



<b>Policy Title</b>	Complimentary Ticket or Pass Distribution Pursuant to Title 2 California Code of Regulations Section 18944.1		
<b>Policy Number</b>	2023-18	<b>Effective Date</b>	Original: March 2, 2023

**I. Purpose of Policy**

The purpose of this Policy Regarding Complimentary Ticket or Pass Distribution (“Policy”) is to establish a procedure for the distribution, use, and reporting of tickets or passes in compliance with Title 2, California Code of Regulations Section 18944.1 (“Section 18944.1”). Tickets or passes distributed and accounted for in compliance with this policy will not be considered gifts to a CPA Official, as defined below, who uses such tickets or passes.

**II. 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 FPPC Regulations and the Political Reform Act.

- A. “CPA” shall mean Clean Power Alliance of Southern California, and its Board of Directors, and committees, thereof.
- B. “CPA Board of Directors” is CPA’s governing body.
- C. “CPA Official” shall include every member of CPA’s Board of Directors and any official, officer, agent, or employee of CPA, including the Chief Executive Officer (CEO), who is obligated to file an annual Statement of Economic Interests (FPPC Form 700) under the Political Reform Act or CPA’s Conflict of Interest Code. For purposes of this policy, CPA Official shall also be deemed to include any political appointee, and any department head.
- D. “CPA Venue” shall mean and refer to any facility owned, controlled or operated by CPA.
- E. “FPPC” shall mean and refer to the California Fair Political Practices Commission.
- F. “FPPC Regulations” shall mean the Fair Political Practices Commission regulations contained in Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may be amended from time to time.
- G. “Immediate Family” shall mean the spouse and dependent children of a CPA Official. The term spouse includes registered domestic partners recognized by state law. The term dependent children shall mean a child, including a foster, adoptive, or step- child, who is under 18 years old and who the CPA Official is entitled to claim as a dependent on the CPA Official’s federal tax return.
- H. “Pass” shall mean a Ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public.

- I. "Policy" shall mean and refer to this Policy Regarding the Distribution of Complimentary Tickets or Passes Pursuant to Section 18944.1
- J. "Political Reform Act" shall mean 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.
- K. "Ticket" shall mean anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.

### III. Application

- A. This Policy shall be applicable to every CPA Official.
- B. This Policy governs the distribution of Tickets or Passes by CPA to a CPA Official, or at the behest of a CPA Official, that are either:
  - 1. Gratuitously provided to CPA by an outside source;
  - 2. Acquired by CPA at fair market value;
  - 3. Acquired by CPA as consideration pursuant to the terms of a contract; or
  - 4. Acquired and distributed by CPA in any other manner.
- C. This Policy does not apply to the following:
  - 1. *Other items of value.* Any other item of value provided to CPA or any CPA Official, regardless of whether received gratuitously or for which consideration is provided.
  - 2. *Sources other than CPA.* Tickets or Passes provided by sources other than CPA.
  - 3. *Reimbursement.* A Ticket or Pass distributed by CPA to a CPA Official if such CPA Official pays to CPA the fair value of the ticket within 30 days of receipt.
  - 4. *Earmarked Tickets.* A Ticket or Pass earmarked by an outside source for use by a specific CPA Official shall be reportable as a gift by any official receiving it who is subject to disclosure requirements under the Political Reform Act, applicable implementing FPPC Regulations, or under the CPA's Conflict of Interest Code.
  - 5. *Ticket or Pass Received as Income.* A ticket or pass is not subject to the provisions of this regulation, and not a gift for purposes of the Act, if it is taxable income to the official.

#### **IV. Administration and Ticket Administrator**

- A. The CPA Board of Directors delegates the authority to administer this Policy to the CEO or the CEO's designee(s), who shall be designated the Ticket Administrator.
- B. The Ticket Administrator shall have the authority, in the Ticket Administrator's sole discretion, to establish procedures for the distribution of Tickets or Passes in accordance with this Policy. All requests for Tickets or Passes that fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- C. The Ticket Administrator shall determine the fair value of Tickets or Passes distributed by CPA for purposes of reporting pursuant to Section IX of this Policy.
- D. The Ticket Administrator, in the Ticket Administrator's 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 or Passes.
- E. For the purpose of implementing this Policy, and completing and posting the FPPC Form 802, the Ticket Administrator shall be the "Agency Head." The Board Secretary is delegated responsibility for completing and posting the FPPC Form 802.

#### **V. Conditions for Ticket or Pass Distribution**

- A. The Ticket Administrator must distribute complimentary Tickets or Passes to CPA Officials only pursuant to this Policy.
- B. The Ticket or Pass cannot be earmarked by an outside source for use by specific CPA Official(s). The Ticket Administrator must determine, in its sole discretion, who uses the Ticket or Pass.
- C. The Ticket or Pass must be reported pursuant to Section IX of this Policy.
- D. The distribution of the Ticket(s) to, or at the behest of, the CPA Official must accomplish or further one or more of the following governmental and/or public purposes:
  - 1. Facilitating the performance of a ceremonial role or function by a CPA Official on behalf of CPA at an event, for which the CPA Official may receive enough Tickets or Passes for the CPA Official and each member of the CPA Official's Immediate Family or no more than one guest.
  - 2. Facilitating the attendance of a CPA Official at an event where the job duties of the CPA Official require the CPA Official's attendance at the event, for which the CPA Official may receive enough Tickets or Passes for each member of the CPA Official's Immediate Family or no more than one guest.
  - 3. Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.

4. Meeting and greeting individuals in CPA's service area to gain feedback on and make observations of the quality and awareness of CPA services or to gain insight into what CPA services that individuals would like to see CPA make available.
5. Economic or business development purposes on behalf of CPA.
6. Promotion of CPA resources and/or facilities available to CPA customers.
7. Promotion of CPA-run, sponsored, or supported community events, activities, or programs.
8. Monitor and evaluate the value of CPA-run, sponsored or supported community events, activities or programs, including, but not limited to, evaluation of the venue, quality of performances and compliance with CPA policies, agreements and other requirements.
9. Promotion and evaluation of events, activities or programs at CPA venues, including but not limited to evaluation of the venue, quality of performances and compliance with CPA policies, agreements and other requirements.
10. Promotion, support and/or demonstration of appreciation for programs or services rendered by charitable and non-profit organizations benefiting CPA customers.
11. Promotion of CPA brand recognition, visibility, and/or profile on a local, state, national or worldwide scale.
12. Encourage CPA customer support for and attendance at local events.
13. Encourage participants in CPA sponsored programs to attend local events.
14. Attract or reward volunteer public service.
15. Encourage or reward significant achievements of CPA customers.
16. Attract and retain highly qualified employees to CPA.
17. Encourage, recognize, or reward meritorious service by a CPA employee.
18. Furthering any other public purpose that CPA is required or authorized by law to pursue, any public purpose similar to those listed herein, any public purpose identified in any CPA contract or as may be determined by resolution of the Board of Directors.
19. As an incident to the above public purposes, allowing for the Immediate Family or no more than one guest of the CPA Official to accompany the CPA Official to events to accomplish any of the purposes listed in this Policy.

**VI. Tickets or Passes Distributed at the Behest of a CPA Official.**

- A. Any Tickets or Passes distributed at the behest of a CPA Official must accomplish one or more public purposes set forth in Section V.D. above.

B. If Tickets or Passes are distributed at the behest of a CPA Official, such CPA Official shall not use one of the Tickets or Passes so distributed to attend the event.

**VII. Other Benefits.** Other benefits, such as food or beverage or other gifts provided to the CPA Official that are not given to the general public as part of the Ticket or Pass admission, may need to be accounted for as gifts.

**VIII. General Requirements.**

A. No Right to Tickets or Passes: The use of complimentary Tickets or Passes is a privilege extended by CPA and not the right of any person to which the privilege may from time to time be extended.

B. Limitation on Transfer of Tickets or Passes: Tickets or Passes distributed to a CPA Official pursuant to this Policy may not be transferred to any other person except to members of such CPA Official's Immediate Family or no more than one guest solely for their attendance at the event. If a CPA Official transfers a Ticket or Pass he or she has received from CPA to another person, as opposed to returning the Ticket or Pass to CPA for redistribution, then the value of the Ticket or Pass they transfer shall constitute a gift to them and shall be reportable as provided by the FPPC Regulations.

C. Prohibition Against Sale of or Receiving Reimbursement for Tickets or Passes: No person who receives a Ticket or Pass pursuant to this Policy shall sell or receive reimbursement for the value of such Ticket or Pass.

D. No Disproportionate Use. There shall be no disproportionate use of Tickets or Passes by any CPA Official.

**IX. Posting and Disclosure Requirements**

A. Within 30 days of adoption or amendment of this Policy, the Policy shall be posted on CPA's website and a link to the website that displays CPA's Policy shall be e-mailed to the FPPC in order for the FPPC to post the link on its website.

B. Within 45 days of distribution of a Ticket or Pass, CPA must report the distribution on FPPC Form 802 containing the information required to be reported under Section 18944.1(d), and post the Form 802 on CPA's website, and a link to the website that displays CPA's Form 802 shall be e-mailed to the FPPC in order for the FPPC to post the link on its website.

C. This Policy and CPA's Form 802 is public record and is subject to inspection and copying under Government Code Section 81008.