016 A Bonds  
Portfolio Management  
Portfolio Summary  
November 30, 2022**

City of Indian Wells  
44-950 Eldorado Drive  
Indian Wells CA 92210  
(760)346-2489

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Term</b>	<b>Days to Maturity</b>	<b>YTM 360 Equiv.</b>	<b>YTM 365 Equiv.</b>
Money Market Sweep/Checking Account	1.00	1.00	1.00	100.00	1	1	0.000	0.000
<b>Investments</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>100.00%</b>	<b>1</b>	<b>1</b>	<b>0.000</b>	<b>0.000</b>

<b>Total Earnings</b>	<b>November 30 Month Ending</b>
Current Year	0.00
<b>Average Daily Balance</b>	<b>1.00</b>
<b>Effective Rate of Return</b>	<b>0.00%</b>



Kevin McCarthy, Agency Treasurer

**2016 A Bonds  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**

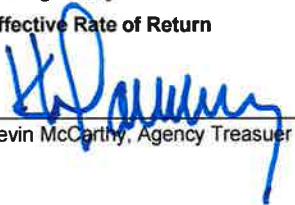
CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 365	Days to Maturity	Maturity Date
<b>Money Market Sweep/Checking Account</b>												
SYS28	1	UBC Cost Of Issuance Escrow		07/01/2020	0.00	0.00	0.00			0.000	1	
SYS33	2	Union Bank Reserve Account		07/01/2020	1.00	1.00	1.00			0.000	1	
<b>Subtotal and Average</b>			<b>1.00</b>		<b>1.00</b>	<b>1.00</b>	<b>1.00</b>			<b>0.000</b>	<b>1</b>	
<b>Total and Average</b>			<b>1.00</b>		<b>1.00</b>	<b>1.00</b>	<b>1.00</b>			<b>0.000</b>	<b>1</b>	

**2020 A Bonds  
Portfolio Management  
Portfolio Summary  
November 30, 2022**

City of Indian Wells  
44-950 Eldorado Drive  
Indian Wells, CA 92210  
(760)346-2489

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Term</b>	<b>Days to Maturity</b>	<b>YTM 360 Equiv.</b>	<b>YTM 365 Equiv.</b>
Money Market Sweep/Checking Account	1.00	1.00	1.00	100.00	1	1	0.000	0.000
<b>Investments</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>100.00%</b>	<b>1</b>	<b>1</b>	<b>0.000</b>	<b>0.000</b>

<b>Total Earnings</b>	<b>November 30 Month Ending</b>
Current Year	0.00
<b>Average Daily Balance</b>	<b>1.00</b>
<b>Effective Rate of Return</b>	<b>0.00%</b>



Kevin McCarthy, Agency Treasurer

**2020 A Bonds  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**


CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 365	Days to Maturity	Maturity Date
<b>Money Market Sweep/Checking Account</b>												
SYS1	1	2020 A Bonds COI		07/01/2020	0.00	0.00	0.00			0.000	1	
SYS2	2	2020 A Bonds Reserve		07/01/2020	1.00	1.00	1.00			0.000	1	
<b>Subtotal and Average</b>			<b>1.00</b>		<b>1.00</b>	<b>1.00</b>	<b>1.00</b>			<b>0.000</b>	<b>1</b>	
<b>Total and Average</b>			<b>1.00</b>		<b>1.00</b>	<b>1.00</b>	<b>1.00</b>			<b>0.000</b>	<b>1</b>	

**2022 Bonds  
Portfolio Management  
Portfolio Summary  
November 30, 2022**

City of Indian Wells  
44-950 Eldorado Drive  
Indian Wells CA 92210  
(760)346-2489

<b>Investments</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Book Value</b>	<b>% of Portfolio</b>	<b>Term</b>	<b>Days to Maturity</b>	<b>YTM 360 Equiv.</b>	<b>YTM 365 Equiv.</b>
Money Market Sweep/Checking Account	11,146,574.57	11,146,574.57	11,146,574.57	100.00	1	1	0.000	0.000
<b>Investments</b>	<b>11,146,574.57</b>	<b>11,146,574.57</b>	<b>11,146,574.57</b>	<b>100.00%</b>	<b>1</b>	<b>1</b>	<b>0.000</b>	<b>0.000</b>

<b>Total Earnings</b>	<b>November 30</b>	<b>Month Ending</b>
Current Year		0.00
<b>Average Daily Balance</b>		<b>11,644,386.29</b>
<b>Effective Rate of Return</b>		<b>0.00%</b>

  
Kevin McCarthy, Agency Treasurer



**2022 Bonds  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2022**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Fitch	YTM 365	Days to Maturity	Maturity Date
<b>Money Market Sweep/Checking Account</b>												
SYS2	2	2022 Bonds COI		02/10/2022	0.00	0.00	0.00			0.000	1	
SYS1	1	2022 Bonds Project Fund		02/10/2022	11,146,300.46	11,146,300.46	11,146,300.46			0.000	1	
SYS3	3	2022 Bonds Payment Fund		09/21/2022	274.11	274.11	274.11			0.000	1	
<b>Subtotal and Average</b>			<b>11,644,386.29</b>		<b>11,146,574.57</b>	<b>11,146,574.57</b>	<b>11,146,574.57</b>			<b>0.000</b>	<b>1</b>	
<b>Total and Average</b>			<b>11,644,386.29</b>		<b>11,146,574.57</b>	<b>11,146,574.57</b>	<b>11,146,574.57</b>			<b>0.000</b>	<b>1</b>	

# INDIAN WELLS CITY COUNCIL

## January 5, 2023



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**To:** City Council  
**From:** City Manager Department  
**Prepared by:** Angelica Avila, City Clerk  
**Subject:** **October 6, 2022, City Council Meeting Minutes**

### RECOMMENDED ACTION:

Council **APPROVES** the October 6, 2022, City Council Meeting Minutes.

### ATTACHMENTS:

1. October 6, 2022, Unofficial Minutes



**CITY COUNCIL MEETING MINUTES**

**Thursday, October 6, 2022**

**1:30 p.m.**

**Council Chamber and Remotely through Zoom in compliance with Government Code Section 54953(e) (AB 361)  
44950 Eldorado Drive, Indian Wells**

Present: Mayor Reed  
Mayor Pro Tem Griffith  
Council Member Sanders  
Council Member Balocco  
Council Member Bernheimer

Unofficial

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**A. CONVENE THE INDIAN WELLS CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor Reed convened the City Council Meeting at 1:30 p.m. on October 6, 2022, in the City Hall Council Chamber and Zoom/Teleconference.

**B. APPROVAL OF THE FINAL AGENDA**

A motion was made by Mayor Pro Tem Griffith, seconded by Council Member Sanders to Approve the Agenda as Submitted. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**C. PROCLAMATIONS AND PRESENTATIONS**

**C.1 Riverside County Sheriff Department Update by Indian Wells Lieutenant David Wright**

Riverside County Sheriff Department Lieutenant David Wright provided an update as of August 31, 2022, relating to service calls, vehicle stops,

citations, arrests, traffic collisions, Community Service Officer response. Lieutenant Wright provided an overview of notable cases and operations conducted by the Special Enforcement Team. Mayor Pro Tem Griffith requested speed control and enforcement on Eldorado and Fairway Drive.

**C.2 Riverside County Fire Department Update by Battalion Chief Matt Kotz**

Riverside County Battalion Chief Matthew Kotz provided a breakdown of emergency calls from May 1, 2022, through August 31, 2022. Battalion Chief Kotz gave a comparison of service calls in previous years and further reported the Fire Department is in the planning stages of the Iron Man event being held on December 4, 2022.

**C.3 Indian Wells Mini Muster Recognition and Presentation by Mike Lewis**

Mayor Reed presented a proclamation recognizing the Month of October 2022 as Fire Prevention and Mini Muster in the City of Indian Wells.

**C.4 Local Hazard Mitigation Plan Presentation by Indian Wells Emergency Services Coordinator Linda Soto**

Indian Wells Emergency Services Coordinator Mike Ornelas introduced new Indian Wells Emergency Services Coordinator Linda Soto and provided an update of the Local Hazard Mitigation Plan.

**D. PUBLIC COMMENTS**

Ms. Jacqueline Bradley, resident, welcomed candidates to contact her for a meet and greet opportunity and expressed concerns relating to negative election material being circulated targeting candidates. Ms. Linda Blank, resident, provided information of two upcoming events that include Modernism Week home showcase being held on October 14, 2022, and Indian Wells Tennis Garden Tour on October 15, 2022, and thanked the City for their support.

**E. CITY MANAGER'S REPORTS**

City Manager Christopher Freeland Reported Greater Coachella Valley Chamber is hosting an Indian Wells Candidate forum on Tuesday October 11, 2022, from 5:00 p.m.-7:00 p.m. at the Indian Wells Country Club. He reported Indian Wells Winterfest begins in early November through New Year's Day. He reported resident welcome back party is scheduled on November 15, 2022, and a tree lighting ceremony on November 18, 2022. He reported City Hall is a ballot box location for the 2022 Election and the Indian Wells Golf Resort are in negotiations

to be destination for celebrity golf tournament. He requested Consent Item G.4 Recruitment Schedule for City Representative to the Coachella Valley Mosquito and Vector Control include an additional Council Representative to the Ad Hoc Interview Committee consisting of Council Member Sanders.

**F. CITY ATTORNEY REPORTS AND COMMENTS**

City Attorney Todd Leishman reported the Governor signed into law new housing bills and a summary would be provided at a future agenda. He reported City Council met in closed session to discuss items listed on the posted agenda, no reportable action was taken which, under the Brown Act, would be required to be publicly reported.

**G. CONSENT CALENDAR**

**G.1 Findings to Hold Remote Teleconference/Virtual Meetings and Hybrid Meetings for All City Legislative Bodies, in Accordance with Assembly Bill 361**

It was determined to **APPROVE** remote teleconference/virtual and hybrid meetings for all City legislative bodies by finding that a statewide state of emergency is currently in place and that state and local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and

**AUTHORIZE** City Manager to implement teleconference/virtual or hybrid public meetings as needed in accordance with Assembly Bill 361.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**G.2 Ordinance Adding Chapter 16.110 to Title 16 of the Municipal Code Relating to an Expedited, Streamlined Permitting Process for Electric Vehicle Charging Stations**

It was determined to **ADOPT** Ordinance No. 744 to read as follows:

ORDINANCE NO. 744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, ADDING CHAPTER 16.110 TO TITLE 16 OF THE MUNICIPAL CODE RELATING TO AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Adopt Ordinance. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**G.3 Resolution Approving Clarifying Edits to Section 2.09.050 of the Council Policy Manual**

Council Member Bernheimer congratulated the Council Policy Review Ad Hoc Committee for their work on simplifying the Council Policy.

It was determined to **ADOPT** Resolution No. 2022-38 to read as follows:

RESOLUTION NO. 2022-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING CLARIFYING EDITS TO SECTION 2.09.050 OF THE CITY COUNCIL POLICY MANUAL; AND FINDING THE ACTION TO BE EXEMPT FROM CEQA

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Adopt Resolution. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**G.4 Recruitment Schedule for City’s Representative to the Coachella Valley Mosquito and Vector Control Board**

It was determined to **APPROVE** the recruitment schedule; and

**DESIGNATE AS AMENDED** Mayor Pro Tem Donna Griffith and Council

Member Sanders to serve as the Ad-Hoc Interview Committee for the Mosquito and Vector Control Board.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**G.5 First Amendment to Amended and Restated Agreement with Burrtec Waste & Recycling Services, LLC for Integrated Solid Waste Management Services**

It was determined to **APPROVE** the First Amendment to the Amended and Restated Agreement between the City of Indian Wells and Burrtec Waste & Recycling Services, LLC for Integrated Solid Waste Management Services.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**G.6 Adopting by Reference 2022 Edition of California Building Standards Code and Other Uniform Codes; and Setting a Public Hearing for Same**

It was determined to **INTRODUCE** Ordinance No. 747 to read as follows:

ORDINANCE NO. 747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, REPEALING AND RECASTING TITLE 16 OF THE INDIAN WELLS MUNICIPAL CODE; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24); INCLUDING THE 2022 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2021 INTERNATIONAL BUILDING CODE); THE 2022

CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2021 UNIFORM MECHANICAL CODE); THE 2022 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2021 UNIFORM PLUMBING CODE); THE 2022 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2020 NATIONAL ELECTRICAL CODE); THE 2022 CALIFORNIA ENERGY CODE; THE 2022 CALIFORNIA HISTORICAL BUILDING CODE; THE 2021 UNIFORM SWIMMING POOL, SPA & HOT TUB CODE; THE 2022 CALIFORNIA FIRE CODE (INCORPORATING AND AMENDING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE); THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND THE 2022 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2021 INTERNATIONAL RESIDENTIAL CODE); TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO

**SET** a public hearing for November 3, 2022, to take testimony and consider adopting the Ordinance.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Introduce Ordinance. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**G.7 September 15, 2022, Special Council Meeting Minutes**

It was determined to **APPROVE** the September 15, 2022, Special Council Meeting Minutes.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Approve the Minutes. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0



**G.8 September 15, 2022, City Council Meeting Minutes**

It was determined to **APPROVE** the September 15, 2022, City Council Meeting Minutes.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Approve the Minutes. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**G.9 City Treasurer's Report for August 2022**

It was determined to **RECEIVE** and **FILE** the City Treasurer's Report for August 2022.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**H. PUBLIC HEARINGS**

**H.1 Amending Chapter 3.23 of the Indian Wells Municipal Code Pertaining to the Collection of Transportation Uniform Mitigation Fees**

Mayor Reed opened the public hearing at 2:08 p.m. to hear testimony in favor of or against Ordinance No. 746; hearing none, Mayor Reed closed the public hearing.

It was determined **to FIND** ordinance is not subject to CEQA because it is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations; and

**INTRODUCE** Ordinance No. 746 to read as follows:

ORDINANCE NO. 746

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AMENDING CHAPTER 3.23 OF THE INDIAN WELLS MUNICIPAL CODE PERTAINING TO THE COLLECTION OF TRANSPORTATION UNIFORM MITIGATION FEES.

A motion was made by Council Member Sanders, seconded by Council Member Bernheimer to Introduce Ordinance. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**I. GENERAL BUSINESS**

**I.1 Children’s Discovery Museum of the Desert One-time Funding Request for Fiscal Year 2022-23**

Children's Discovery Museum of the Desert Chief Executive Officer Cindy Burreson provided an update on the new Children's Museum exhibits and their expansion efforts for a certified autism center that will offer sensory tools. Ms. Burreson thanked the Council for their funding consideration as the museum strives to be an economic driver for the Coachella Valley. Children's Discovery Museum Operational Director Katie Stice thanked the Council for their consideration to fund the museum.

Council Member Bernheimer suggested the City develop a budgetary process for capital funding requests and provided an overview of the City’s past practice for extraordinary requests.

Ms. Jacquelyn Bradley, resident, spoke in opposition to fund the Children's Discovery Museum. Ms. Rebecca Peterson, resident, submitted written public comment in opposition of the funding request. Mr. Ted Mertens, resident and former Council Member, stated this matter is a policy decision and to consider funding in the future.

The Finance Committee clarified the funding amount be kept between \$25,000 - \$50,000 if the Council is willing to consider such funding, there was no recommendation made by the Committee to fund. There was discussion relating to Grants In Aid funding qualifications and Capital Improvement funding requests. Further discussion ensued relating to

future hotel and museum partnership programs.

A motion was made by Mayor Reed, seconded by Council Member Bernheimer to fund the Children's Discovery Museum in the amount of \$25,000.

A substitute motion was made by Council Member Bernheimer, seconded by Mayor Reed to **DIRECT** staff to bring back at a future meeting a revised Community Assistance Policy, budget year to date, and Children's Discovery Museum funding request for consideration. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**I.2 Sponsorship Request for City of Indian Wells as an Arena Partner Acrisure Arena**

Mr. Jonathan Grove, Oak View Group Representative, provided an overview of the City's benefits in partnering with Acrisure Arena.

Ms. Jaqueline Bradley, resident, requested clarification on cost for the partnership and the benefits that would be included in the sponsorship. Ms. Rebecca Peterson and Mr. Ted Mertens, residents, submitted written public comments in opposition of the sponsorship.

Mayor Reed expressed concerns relating to the location of the advertisements and the City not generating sales tax from arena. Council Member Sanders expressed concerns on advertisements in Seattle. Mayor Pro Tem Griffith spoke in support of the sponsorship and its benefits. There was further discussion on the marketing program.

It was determined to **APPROVE** the formation of a Council Ad Hoc Committee consisting of Mayor Pro Tem Griffith and Council Member Bernheimer to review and negotiate a sponsorship agreement with Acrisure Arena and report at a future meeting.

A motion was made by Mayor Pro Tem Griffith, seconded by Council Member Balocco to Approve the recommendation. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**I.3 Indian Wells Golf Resort Dedication Plaque**

Ms. Jaqueline Bradley, resident, spoke in support of the new proposed plaque dedication. Ms. Rebecca Peterson, resident, submitted a written public comment in opposition of unveiling the old plaque.

It was determined to **APPROVE** the sub-committee's conceptual plaque size and details, the budget for the mounting, placement, and creation of the Re-dedication plaque was established at the September Council meeting as not to exceed \$7,000.

A motion was made by Council Member Bernheimer, seconded by Mayor Pro Tem Griffith to Approve the Recommendation. the motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**I.4 Indian Wells Turf Rebate Program**

Ms. Victoria Lurk, resident, spoke in support and recommended the program be implemented as soon as possible. Ms. Linda Mullin, resident, spoke in support of turf rebate program. Ms. Rebecca Peterson, resident, submitted written public comment suggesting the City change landscaping to drought tolerant. Mr. Ted Mertens, resident and former Council Member, submitted written public comment in support of a match for dollar rebate program.

It was determined to **APPROVE** turf rebate program total of \$500,00 to be disbursed as follows: for residential reimbursement of up to \$300,000 maximum budget \$3/sq ft for turf area 200-sq ft minimum to 5,000-sq ft maximum turf area; and homeowners associations reimbursement amount of up to \$200,000 maximum budget \$1/sq ft for turf area 15,000 sq ft maximum turf area.

A motion was made by Council Member Bernheimer, seconded Council Member Sanders to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**I.5 Whitewater Channel Design and Permitting**

It was determined to **APPROVE** staff recommendation to assume project responsibility for the design, permitting of the whitewater riverbank improvements, and modification to City consultant to accommodate taking over capital improvement program; and

**INSTRUCT** staff to finalize reimbursement agreements between the City, Genton Development, and Brixton Development to reimburse the City for their prorated share of project costs; and

**FIND** the action is not a Project as defined under CEQA Guidelines Section 15378 and is not subject to CEQA per Section 15061(b)(3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

A motion was made by Council Member Bernheimer, seconded by Mayor Reed to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Reed, Griffith, Sanders, Balocco, Bernheimer

NOES: 0

**J. COUNCIL MEMBERS' REPORTS AND COMMENTS**

**J.1 COUNCIL MEMBER BERNHEIMER**

Council Member Bernheimer encouraged the community to attend Paint El Paseo Pink to raise breast cancer awareness to be held on October 8, 2022, at 7:00 a.m. in the City of Palm Desert. He stated Desert Cancer Foundation is hosting a fundraising event at the Classic Club on November 12, 2022, to help pay cancer costs for individuals.

**J.2 COUNCIL MEMBER BALOCCO**

Council Member Balocco reported Golf Resort Advisory Committee conducted an update on the new Top Tracer Technology.

**J.3 COUNCIL MEMBER SANDERS**

Council Member Sanders reported Indian Wells Public Safety committee has scheduled Coffee with Cop on Wednesday, October 12, 2022 at the Indian Wells Golf Resort. He reported Desert Sands Unified School District Two by Two Committee had update on City efforts for street improvements on Warner Trail and a scheduled project that will aid traffic set to begin in the Summer of 2023.

**J.4 MAYOR PRO TEM GRIFFITH**

Mayor Pro Tem Griffith reported attending the All Valley Mayor's Luncheon. She reported Historical Preservation Foundation meets weekly to process archiving of historical records and the board is working with the City for a permanent storage facility.

**J.5 MAYOR REED**

Mayor Reed reported attending a two-day California Contract Cities Annual Conference in September.

**K. ADJOURNMENT**

At 4:28 p.m., Mayor Reed ADJOURNED the City Council Meeting to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on November 3, 2022, in the City Hall Council Chamber.

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Angelica Avila, CMC  
City Clerk

# INDIAN WELLS CITY COUNCIL

## January 5, 2023



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**To:** City Council  
**From:** City Manager Department  
**Prepared by:** Angelica Avila, City Clerk  
**Subject:** **October 14, 2022, Special Council Meeting Minutes**

### RECOMMENDED ACTION:

Council **APPROVES** the October 14, 2022, Special Council Meeting Minutes.

### ATTACHMENTS:

1. October 14, 2022, Unofficial Minutes



**SPECIAL CITY COUNCIL MEETING MINUTES**

**Friday, October 14, 2022**

**2:30 PM**

**City Hall Council Chamber**

**44950 Eldorado Drive, Indian Wells, CA 92210**

Present: Mayor Reed  
Mayor Pro Tem Griffith  
Council Member Sanders  
Council Member Balocco  
Council Member Bernheimer

Unofficial

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**A. CONVENE THE INDIAN WELLS CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor Reed convened the Special Council Meeting at 2:30 p.m. on October 14, 2022.

**B. APPROVAL OF THE FINAL AGENDA**

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Agenda as Submitted. The following vote carried:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**C. PUBLIC COMMENTS**

No public comments.

**D. CITY ATTORNEY REPORTS AND COMMENTS**

City Attorney Todd Leishman reported the City Council met in closed session to discuss items listed on the posted agenda, no reportable action was taken which, under the Brown Act, would be required to be publicly reported.



**E. GENERAL BUSINESS**

**E.1 Sponsorship Request for City of Indian Wells as an Official Partner City for Acrisure Arena**

Mr. Kevin Driscoll, resident, spoke in support of the sponsorship request. Mr. Bruce Whitman, resident, spoke in support of the partnership and suggested the City negotiate towards a benefit that would generate hotel transient occupancy tax.

The Council spoke in support of partnering with Acrisure Arena and thanked City staff and the Council Ad Hoc Committee for negotiating the sponsorship. Mayor Reed stated his previous concerns were addressed and spoke in support of the sponsorship.

It was determined to **APPROVE** the Official Acrisure Arena Partner City sponsorship request for \$150,000 and if Council desires;

**AUTHORIZES** City Manager to negotiate and execute a five-year sponsorship agreement with Acrisure Arena; and

**APPROVES** the use of \$150,000 for Fiscal Year 2022-23 and \$156,000 for 2023-24 with an option to opt out after the second year.

A motion was made by Mayor Pro Tem Griffith, seconded by Council Member Bernheimer to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**F. ADJOURNMENT**

At 3:08 p.m., Mayor Reed ADJOURNED the Special Council Meeting to a regularly scheduled meeting of the City Council at 1:30 p.m. on November 3, 2022, in the City Hall Council Chamber.

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Angelica Avila, CMC  
City Clerk

# INDIAN WELLS CITY COUNCIL

## January 5, 2023



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**To:** City Council  
**From:** City Manager Department  
**Prepared by:** Angelica Avila, City Clerk  
**Subject:** **November 28, 2022, Special Closed-Session Meeting Minutes**

### RECOMMENDED ACTION:

Council **APPROVES** the November 28, 2022, Special Closed-Session Meeting Minutes.

### ATTACHMENTS:

1. November 28, 2022, Unofficial Minutes



## SPECIAL CITY COUNCIL MEETING MINUTES

Monday, November 28, 2022

12:30 PM

City Hall, Executive Conference Room  
44950 Eldorado Drive, Indian Wells, CA 92210

Present: Mayor Reed  
Mayor Pro Tem Griffith  
Council Member Sanders  
Council Member Balocco  
Council Member Bernheimer

Unofficial

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**A. CONVENE THE INDIAN WELLS CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor Reed convened the Special Council Meeting at 12:30 p.m. on November 28, 2022, in the City Hall Executive Conference Room.

**B. APPROVAL OF THE FINAL AGENDA**

It was the **CONSENSUS** of the City Council to Approve the Agenda as Submitted.

**C. PUBLIC COMMENTS**

No public comments.

**D. CLOSED SESSION**

Mayor Reed recessed the City Council to a Closed Session to discuss the following items listed on the posted agenda.

**D.1 Conference with City's Real Property Negotiator Pursuant to Government Code 54956.8**

City Attorney Todd Leishman stated no reportable action was taken which, under the Brown Act, would be required to be publicly reported.

**E. ADJOURNMENT**

At 12:58 p.m., Mayor Reed ADJOURNED the City Council to a Special Council Meeting to be held at 1:30 p.m. on November 28, 2022, in the City Hall Council Chamber.

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Angelica Avila, CMC  
City Clerk

# INDIAN WELLS CITY COUNCIL

## January 5, 2023



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**To:** City Council  
**From:** City Manager Department  
**Prepared by:** Angelica Avila, City Clerk  
**Subject:** **November 28, 2022, Special Council Meeting Minutes**

### RECOMMENDED ACTION:

Council **APPROVES** the November 28, 2022, Special Council Meeting Minutes.

### ATTACHMENTS:

1. November 28, 2022, Unofficial Minutes



## SPECIAL CITY COUNCIL MEETING MINUTES

Monday, November 28, 2022

1:30 PM

City Hall Council Chamber

44950 Eldorado Drive, Indian Wells, CA 92210

Present: Mayor Reed  
Mayor Pro Tem Griffith  
Council Member Sanders  
Council Member Balocco  
Council Member Bernheimer

Unofficial

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**A. CONVENE THE INDIAN WELLS CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor Reed convened the Special Council Meeting at 1:30 p.m. on November 28, 2022, in the City Hall Council Chamber.

**B. APPROVAL OF THE FINAL AGENDA**

A motion was made by Mayor Pro Tem Griffith, seconded by Council Member Sanders to Approve the Agenda as Summited. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**C. PROCLAMATIONS AND PRESENTATIONS**

**C.1 Angel Force USA Presentation by Founder Anne Hyde Dunsmore**

Founder of Angel Force USA Anne Hyde Dunsmore provided an overview of their efforts to raise awareness of veteran's suicides and encouraged the community to attend an event being held in Rancho Mirage. Council Member Sanders suggested the Council consider some level of support in the future.

**D. PUBLIC COMMENTS**

Mr. Robert Hiddleston, resident, expressed concerns relating to the approval of Fireworks in the City.

**E. CITY MANAGER'S REPORTS**

City Manager Christopher Freeland provided an update on the turf rebate program and encouraged the community to contact Coachella Valley Water District to begin the process. He reported Winterfest event at the Indian Wells Golf Resort has been successful. He clarified Consent Item G.9 Extension to Professional Services Agreement with DeNovo Planning Group has no fiscal impact.

**F. CITY ATTORNEY REPORTS AND COMMENTS**

City Attorney Todd Leishman reported a new housing bill staff report was received and filed during the Special Housing Authority meeting held prior to the Council meeting. He reported City Council met in closed session to discuss items listed on the posted agenda, no reportable action was taken which, under the Brown Act, would be required to be publicly reported.

**G. CONSENT CALENDAR**

**G.1 Findings to Hold Remote Teleconference/Virtual Meetings and Hybrid Meetings for All City Legislative Bodies, in Accordance with Assembly Bill 361**

It was determined to **APPROVE** remote teleconference/virtual and hybrid meetings for all City legislative bodies by finding that a statewide state of emergency is currently in place and that state and local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and

**AUTHORIZE** City Manager to implement teleconference/virtual or hybrid public meetings as needed in accordance with Assembly Bill 361.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.2 Termination of Prior Development Agreement (Miles Lodge)**

It was determined to **APPROVE** the proposed Termination Agreement between the City and Miles Lodge LLC and 3x5 LLC; and

**AUTHORIZE** the City Manager to execute the agreement on the City’s behalf; and

**FIND** the action to be exempt from CEQA.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.3 Affordable Housing Property Acquisition Funding Agreement (APN 633-360-002)**

It was determined to **APPROVE** the proposed Affordable Housing Property Acquisition Funding Agreement; and

**FIND** no further review is needed under CEQA.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.4 Appointment of City Representative to Coachella Valley Mosquito and Vector Control Board**

It was determined to **APPOINT** the Council Ad Hoc Committee recommendation Clive Weightman as the City’s representative to the Coachella Valley Mosquito and Vector Control Board for a two-year term beginning January 1, 2023.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0



**G.5 Resolution Amending the Conflict-of-Interest Code of the City of Indian Wells Pursuant to the Political Reform Act of 1974**

It was determined to **ADOPT** Resolution No. 2022-43 to read as follows:

RESOLUTION NO. 2022-43

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Adopt the Resolution. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.6 Update to Fiscal Year 2022-23 Employee's Salary Range Schedule**

It was determined to **APPROVE** the update to employee's salary schedule as required by the California Public Employees' Pension Reform Act of 2013; and

**DIRECT** staff to post the employee salary range schedule on the City's website.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.7 Annual Financial Report for the Fiscal Year Ending June 30, 2022**

It was determined to **RECEIVE** and **FILE** the City's Annual Financial Report for the fiscal year ending June 30, 2022.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Receive and File the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.8 Accept the Indian Wells Golf Resort Sidewalk Improvements as Complete**

It was determined to **APPROVE** the Indian Wells Golf Resort Sidewalk Improvement Project as completed in compliance with the project scope, budget, and schedule; and

**DIRECT** Staff to certify the project completion with Riverside County.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.9 Extension to Professional Services Agreement with DeNovo Planning Group for Comprehensive General Plan Update and CEQA Documentation**

It was determined to **AUTHORIZE** and **DIRECT** the City Manager to execute a one (1) year extension to the Professional Services Agreement (“PSA”) with DeNovo Planning Group for the preparation and development of the Comprehensive General Plan Update and required environmental documentation.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.10 Modification No. 3 of Conditional Use Permit No. 2-94-2 to construct a replacement of a new spa and fitness center, pool area, and administrative offices at the Eldorado Country Club (APN: 623-070-001, 623-072-002, 623-072-003)**

It was determined to **FIND** the project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15302,

Replacement and Reconstruction; and

**ADOPT** Resolution No. 2022-44 to read as follows:

RESOLUTION NO. 2022-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING MODIFICATION NO. 3 TO CONDITIONAL USE PERMIT NO. 2-94-2 TO CONSTRUCT A NEW 30,029 SQUARE FOOT SPA AND FITNESS CENTER, POOL AREA AND ADMINISTRATIVE OFFICES AT THE ELDORADO COUNTRY CLUB IN INDIAN WELLS (APN:623-070-001,623-072-002,623-072-003) AND FINDING THE PROJECT EXEMPT FROM CEQA.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The Motion carried by the following vote:

AYES: 4- Balocco, Bernheimer, Griffith, Sanders

NOES: 0

RECUSE: 1- Reed

**G.11 October 6, 2022, Special Council Meeting Minutes**

It was determined to **APPROVE** the October 6, 2022, Special Council Meeting Minutes.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Minutes as Submitted. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.12 October 14, 2022, Special Closed-Session Minutes**

It was determined to **APPROVES** the October 14, 2022, Special Closed-Session Minutes.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Minutes as Submitted. The Motion carried by

the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.13 City Treasurer’s Report for September 2022**

It was determined to **RECEIVE** and **FILE** the City Treasurer’s Report for September 2022.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Receive and File the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**G.14 City Treasurer’s Report for October 2022**

It was determined to **RECEIVE** and **FILE** the City Treasurer’s Report for October 2022.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Receive and File the Recommendation. The Motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**H. PUBLIC HEARINGS**

**H.1 Modification to Conditional Use Permit No. 2014-03, and Planned Sign Program 2012-01, including Zone Text Amendment No. 2022-02, and Environmental Assessment No. 2022-02 (APN: 604-640-015)**

Mayor Reed opened the public hearing at 2:05 p.m. to hear testimony in favor of or against Resolution No. 2022-45; hearing none, Mayor Reed closed the public hearing.

It was determined to **ADOPT** Resolution 2022-45 to read as follows:

RESOLUTION NO. 2022-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING A MODIFICATION TO CONDITIONAL USE PERMIT NO. 2014-03, AND ZONE TEXT AMENDMENT NO. 2022-02 TO CONDITIONALLY ALLOW A SPECIAL EVENT PARKING LOT/SOD FARM GENERALLY LOCATED SOUTH OF MILES AVENUE DIRECTLY ACROSS FROM INDIAN WELLS TENNIS GARDEN (APN: 604-640-015), AND ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA; and

**INTRODUCE** Ordinance No. 749 to read as follows:

ORDINANCE NO. 749

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 21.34 OF THE INDIAN WELLS MUNICIPAL CODE BY MODIFYING SECTION 21.34.040 TO ESTABLISH TEMPORARY USES INCLUDING UNPAVED PARKING LOTS, AGRICULTURAL USES, SOD FARMS AND SIMILAR FACILITIES AS CONDITIONALLY PERMITTED USES IN THE RESORT COMMERCIAL ZONE; FOR WHICH AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PREPARED FOR CEQA.

A motion was made by Council Member Bernheimer, seconded by Council Member Sanders to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

**I. GENERAL BUSINESS**

**I.1 Resolution Amending the City's Resident and Resident Guest Amenity Fees**

Mr. Ty Peabody, resident, and former Council Member, suggested to simplify the calculations for the average cost of golf per month. Mr. Robert Hiddleston, requested clarification on the golf rate cost.

Council Member Balocco expressed concerns relating to the proposed system as it assumes that the golf resort is being given a profitable round and suggested further discussions be held once the new Council is seated.

It was determined to **ADOPT** Resolution No. 2022-46 to read as follows:

RESOLUTION NO. 2022-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADOPTING A RESIDENT AMENITY FEE POLICY AND RESCINDING PRIOR RESIDENT AMENITY FEE POLICIES.

A motion was made by Council Member Bernheimer seconded by Council Member Sanders to Adopt Resolution. The motion carried by the following vote:

AYES: 4 - Bernheimer, Griffith, Reed, Sanders

NOES: 0 -

ABSTAIN: 1 - Balocco

**I.2 Discussion on Possible Changes to Resident In-Season Golf Rate and Golf Tee Time Availability**

Mr. Ty Peabody, resident, and former Council Member, spoke in opposition relating changes in amenity fees and suggested to further review operating costs for bottom line results. Mr. Don Shine, resident, spoke in opposition relating to golf rate increase. Mr. Gordon Johnson, resident, and Golf Resort Advisory Committee member, spoke in opposition of the proposed golf rate time changes.

Mr. Bruce Whitman, resident, thanked Council Member Balocco and Bernheimer for bringing measured discussions before the Council and spoke in opposition of golf rate increases. Mr. Chuck Gelow, resident, expressed concerns on the percentage calculations. Ms. Pam Wallace, resident, stated the Golf Resort was first dedicated to the residents of Indian wells. Mr. Andrew Lucarino, resident, spoke in opposition to changes in amenity fees. Mrs. Carol and Mr. Jim Kent, residents, submitted written comment in opposition to changes in golf amenity rate.

There was discussion on conducting future study session to allow the community to engage with the Council on various topics. There was no action taken during the discussion on possible changes to resident in-season golf rate and gold tee time availability.

**J. COUNCIL MEMBERS' REPORTS AND COMMENTS**

**J.1 COUNCIL MEMBER BERNHEIMER**

Council Member Bernheimer requested the Council consider adding the recreational vehicle permitting system to a future meeting for review and discussion.

**J.2 COUNCIL MEMBER BALOCCO**

Council Member Balocco thanked staff, Council Member Bernheimer for his service, and the Council.

**J.3 COUNCIL MEMBER SANDERS**

Council Member Sanders reported Coachella Valley Economic Partnership hosted a presentation by Coachella Valley Train Service and requested the City invite the agency to conduct presentation at a future meeting.

**J.4 MAYOR PRO TEM GRIFFITH**

Mayor Pro Tem Griffith reported CVAG Conservation Commission has a scheduled tour in January to visit conserved land. She reported Historical Preservation Foundation selected a new board that will be seated on December 4, 2022. She reported Community Activities had over 300 residents attend their resident Winterfest and Veteran' Day had over 230 attendees. She further reported residents' day at Pickleball was well attended.

**J.5 MAYOR**

Mayor Reed reported Sunline Transit Agency has not reached an agreement with its driver union. He reported CVAG Transportation Committee continues to fund bridge overpass projects along highway Interstate 10.

**K. ADJOURNMENT**

At 3:30 p.m., Mayor Reed ADJOURNED the Special Council Meeting to a regularly scheduled meeting of the City Council at 1:30 p.m. on December 15, 2022, in the City Hall Council Chamber.

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Angelica Avila, CMC  
City Clerk

# INDIAN WELLS CITY COUNCIL

## January 5, 2023



**To:** City Council  
**From:** City Attorney  
**Prepared by:** Todd Leishman, City Attorney  
**Subject:** **Annual Review of FPPC Gift Restrictions, City Ticket Distribution Policy, and City Campaign Contribution Reporting Requirement**

### RECOMMENDED ACTION:

Council **RECEIVES** and **FILES** information report.

### BACKGROUND:

Resolution No. 2022-36 requires the Council to conduct a review of applicable law and City policies pertaining to (a) the acceptance of gifts and (b) the City's acceptance and distribution of tickets to sports, entertainment, charity, and similar events at the first meeting following the annual Council reorganization. This year's report also discusses recent changes in campaign-related disclosures.

Copies of the relevant policies are attached.

### Revision to FPPC Limitations on Gifts, Honoraria

*Gifts.* The Political Reform Act prohibits local officials and employees who file Statements of Economic Interests (Form 700s) from receiving a gift or gifts totaling more than a certain amount in a calendar year from certain sources. Sources that must be reported on the Form 700 subject to the limit; gifts from family members are not. The statutory limit for 2021–2022 was \$520. The limit is adjusted for inflation every odd-numbered year, so it will increase now in 2023.

*Honoraria.* An honorarium is a payment received for making a speech, publishing an article, or attending any public or private conference, convention, meeting, social event, meal, or similar gathering. Local elected officers and candidates for those offices and all officials holding positions listed in Government Code Section 87200 are prohibited from receiving honoraria payments.



Likewise, an employee designated under an agency's conflict of interest code is prohibited from receiving honoraria payments from any source of gifts or income the employee is required to report on his or her Statement of Economic Interests (Form 700).

Some limited exceptions apply, such as income earned from a bona fide business or profession.

Since 2021, the California Legislature has imposed a default contribution-limit for elected city offices. The default amount is set at \$4,700 per contributor, per election year. Cities may impose their own contribution limits in a different amount for elected city offices and administer and enforce those limits.

The City's contribution-limit defaulted to the state contribution-limit on Jan 1, 2021 and will remain in place unless the Council directs Staff to bring back an ordinance for adoption by the Council, adopting a different contribution limit.

The City Attorney and Staff are available to answer questions from Council as to the applicability or interpretation of the law or policy.

### **City Ticket Policy: Recently Updated in September 2022**

At its September 15 meeting, the City Council amended the City's ticket-distribution policy to comply with changes to FPPC regulation 18944.1. No further changes are needed at this time.

Notably, state regulations clarify that City officials may not make "disproportionate use" of City-controlled tickets. City officials may not sell or otherwise transfer the tickets to others and may only use the tickets for themselves and their immediate family (spouse or significant other, dependent children) or one guest.

### **City Campaign Contribution Reporting**

The City has long required Councilmembers to report campaign contributions from donors who have an interest in items before the Council. Now state law requires reporting and recusal in some cases. (See Reso. No. 2022-36, sec. (K)(2); see also Council Policy Manuals prior to 2022.)

Senate Bill 1439 (2022) took effect on January 1, thereby extending California's Levine Act's conflict and recusal rules to members of the Council. As a result, a Councilmember must recuse herself or himself from any proceeding that involves someone who donated \$250 or more to the Councilmember's campaign at any time during the 12 months before the proceeding. The FPPC has since clarified that campaign contributions that are

received in 2022 are *not* subject to SB 1439 because the contributions were made before the new law took effect.

To comply with SB 1439, please track all contributions to your campaigns after January 1, keep a list of donors, check your list against the potential stakeholders with an interest in items that come before the Council on future agendas, and be prepared to announce that you received a contribution of \$250 or more from that party or participant (if you did) and to recuse yourself in accordance with state law. Please also stay aware of which parties or participants have items pending before the Council (or who did, within the last three months) and be prepared to reject or return any campaign contribution in excess of the statutory limit.

The City's own campaign-contribution reporting requirements remain unchanged. (See Reso. No. 2022-36, sec. (K)(2) ["All all meetings, each Council Member shall report any campaign contribution that the Council Member received from a person who is directly involved in an item on the agenda."].) Please note that this reporting-only policy applies regardless of amount or timing of donation.

If you have questions the City Attorney and staff can assist you.

### **ATTACHMENTS:**

1. Reso. No. 2022-36
2. FPPC – Local Gift Fact Sheet

**RESOLUTION NO. 2022-36****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA ADOPTING AN AMENDED TICKET DISTRIBUTION POLICY TO CONFORM WITH SECTION 18944.1 OF TITLE 2, CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION**

**WHEREAS**, the Fair Political Practices Commission ("FPPC") has adopted Section 18944.1, Title 2, California Code of Regulations ("Regulation 18944.1") to regulate the distribution and disclosure by public agencies of certain tickets and passes to public officials and employees; and

**WHEREAS**, Regulation 18944.1 provides that a ticket or pass distributed pursuant to an adopted policy and properly disclosed by the agency is not a gift to the public official and does not trigger a disclosure requirement on the official's Statement of Economic Interests, Form 700; and

**WHEREAS**, the City Council of the City of Indian Wells (the "City") adopted a ticket distribution policy entitled, "Distribution of City-Controlled Tickets to City Officials" (City Council Policy Manual Chapter 2.10) ("Policy"), pursuant to Regulation 18944.1 to provide for the distribution of such tickets or passes; and

**WHEREAS**, since that time, the FPPC amended Regulation 18944.1 in order to clarify the valuation of tickets and passes, and other policy requirements; and

**WHEREAS**, the distribution to and use of such tickets and passes by officials frequently serve legitimate governmental and/or public purposes; and

**WHEREAS**, from time to time, the City may receive complimentary or discounted tickets or passes from third party sources, both public and private, for distribution to City officials; and

**WHEREAS**, based on such practice and amended Regulation 18944.1, the City desires to update its Policy regarding the distribution of tickets and/or passes; and

**WHEREAS**, the proposed updated Policy incorporates the revisions to Regulation 18944.1 made by the FPPC since the adoption of the Policy to ensure that the Policy establishes a fair and equitable process for the distribution to City officials of such tickets and passes by the City, in compliance with the requirements of FPPC Regulations.

**NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The City Council of the City of Indian Wells hereby approves and adopts the City's amended Distribution of City-Controlled Tickets to City Officials Policy updated in accordance with FPPC Regulation 18944.1, and attached hereto as Exhibit "A."

**Section 3.** The City Manager is directed to implement this Policy.

**Section 4.** The Resolution shall take effect immediately upon adoption.

**Section 5.** All previous ticket distribution policies adopted by the City under Regulation 18944.1 are hereby repealed.

**Section 5.** The City Clerk shall certify the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Indian Wells, California at a regular meeting held on the 15th day of September 2022.

E-SIGNED by Dana Reed  
on 2022-09-16 14:47:56 PDT

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**DANA REED  
MAYOR**

**CERTIFICATION FOR RESOLUTION NO. 2022-36**

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 15<sup>th</sup> day of September 2022, by the following vote:

AYES: Balocco, Bernheimer, Griffith, Reed, Sanders  
NOES: None

**ATTEST:**

E-SIGNED by Angelica Avila  
on 2022-09-16 15:09:52 PDT

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**ANGELICA AVILA  
CITY CLERK**

**APPROVED AS TO FORM:**

E-SIGNED by Todd Leishman  
on 2022-09-16 15:04:06 PDT

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**TODD LEISHMAN  
CITY ATTORNEY**

**Exhibit "A"**

**CITY OF INDIAN WELLS  
DISTRIBUTION OF CITY-CONTROLLED TICKETS POLICY  
(following this page)**

**CITY OF INDIAN WELLS  
DISTRIBUTION OF CITY-CONTROLLED TICKETS POLICY**

**A. PURPOSE AND APPLICATION OF POLICY.**

The purpose of this Policy is to ensure that all Tickets distributed by the City are issued in furtherance of a valid governmental and/or public purpose of the City as required under Fair Political Practices Commission (“FPPC”) Regulation 18944.1. This Policy applies to Tickets which provide admission to an Event. This Policy shall be applicable to every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (FPPC Form 700) under state law or the City’s current Conflict of Interest Code.

This Policy only applies to the benefits the City Official receives by the admission and are not applicable to any other item of value provided. This Policy does not generally apply to political or nonprofit fundraisers which are governed under a separate FPPC Regulation. This Policy also does not apply to Tickets provided directly to or earmarked for the City Official or a certain class of City Officials.

**B. 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 be amended from time to time) and the FPPC regulations (Title 2, Division 6 of the California Code of Regulations, section 18110 *et seq.*, as the same may be amended from time to time).

“City” shall mean and refer to the City of Indian Wells and any other affiliated agency created or activated by the Indian Wells City Council.

“City Official” shall mean and refer to every member, elected officer, appointed officer, employee, or consultant of the City, as that term is defined by Government Code Section 82048 and FPPC Regulation 18701. This term shall include, without limitation, any City board, commission or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700). For the purposes of this Policy, this term shall also include a spouse serving a public purpose by accompanying a City Official to an Event and thereby serving as an ambassador of the City.

“Event” shall mean an event, show or performance for entertainment, amusement, recreational or similar purpose for which a Ticket is required to gain admission.

“FPPC” shall mean and refer to the California Fair Political Practices Commission.

“Immediate Family” shall mean and refer to spouse and dependent children as defined in Government Code section 82029.

“Policy” shall mean and refer to this “Ticket Distribution Policy.”

“Spouse” shall mean a husband or wife, domestic partner, similar significant other or any person with whom a Councilmember is in a bona fide dating relationship, as that term is used in FPPC Regulation 18942(18)(A).

“Ticket” shall mean and refer to a “ticket and/or pass” to an Event.

“Ticket Administrator” shall mean and refer to the City Manager or his/her designee.”

**C. GENERAL PROVISIONS.**

- 1) No Right to Tickets: The use of a Ticket is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- 2) Limitation on Transfer of Tickets: Tickets distributed to City Officials pursuant to this Policy shall not be transferred to any other person, except to members of such City Official’s immediate family or no more than one guest solely for their attendance at the event. Under no circumstances may either the City Official or a member of his or her immediate family sell or further transfer any Ticket provided under this Policy.
- 3) Return of Tickets or Reimbursement of City: Any City Official may return any Ticket unused to the City for redistribution pursuant to this Policy. In addition, a Ticket is not subject to the provisions of this Policy and is not a gift for the purposes of the FPPC Regulations, if the City Official reimburses the City for the ticket within 30 days of receipt.
- 4) Prohibition Against Sale of or Receiving Reimbursement for Tickets: No individual who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of the Ticket.
- 5) No Earmarking of Ticket Given to City: No Ticket gratuitously provided to the City by an outside source and distributed by the City to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for use by a particular City Official or a specific class of City Officials.
- 6) Limitation on Use: Any ticket or pass is deemed to serve a public purpose if distributed to a City Official, other than an elected official, for the City Official’s personal use in order to support general employee morale, to encourage retention, or to reward public service, if the ticket or pass is acquired by the City: (i) pursuant to a contract to use public property, (ii) because the City controls the event, or (iii) by purchase at fair market value. For purposes of this paragraph, "personal use" means use by the City Official, his or her family, or no more than one guest. Nothing in this section limits the receipt, distribution, and behest of tickets or passes by elected officials for any of the other public purposes.
- 7) Disproportionate Use of Tickets: A disproportionate use of Tickets by members of the City Council, political appointee, department heads, or City Manager is prohibited.
- 8) Valuation of Tickets: The value of any Ticket shall be the fair value of the Ticket. The “fair value” is the face value of the Ticket, or the price at which the Ticket would otherwise be offered for sale to the general public by the operator or host. Where the Ticket does not reflect

the actual cost for a Ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of Tickets available for that box or suite.

**D. TICKET ADMINISTRATOR.**

- 1) Designation of Ticket Administrator: The City Manager or his/her designee shall be the "Ticket Administrator" for purposes of implementing the provisions of this Policy.
- 2) Authority: The Ticket Administrator has the sole authority, in his or her discretion, to establish procedures for the distribution of Tickets supplemental to and in accordance with this Policy. All requests for tickets from City Officials which fall within the scope of the Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- 3) Implementation of Policy: The Ticket Administrator or his or her designee is hereby designated as having primary responsibility for distributing Tickets in his or her discretion to a reasonable number of City Officials in a manner that will best serve the City's interests and to persons whose attendance at a particular Event serves a specific governmental or public purpose.
- 4) Revoking/Suspending Ticket Privileges: The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of Tickets in accordance with this Policy.
- 5) Attendance: If available, the Ticket Administrator shall attend all events to which the City obtains control of Tickets as the City's primary staff representative.

**E. OFFICIAL DUTIES AND CEREMONIAL ROLES.**

Tickets provided to City Officials as part of their official duties, or Tickets provided so that the City Official can perform a Ceremonial Role must be reported on FPPC Form 802.

**F. SPECIFIC GOVERNMENTAL OR PUBLIC PURPOSE FOR TICKET DISTRIBUTION.**

The City Council has determined that there are certain times where a City Official's attendance serves a valid public purpose which benefits the City. The following is a list of the type of reasons which meet this requirement. The list is intended to be illustrative rather than exhaustive. The City may provide Tickets to or at the behest of a City Official for Events which serve any of the following public or governmental purposes:

- 1) Promote, evaluate, and provide management and/or official oversight of City-controlled, sponsored or supported events, activities, or community programs at City venues, including but not limited to evaluation of the venue, quality of performance and compliance with City policies, agreements, and other requirements. When a public purpose involves the oversight or inspection of facilities by a City Official, the City Official is required to provide a written inspection report and/or recommendation to be included in the City's Form 802.



- 2) Support sponsorship agreements involving Events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts or sponsors providing the necessary opportunities to meet and greet visitors, dignitaries, residents and guests.
- 3) Where the City, as a form on consideration for a written contract, has required that a certain number of Tickets be made available for City use.
- 4) Promote local and regional businesses, economic development and tourism activities within the City, including conventions and conferences.
- 5) Enhance City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- 6) Foster open government by City Official appearances, participation and/or availability at business and/or community events.
- 7) Improve intergovernmental relations by encouraging the members of the City Council, City staff, and their guests, where appropriate, to attend functions and events with the public officials of other entities, thereby fostering an open dialogue and better understanding of intergovernmental issues.
- 8) Increase public exposure to, and awareness of, the various public recreational, cultural, community and education facilities available to the public within the City.
- 9) Promote business activity with the City and/or highlight the achievements of local residents and businesses.
- 10) Promote business growth and development within the City, including economic development and job creation opportunities.
- 11) Facilitate outreach and recognition programs for veterans, teachers, emergency services, medical personnel, community organizations and other civil service occupations.
- 12) Encourage or reward significant academic, athletic, or public service achievements by Indian Wells students, residents, or businesses.
- 13) Promote community resources and private facilities, including charitable and nonprofit organizations facilities, available for use by City residents.
- 14) Promote, support and/or show appreciation for programs and services rendered by non-profit organizations benefiting Indian Wells residents.
- 15) Encourage volunteers to become members of City commissions, committees and boards and reward volunteer public service.
- 16) Attract and retain highly qualified employees in City service, recognize or reward meritorious service by a City employee, and/or promote enhanced City employee performance or morale.
- 17) The following is a non-exclusive list of specific business, community, and nonprofit Events in the City, where a City Official's presence has been determined to serve a valid public purpose.

This list is not intended to be exhaustive, but is merely illustrative of the types of Events where the distribution of tickets has been clearly authorized:

- a. BNP Paribas Open
- b. Desert Town Hall Lecture Series
- c. Indian Wells Arts Festival
- d. Doctor George Car Show

**G. TICKETS DISTRIBUTED AT THE BEHEST OF A CITY OFFICIAL.**

Only the following City Officials shall have the authority to behest tickets: City Council Members, City Manager and Department Heads.

Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in section above. If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets so distributed to attend the Event.

**H. PUBLIC PURPOSES RELATED TO BNP PARIBAS OPEN.**

Participation by City Officials in the ticketed events and activities hosted by the BNP Paribas Open is important to provide an opportunity for City leaders to be involved in the City's largest special event. By attending the two-week long activities, including the tournament, City Officials have the ability to meet and greet residents and visitors to the City. Moreover, City Officials are accountable for the funding and support that the City contributes to the BNP Paribas Open, and therefore some level of attendance during the tournament is necessary for City Officials to provide suggested improvements to Desert Champions LLC management staff and City staff that will enhance and improve the overall event and its economic and public impact on the City.

This Policy is not applicable to tickets to the BNP Paribas Open available to all City residents through the annual lottery.

**I. PUBLIC PURPOSES RELATED TO CITY SPONSORED EVENTS.**

Participation by City Officials in events wherein the City has made a monetary contribution and/or is a named sponsor is important. Such events serve to enhance the image of the City as a world-class destination resort. These events provide the public with access to many distinguished public and civic leaders as well as significant cultural enhancement. The active participation of City Officials at such events serves to attract additional resources and economic opportunities for this community. City Officials at such events represent the City in interacting with dignitaries and they meet and greet residents and visitors to the City. Moreover, City Officials are accountable for the funding and support that the City contributes to these events, and therefore some level of attendance is appropriate for City Officials to monitor and evaluate the effectiveness of the event and suggest ways in which events may be enhanced and improved to maximize the economic and public benefit to the City.

**J. DISCLOSURE REQUIREMENTS.**

It shall be the duty of the Ticket Administrator or his or her designee to ensure the City's compliance with Regulation 18944.1(d) pertaining to the reporting of the distribution of Tickets by a public agency to officials or officers of the City. The City shall complete a record of a Ticket distributed under this Policy on FPPC Form 802, including all the information as required under Regulation 19844.1, including but not limited to, the name of the transferee if the ticket was transferred as allowed under this Policy. The forms shall be maintained as a public record, be subject to inspection and copying under Section 81008(a), and within 45 days the City must post these forms on its website and email a website link to the FPPC that displays the form.

If the Ticket is distributed to a department or other unit of the City, and not used by a member of the City Council, the City Manager, political appointee, or department head, the City may report the name of the department or other unit of the City receiving the Ticket and the number of Tickets provided to the department or unit in lieu of reporting the name of the individual employee as otherwise required by Regulation 18944.1.

This Policy shall be maintained as a public record and is subject to inspection and copying under Section 81008. The City shall post this Policy on its website within 30 days of adoption or amendment and send to the FPPC by email the City's website link that displays the policy so that the FPPC may post the link.

**K. ANNUAL REVIEW OF TICKETS AND CAMPAIGN CONTRIBUTION REPORTING REQUIREMENT.**

- 1) At the first regular meeting or special meeting of the Council following the annual reorganization, the Council, with the assistance of the City Attorney and City Staff, shall conduct a review of applicable law and City policies pertaining to: (a) the acceptance of gifts, (b) the City's acceptance and distribution of tickets to sports, entertainment, charity and similar events.
- 2) At all meetings, each Council Member shall report any campaign contribution that the Council Member received from a person who is directly involved in an item on the agenda.



# Limitations and Restrictions on Gifts, Honoraria, Travel and Loans

## *A Fact Sheet For*

- ♦ Local Elected Officers and Candidates for Local Elective Offices
- ♦ Local Officials Specified in Government Code Section 87200
- ♦ Judicial Candidates
- ♦ Designated Employees of Local Government Agencies

## California Fair Political Practices Commission

Toll-free advice line: 1 (866) ASK-FPPC

Email advice: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov)

Web site: [www.fppc.ca.gov](http://www.fppc.ca.gov)

October 2021

# Introduction

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- Local elected officers and other local officials specified in Government Code Section 87200,<sup>2</sup> excluding judges;<sup>3</sup>
- Designated employees of local government agencies (i.e., individuals required to file statements of economic interests under a local agency's conflict of interest code); and
- Candidates<sup>4</sup> for any of these offices or positions and judicial candidates. (Sections 89502 and 89503.)

The Act also imposes limits and other restrictions on personal loans received by certain local officials.

The gift limit increased to \$520 for calendar years 2021 and 2022. The gift limit in 2020 was \$500.

This fact sheet summarizes the major provisions of the Act concerning gifts, honoraria, travel, and loans. It contains highlights of the law, but does not carry the weight of law. For more information, contact the Fair Political Practices Commission at (866) 275-3772 or [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) or visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). Commission advice letters are available on our website. Public officials may also be subject to local restrictions on gifts, honoraria, or travel.

## Enforcement

**Failure to comply with the laws related to gifts, honoraria, loans, and travel payments may, depending on the violation, result in criminal prosecution and substantial fines, or in administrative or civil monetary penalties for as much as \$5,000 per violation or three times the amount illegally obtained. (See Sections 83116, 89520, 89521, 91000, 91004 and 91005.5.)**

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> Local officials specified in Government Code Section 87200 include: members of boards of supervisors and city councils, mayors, city/county planning commissioners, city/county chief administrative officers, city/county treasurers, district attorneys, county counsels, city managers, city attorneys, court commissioners and public officials who manage public investments.

<sup>3</sup> The gift limits and honoraria ban in the Political Reform Act do not apply to a person in their capacity as judge. However, candidates for judicial offices are subject to the restrictions contained in the Political Reform Act. (Sections 89502 and 89503.)

<sup>4</sup> For purposes of the gift limit and honoraria prohibition, an individual becomes a "candidate" when they file a statement of organization (Form 410) as a controlled committee for the purpose of seeking elective office, a candidate intention statement (Form 501), or a declaration of candidacy, whichever occurs first. If an individual is an unsuccessful candidate, they will no longer be subject to the gift limit and honoraria prohibition when they have terminated their campaign filing obligations, or after certification of election results, whichever is earlier. (Sections 89502(b) and 89503(b).)

# Gifts

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## Limitations

Local elected officers, candidates for local elective office, local officials specified in Government Code Section 87200, and judicial candidates, may not accept gifts from any single source totaling more than \$520 in a calendar year. (Section 89503.)<sup>5</sup>

Employees of a local government agency who are designated in the agency's conflict of interest code may not accept gifts from any single source totaling more than \$520 in a calendar year if the employee is required to report receiving income or gifts from that source on their statement of economic interests (Form 700). (Section 89503(c).)

## What is a "Gift"?

A "gift" is any payment or other benefit that confers a *personal* benefit for which a public official does not provide payment or services of equal or greater value. A gift 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. (Section 82028.) (See Regulation 18946 for valuation guidelines.)

Except as discussed below, a public official has "received" or "accepted" a gift when they have actual possession of the gift or when they take any action exercising direction or control over the gift, including discarding the gift or turning it over to another person. This includes gifts that are accepted by someone else on the official's behalf and gifts made to others at the direction of the official. (Regulation 18941.)

## Gifts to Family Members

Under certain circumstances, a gift to an official's family member\* is considered a gift to the official. (Regulation 18943.) Anything given to a family member is presumed to be a gift to the official if: (1) there is no established relationship between the donor and the family member where it would generally be considered appropriate for the family member to receive the gift or; (2) the donor is someone who lobbies the official's agency, is involved in an action before the official's agency in which the official may foreseeably participate, or engages in business with the agency in which the official will foreseeably participate. (Wedding gifts are treated differently, see below.)

\*For purposes of this rule, an official's "family member" includes the official's spouse; registered domestic partner; any minor child of the official who the official can claim as a dependent for federal tax purposes; and a child of the official who is aged 18 to 23 years old, attends school, resides with the official when not attending school, and provides less than one-half of their own support.

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<sup>5</sup> The gift limit is adjusted biennially to reflect changes in the Consumer Price Index. For 2021-2022, the gift limit is \$520. (Section 89503; Regulation 18940.2.) Gifts from a single source aggregating to \$50 or more must be disclosed, and gifts aggregating to \$520 or more during any 12-month period may subject an official to disqualification with respect to the source. (Section 87103(e).) Designated employees should obtain a copy of their conflict of interest code from their agency. Some conflict of interest codes require very limited disclosure of income and gifts. Gifts from sources that are not required to be disclosed on the Form 700 are not subject to the \$520 gift limit but still may subject the public official to disqualification.

## Source of Gift

Under most circumstances, it is clear who the source of a gift is, but if the circumstances indicate that the gift is being provided by an intermediary, the public official must determine both the donor and the intermediary in reporting the gift. Regulation 18945 provides the rules for determining the source of the gift.

## Gifts from Multiple Sources

In determining the cumulative value of any reportable gifts, separate gifts from an individual and an entity that the individual controls must be aggregated as one source to comply with the reporting and limit requirements. For example, separate gifts from the owner of a company and from the company itself would be treated as if from one source if the owner has more than a 50 percent interest in the company, unless the making of the gift was determined by someone else in the company. In that case, the gift from the company would be aggregated with any gifts made by that determining individual. (Regulation 18945.1.)

Group gifts, where a public official receives a single gift from multiple donors (such as a retirement gift from coworkers), need not be reported unless any person contributes \$50 or more to the total cost of the gift. In that case, the public official would only report a gift from each of those persons. (Regulation 18945.2.)

## Valuing Gifts

The general rule for determining the value of a gift is to apply the fair market value at the time the gift is received. Fair market value can be determined by finding any local or Internet advertisement for the item. Special exceptions to the fair market value rule are contained in Regulations 18946.1 through 18946.5 covering admission to ticketed and invitation-only events, wedding gifts, attendance at nonprofit and political fundraisers, and air travel. (Regulation 18946.) For example, for ticketed events, the value is the face value of the ticket.

## General Gift Exceptions

Form 700 Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
No	No	No	No

The following payments are exceptions to the definition of gift and are not considered gifts or income.

- 1. Return or Reimbursement of Gift.** Items that are returned (unused) to the donor, or for which the public official reimburse the donor, within 30 days of receipt. (Section 82028(b)(2); Regulation 18941.)
- 2. Donation of Gift to Nonprofit Group.** Items that are donated (unused) to a non-profit, tax-exempt (501(c)(3)) organization in which the official (or immediate family member) does not hold a position, or to a government agency, within 30 days of receipt without claiming a deduction for tax purposes. (Section 82028(b)(2); Regulation 18941.)
- 3. Gifts from Family.** Gifts from the public official's spouse (or former spouse), child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin or the spouse of any such person, unless they are acting as an agent or intermediary for another person who is the true source of the gift. (Section 82028(b)(3); Regulation 18942(a)(3).) This exception includes great grandparents, great uncles and aunts, great nieces and nephews, and first cousins once removed.
- 4. Informational Material.** Informational material provided to assist the public official in the performance of their official duties, including books, reports, pamphlets, calendars, periodicals, videotapes, or free admission or discounts to informational conferences or seminars.

“Informational material” may also include scale models, pictorial representations, maps, and other such items. However, if the item’s fair market value is more than \$-520, the public official has the burden of demonstrating that the item is informational. In addition, on-site demonstrations, tours, or inspections, including air flights over an area that is the subject of the information and designed specifically for public officials, are considered informational material. However, this exception does not apply to meals or lodging. Furthermore, the exception generally does not apply to transportation to the site, except for any portion of the transportation that is not commercially available. (Section 82028(b)(1); Regulations 18942(a)(1) and 18942.1.)

5. **Inheritance.** A devise or inheritance. (Section 82028(b)(5); Regulation 18942(a)(5).)

6. **Campaign Contributions.** Campaign contributions to an official, including rebates or discounts received in connection with campaign activities (Section 82028(b)(4); Regulations 18942(a)(4), 18950(a) and 18950.3(a)) and permissible expenditures of campaign funds for campaign-related expenses, including payments for transportation, lodging or food (Regulations 18950(a) and 18950.3(b)), provided they comply and are properly reported in accordance with applicable campaign finance laws.

7. **Plaques.** Personalized plaques and trophies with an individual value of less than \$250. (Section 82028(b)(6); Regulation 18942(a)(6).)

8. **Ceremonial Role.** Free admission to a ticketed event (including any benefits included in the price of the ticket such as a free meal) for the official and one guest at an event where the official performs a ceremonial role, such as throwing out the first pitch at a Dodgers’ game, so long as the official’s agency complies with the posting provisions set forth in Regulation 18944.1(d). (Regulation 18942(a)(13); Regulation 18942.3; also see discussion of Form 802 below under “Gifts Exceptions Requiring Alternate Reporting.”)

9. **Event Where Official Makes a Speech.** Free admission, and food and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to all attendees, at the event at which the official makes a speech (as defined in Regulation 18950(b)(2)), so long as the admission is provided by the person who organizes the event. (Regulation 18942(a)(11).)

10. **Attending Wedding Reception.** Benefits received as a guest attending a wedding reception where the benefits are the same as those received by the other guests at the reception. (Regulation 18942(a)(15).)

11. **Bereavement Offerings.** Bereavement offerings, such as flowers at a funeral received in memory of a close family member. (Regulation 18942(a)(16).)

12. **Acts of Neighborliness.** Benefits received as an act of neighborliness such as the loan of an item, an occasional ride, or help with a repair where the act is consistent with polite behavior in a civilized society and would not normally be part of an economic transaction between like participants under similar circumstances. (Regulation 18942(a)(17).)

13. **Campaign or Nonprofit Fundraiser.** Two tickets for admission, for use by only the official and one guest, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket(s) must be received from the organization or committee holding the fundraiser. (Regulation 18946.4.)

14. **Unused Passes or Tickets.** Passes or tickets that provide admission or access to facilities, goods, services, or other benefits (either on a one-time or repeated basis) that the public official does not use and do not give to another person. (Regulation 18946.1.)

15. **Items Provided to Government Agency.** Subject to certain conditions, items provided to a government agency and used by public officials in the agency for agency business. This may include



passes or tickets to (see Regulation 18944.1) or payments for other types of items or activities (see Regulation 18944). An agency must disclose specified payments on a form provided by the FPPC and post the form on its website. (See discussion of Forms 801 and 802 below under “Gift Exceptions Requiring Alternate Reporting.”) Contact the FPPC for detailed information.

**16. Emergency Leave Credits.** Leave credits (e.g., sick leave or vacation credits) received under a bona fide catastrophic or emergency leave program established by the public official's employer and available to all employees in the same job classification or position. Donations of cash are gifts and are subject to limits and disclosure. (Regulation 18942(a)(9).)

**17. Disaster Relief.** Food, shelter, or similar assistance received in connection with a disaster relief program. The benefits must be received from a governmental agency or charity and must be available to the general public. (Regulation 18942(a)(10).)

**18. Agency Raffle.** Items awarded in an agency raffle received by the agency from an employee who is not acting as an intermediary for another donor. This exception applies when an agency holds an employee raffle and the item awarded in the raffle has been obtained with agency funds, or is otherwise an asset of the agency and not donated to the agency by a non-agency source. This exception does not apply to passes or tickets of the type described in Regulation 18944.1. (Regulation 18944.2(a) and (b).)

**19. Employee Gift Exchange.** Items received by an employee during an employee gift exchange, so long as the items received are provided by another employee of the agency and the gifts are not substantially disproportionate in value. (Regulation 18944.2(c).)

**Limited Gift Exceptions**

Form 700 Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
No	No	No	No

**1. Home Hospitality.** Gifts of hospitality including food, drink or occasional lodging that an official receives in an individual's home when the individual or a member of their family is present. (Regulation 18942(a)(7).) For this exception to apply, the official must have a relationship, connection or association with the individual providing the in-home hospitality that is unrelated to the official's position and the hospitality must be provided as part of that relationship. Generally, this means functions like children's birthday parties, soccer team parties, neighborhood barbeques, etc., where other guests attend who are not part of the lobbying process. (Regulation 18942.2.)

**2. Reciprocal Holiday Gifts.** Gifts commonly exchanged between an official and another individual on holidays, birthdays, or similar occasions to the extent that the gifts exchanged are not substantially disproportionate in value. (Regulation 18942(a)(8)(A).)

**3. Reciprocal Exchanges.** Reciprocal exchanges between an official and another individual that occur on an ongoing basis so long as the total value of payments received by the official within the calendar year is not substantially disproportionate to the amount paid by the official and no single payment is \$520 or more. For example, if two people get together regularly for lunches and rotate picking up the lunch tab so that each pays approximately half the total value over the course of the calendar year, no gift need be reported. (Regulation 18942(a)(8)(B).)

**4. Dating Relationship.** Personal benefits commonly received from a dating partner. These gifts are not disclosable or limited but are subject to disqualification under the conflict of interest laws if the dating partner has certain business before the official as set forth in Regulation 18942(a)(18)(D). (Regulation 18942(a)(18)(A).)

**5. Acts of Human Compassion.** Assistance, financial or otherwise, to offset family medical or living expenses that the official can no longer meet without private assistance because of an accident, illness, employment loss, death in the family, or other unexpected calamity; or to defray expenses associated with humanitarian efforts such as the adoption of an orphaned child, so long as the source of the donation is an individual who has a prior social relationship with the official of the type where it would be common to provide such assistance, or the payment is made without regard to official status under other circumstances in which it would be common to receive community outreach. (Regulation 18942(a)(18)(B).) This exception does not apply if the person providing the benefit to the official is an individual who otherwise has business before the official as set forth in Regulation 18942(a)(18)(D).

**6. Long-Time Friend.** Benefits received from a long-time personal friend where the gift is unrelated to the official's duties. The exception does not apply if the individual providing the benefit to the official is involved in some manner with business before the official. (Regulation 18942(a)(18)(C).) This exception does not apply if the person providing the benefit to the official is an individual who otherwise has business before the official as set forth in Regulation 18942(a)(18)(D).

**7. Existing Personal Relationship.** Benefits received from an individual where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made that the official makes or participates in the type of governmental decisions that may have a reasonably foreseeable material financial effect on the individual who would otherwise be the source of the gift. (Regulation 18942(a)(19).)

**Very Limited Gift Exception**

Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
Yes - ½ value as gift	Yes	No	No

**Wedding Gifts.** Wedding gifts are not subject to the \$520 gift limit. However, wedding gifts are reportable, but for purposes of valuing wedding gifts, one-half of the value of each gift is attributable to each spouse. (Regulation 18946.3.)

**Gift Exceptions Requiring Alternate Reporting**

Form 700 Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
Yes - As Income	Yes	No	No

**Prize or Award.** A prize or award received in a bona fide contest or competition, or game of chance. **Note: Unlike the other exceptions, payments that fall into this exception must be reported as income if valued at \$500 or more.** To qualify for this exception the contest or competition must be unrelated to the official's duties. (Regulation 18942(a)(14).)

**Agency Reports**

Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
Yes - On 801 or 802	No	No	No

The following exceptions are also applicable to payments made to a government agency that are used by officials in the agency under certain conditions to conduct agency business. These types of payments are not treated as gifts or income to the officials who use them, so long as the payments meet certain conditions and they are reported by the officials' agency. These reports must appear on either a Form 801 or Form 802, instead of the official reporting the items on a statement of economic interests (Form 700).

**Form 801 – Payment to Agency Report:** This form covers gifts or donations made to an agency and used by one or more officials in the agency for agency business. This may include travel payments, reimbursements, or other uses by an official, but does not cover tickets or passes providing admission to an entertainment or sporting event, which are reported on the Form 802 (discussed below). If the payment meets the requirements of Regulations 18944 or 18950.1, the agency must report it on a Form 801 and the item is not reported on the individual’s statement of economic interests (Form 700). (Regulations 18944 and 18950.1.)

**Form 802 – Agency Report of Ceremonial Role Events and Ticket/Pass Distributions:** This form covers gifts or donations made to an agency that provide tickets or passes to an agency official for admission to an entertainment or sporting event. For the ticket or pass to be exempt from reporting on the individual’s statement of economic interests (Form 700), the agency must have a written policy stating the public purpose for distribution of the tickets. The ticket or pass cannot be earmarked by the original source for use by a particular agency official and the agency must determine, in its sole discretion, which official may use the ticket or pass. (Regulation 18944.1.) The Form 802 is also used to report tickets provided for officials who perform a ceremonial role on behalf of the agency.

**Behested Payments Reports**

Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
Yes - Form 803 Behested Payment	No	No	No

**Behested Payments.** Generally, payments made at the behest of an official that do not confer a personal benefit on an official such as those made by a third party to co-sponsor an event, or that are principally legislative, governmental or charitable in nature, are not gifts. However, when a local elected officer is making the behest, in some cases these payments may be considered “behested payments” under Section 82004.5 and require disclosure by that elected officer.

**Form 803 – Behested Payment Report**

- Behested payments are payments made principally for legislative, governmental, or charitable purposes. These payments are not for personal or campaign purposes. For example, a local elected official may ask a third party to contribute funds to a school in her district, or to a job fair or health fair.
- Generally, a donation will be “made at the behest” if it is requested, solicited, or suggested by the elected officer or member of the Public Utilities Commission, or otherwise made to a person in cooperation, consultation, coordination with, or at the consent of, the elected officer or PUC member. This includes payments behested on behalf of the official by their agent or employee.
- A behested payment does not include payments to an official from a local, state, or federal government agency for use by the official to conduct agency business. For example, free parking provided by a governmental entity to an official for agency business is not a behested payment and is not subject to reporting.
- Behested payments totaling \$5,000 or more from a single source in a calendar year must be disclosed by the official on a Form 803, which is filed with the official’s agency within 30 days of the date of the payment(s). (Section 82015; Regulation 18215.3.)

# Honoraria

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## What is an “Honorarium”?

An “honorarium” is any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. An honorarium includes gift cards or any gift of more than nominal benefit provided in connection with an activity described above. An honorarium does not include items of nominal value such as a pen, pencil, note pad, or similar item. (Section 89501; Regulation 18932.4(e).)

A “speech given” means a public address, oration, or other form of oral presentation, including participation in a panel, seminar, or debate. (Regulation 18931.1.)

An “article published” means a nonfictional written work: 1) that is produced in connection with any activity other than the practice of a bona fide business, trade, or profession; and 2) that is published in a periodical, journal, newspaper, newsletter, magazine, pamphlet, or similar publication. (Regulation 18931.2.)

“Attendance” means being present during, making an appearance at, or serving as host or master of ceremonies for any public or private conference, convention, meeting, social event, meal, or like gathering. (Regulation 18931.3.)

The Act and Commission regulations provide certain exceptions to the prohibition on honoraria. (Section 89501(b); Regulations 18932 –18933.).

## The Prohibition

Local officials specified in Section 87200 (see page 2) are prohibited from receiving any honoraria payments. Officials and employees of local agencies who file statements of economic interests (Form 700) under the agency’s conflict of interest code (“designated employees”) may not receive honoraria payments from any source if the employee would be required to report income or gifts from that source on the Form 700, as outlined in the “disclosure category” portion of the conflict of interest code. (Section 89502.)

## Honoraria Exceptions that also apply to gifts and income

1. **Returned.** An honorarium that the public official returns (unused) to the donor or the donor’s agent or intermediary within 30 days. (Section 89501(b); Regulation 18933.)
2. **Donated to General Fund.** An honorarium that is delivered to the official’s local agency within 30 days for donation to the agency’s general fund and for which the public official does not claim a deduction for income tax purposes. (Section 89501(b); Regulation 18933.)
3. **Made to Nonprofit Organization.** A payment that is not delivered to the public official but is made directly to a bona fide charitable, educational, civic, religious, or similar tax-exempt, non-profit organization. However:
  - The official may not make the donation a condition for their speech, article, or attendance;
  - The official may not claim the donation as a deduction for income tax purposes;
  - The official may not be identified to the non-profit organization in connection with the donation; and
  - The donation may have no reasonably foreseeable financial effect on the public official or on any member of their immediate family. (Regulation 18932.5.)

**4. Payment from Family Member.** A payment received from the public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person. However, a payment that would be considered an honorarium is prohibited if one of these persons is acting as an agent or intermediary for someone else. (Regulation 18932.4(b).)

**5. Payment for Performance or Book.** Payments received for a comedic, dramatic, musical, or other similar artistic performance, and payments received for the publication of books, plays, or screenplays. (Regulations 18931.1 and 18931.2.)

**6. Reimbursement for Travel Where Official Provides Consideration.** Reimbursements for reasonable travel expenses provided to the public official by a bona fide non-profit, tax-exempt (501(c)(3)) entity for which the public official provides equal or greater consideration. The payment would also be exempt from the definition of income under Section 82030(b)(2). (See discussion under "Travel Payments" below.)

**Honoraria Exceptions where the payment may still be considered income (or a gift, if consideration of equal or greater value is not provided by the official)**

**1. Admission to Event Where Official Gives Speech.** Free admission, and refreshments and similar non-cash nominal benefits, provided to an official during the entire event at which they give a speech, participate in a panel or provide a similar service, and in-California transportation and necessary lodging and subsistence provided directly in connection with the speech, panel or service, including meals and beverages on the day of the activity. (Regulation 18932.4(e).)

**2. Earned Income from a Business.** Income earned and payments for travel made in connection with personal services rendered by the official if the services are provided in connection with a bona fide business, trade, or profession — such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting — and the services are customarily provided in connection with the business, trade, or profession. (Section 89506(d)(3) and Regulations 18950(a) and 18950.2.)

This exception does not apply if the sole or predominant activity of the business, trade, or profession is making speeches. In addition, the public official must meet certain criteria to establish that they are conducting or in a bona fide business, trade, or profession (such as maintenance of business records, licensure, proof of teaching position) before a payment received for personal services which may meet the definition of honorarium would be considered earned income and not an honorarium. (Section 89501(b); Regulations 18932 – 18932.3.) Earned income is required to be reported. Contact the FPPC for detailed information.

**3. Travel from a Government Agency.** Travel payments provided to the public official by their government agency or by any state, local, or federal government agency which would be considered income and not a gift. (Section 89506(d)(2).) See discussion under "Travel Payments" below.

# Travel Payments Exceptions

Generally, when an official receives a payment (including reimbursement) for their travel, that payment is a reportable gift or income under the Act. The term “travel payment” includes payments, advances, or reimbursements for travel, including actual transportation, parking and related lodging and subsistence. (Section 89506(a).)

If the payment is a gift, it is also normally subject to the Act’s \$520 gift limit. If the payment is income, it may, in some cases, be an honorarium. Whether a payment is a gift or income, the official may be required to disqualify themselves from any decision that will have a foreseeable materially financial effect on the source.

## Certain Travel Payments are not a Gift, Income or Honorarium

Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
No	No	No	No

The following travel payments are not a gift, income or honorarium under the Act and Commission regulations and are thus not reportable, potentially disqualifying, or subject to any of the Act’s gift limits or the honorarium ban.

- 1. Travel from a Non-Reportable Source.** A payment for travel from a source that is not reportable on the official’s statement of economic interests (Form 700) based on the provisions of the conflict of interest code of the official’s agency.
- 2. Travel from Government Agency for Training.** A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes. (Regulation 18950(a) and (c)(2).)
- 3. Sharing a Ride with Another Official.** A payment for travel provided to the official in a vehicle or aircraft owned by another official or agency when each official is traveling to or from the same location for an event as a representative of their respective offices. (Regulation 18950(a) and (c)(3).)
- 4. Certain Travel from a Government Agency or 501(c)(3).** Travel payments provided to the official by any state, local, or federal government agency as part of the official’s employment with that agency or provided to the official by a bona fide non-profit, tax-exempt (501(c)(3)) entity for which the official provides equal or greater consideration. (Section 82030(b)(2).) Any person who claims to have provided consideration has the burden of proving that the consideration received is of equal or greater value.
- 5. Travel for Official Agency Business.** Certain payments made to an agency to cover the travel expenses of an employee who travels in the course of carrying out agency business are not gifts to the official because these payments do not provide a “personal benefit” to the official. For this exception to apply, the agency must report the payment on a Form 801 and the amount and purpose for using the payments are restricted by the provisions set forth in Regulation 18950.1.
- 6. Campaign Contribution.** A payment for travel that constitutes a campaign contribution to an official (Sections 82015, 82028(b)(4); Regulations 18215, 18942(a)(4), 18950(a) and 18950.3(a)), and permissible expenditures of campaign funds for campaign-related travel (Regulations 18950(a) and 18950.3(b)), provided they comply and are properly reported in accordance with applicable campaign finance laws.

**7. Travel Payments Fulfilling Terms of Contract.** Payments made to a governmental entity for travel expenses that are required to fulfill the terms of a contract. Neither the governmental entity nor the public official has a reporting obligation because consideration has been provided. (Section 82028; *Ratto* Advice Letter, No. I-14-057.)

**Certain Travel Payments are Reportable and may Subject the Official to Possible Conflicts of Interest, but are not Subject to the \$520 Gift Limit or Honoraria Ban of the Act.**

Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
Yes	Yes	No	No

**Travel for a Public Purpose Under Section 89506(a).** Any payments for actual transportation expenses and related lodging and subsistence that are made for a purpose reasonably related to: (1) A legislative or governmental purpose, or (2) An issue of state, national, or international policy so long as the travel is either

(a) *Travel for Speech.* In connection with a speech given by the official and the lodging and subsistence expenses are limited to the day immediately proceeding, the day of, and the day immediately following the speech and the travel is within the United States, or

(b) *Travel paid for by government agency or 501(c)(3) organization.* Provided by a government agency or authority, (including a foreign government), a bona fide public or private educational institution as defined in Section 203 of the Revenue and Taxation Code, or a nonprofit organization that qualifies under Section 501(c)(3) of the Internal Revenue Code or a foreign organization that substantially satisfies the criteria of that section.

These payments are still reportable on the Form 700 and may create a conflict of interest issue for the official.

**Payments for Travel in Connection with a Business**

Reporting	C/I § 87100	Honoraria Ban	\$520 Gift Limit
Yes - as Income	Yes	No	No

Payments for travel made in connection with personal services rendered by the official if the services are provided in connection with a bona fide business, trade, or profession — such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting — and the services are customarily provided in connection with the business, trade, or profession. (Section 89506(d)(3) and Regulations 18950(a) and 18950.2.)

# Loans

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Personal loans received by certain local officials are subject to limits and other restrictions, and in some circumstances, a personal loan that is not being repaid or is being repaid below certain amounts may become a gift to the official who received it.

## Limitations on Loans from Agency Officials, Consultants, and Contractors

**Officials Must Not Receive Loans from Agency Staff.** If the public official is a local elected officer or an official specified in Section 87200 (see page 2), they may not receive a personal loan that exceeds \$250 at any given time from an officer, employee, member, or consultant of their government agency or an agency over which their agency exercises direction and control. (Section 87460(a) and (b).)

**Officials Must Not Receive Loans from Agency Contractors.** In addition, the public official may not receive a personal loan that exceeds \$250 at any given time from any individual or entity that has a contract with their government agency or an agency over which their agency exercises direction and control. This limitation does not apply to loans received from banks or other financial institutions, and retail or credit card transactions, made in the normal course of business on terms available to members of the public without regard to their official status. (Section 87460(c) and (d).)

## Loans to Elected Officials Must be in Writing

In addition to the limitations above, if the public official is elected, they may not receive a personal loan of \$500 or more unless the loan is made in writing and clearly states the terms of the loan. The loan document must include the names of the parties to the loan agreement, as well as the date, amount, interest rate, and term of the loan. The loan document must also include the date or dates when payments are due and the amount of the payments. (Section 87461.)

## The following loans are not subject to these limits and documentation requirements:

1. **Campaign Loans.** Loans received by an elected officer's or candidate's campaign committee.
2. **Loans from Family Members.** Loans received from the public official's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person unless they are acting as an agent or intermediary for another person not covered by this exemption.

## Loans as Gifts

Under the following circumstances, a personal loan received by **any** public official (elected and other officials specified in Section 87200, as well as any other local official or employee required to file statements of economic interests) may become a gift and subject to gift reporting and limitations:

1. If the loan has a defined date or dates for repayment and has not been repaid, the loan will become a gift when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, the loan will become a gift if it remains unpaid when one year has elapsed from the later of:
  - The date the loan was made;
  - The date the last payment of \$100 or more was made on the loan; or
  - The date upon which the public official have made payments aggregating to less than \$250 during the previous 12 months. (Section 87462.)



**The following loans will not become gifts:**

- A loan made to an elected officer's or candidate's campaign committee. This loan would, however, be a campaign contribution and must be reported accordingly.
- A loan described above on which the creditor has taken reasonable action to collect the balance due.
- A loan described above on which the creditor, based on reasonable business considerations, has not undertaken collection action. (However, except in a criminal action, the creditor has the burden of proving that the decision not to take collection action was based on reasonable business considerations.)
- A loan made to an official who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.



# INDIAN WELLS CITY COUNCIL

## January 5, 2023

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**To:** City Council  
**From:** City Manager Department  
**Prepared by:** Chris Freeland, City Manager  
**Subject:** **Request to Place on a Future Agenda Discussion on Possible Changes to the Recreational Vehicle Permit Process**

### RECOMMENDED ACTION:

Council **DISCUSSES** and provides **DIRECTION** to staff.

### DISCUSSION:

Mayor Pro Tem Sanders requests a discussion relating to the current the City's recreation vehicle permit process. The Indian Wells City Council Policy Manual Section 3.01.030 addresses the process for a Council Member to request items for placement on the City Council Agenda.

*Section 3.01.030 PLACING ITEMS ON AGENDA. A Council member may request an Item be considered on a future agenda, verbally during a City Council meeting or by informing the City Manager. The request shall be submitted wherever reasonably possible at 14 calendar days in advance of a Council meeting. The item will be agendized at the next regularly scheduled meeting for consideration by the Council under the Council Reports section of the agenda with the initiating Council member's name. The Council Member may, at their discretion, prepare a written report.*

Per the City Council Policy Manual, Mayor Pro Tem Sanders has agendized a discussion on the recreational vehicle permit process.

### FISCAL IMPACT:

There is no fiscal impact.



# INDIAN WELLS CITY COUNCIL

## January 5, 2023

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**To:** City Council  
**From:** City Manager Department  
**Prepared by:** Chris Freeland, City Manager  
**Subject:** **Request to Place on a Future Agenda Discussion relating to the Indian Wells Golf Resort Management Agreement**

### RECOMMENDED ACTION:

Council **DISCUSSES** and provides **DIRECTION** to staff.

### DISCUSSION:

Councilmember Peabody requested City staff to add a discussion to the agenda relating to the Indian Wells Golf Resort Management Agreement. The Indian Wells City Council Policy Manual Section 3.01.030 addresses the process for a Council Member to request items for placement on the City Council Agenda.

*Section 3.01.030 PLACING ITEMS ON AGENDA. A Council member may request an Item be considered on a future agenda, verbally during a City Council meeting or by informing the City Manager. The request shall be submitted wherever reasonably possible at 14 calendar days in advance of a Council meeting. The item will be agendized at the next regularly scheduled meeting for consideration by the Council under the Council Reports section of the agenda with the initiating Council member's name. The Council Member may, at their discretion, prepare a written report.*

Per the City Council Policy Manual, Councilmember Peabody is requesting the City Council discuss and consider initiating a Request for Proposals (RFP) for the Indian Wells Golf Resort Management Agreement. In addition, Councilmember Peabody asked the following information to be added to this report.

- Troon Golf, LLC has served as the manager of the Indian Wells Golf Resort since 2009. Their existing contract expires in June 2024.
- Staff estimates that an RFP would take approximately six months to complete.

### FISCAL IMPACT:

There is no fiscal impact.



# INDIAN WELLS CITY COUNCIL

## January 5, 2023

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**To:** City Council  
**From:** City Manager Department  
**Prepared by:** Chris Freeland, City Manager  
**Subject:** **Request to Place on a Future Agenda Discussion Regarding Request for Proposals for City Attorney Services**

### RECOMMENDED ACTION:

Council **DISCUSSES** and provides **DIRECTION** to staff.

### DISCUSSION:

Request by Councilmember Ty Peabody to place on a future agenda a discussion regarding soliciting Request for Proposals (RFP) for City Attorney services. Indian Wells City Council Policy Manual Section 3.01.030 addresses the process for a Council Member to request items for placement on the City Council Agenda.

*Section 3.01.030 PLACING ITEMS ON AGENDA. A Council member may request an Item be considered on a future agenda, verbally during a City Council meeting or by informing the City Manager. The request shall be submitted wherever reasonably possible at 14 calendar days in advance of a Council meeting. The item will be agendized at the next regularly scheduled meeting for consideration by the Council under the Council Reports section of the agenda with the initiating Council member's name. The Council Member may, at their discretion, prepare a written report.*

Per the City Council Policy Manual, Councilmember Peabody has agendized a discussion on the initiation of a Request for Proposals for City Attorney services. In addition, Councilmember Peabody asked the following information to be added to this report.

- Best Best & Krieger has served as the City Attorney for the City of Indian Wells since 2004. The contract can be terminated by either party with a thirty-day notice.
- Staff estimates that an RFP would take approximately three months to complete.

### FISCAL IMPACT:

There is no fiscal impact.