



<b>Policy No.:</b> P200-19-1	<b>Type of Policy:</b> General
<b>Policy Title:</b> Ticket Distribution	
<b>Policy Description:</b> Distribution and Use of Tickets and Passes Received by the District	
<b>Approval Date:</b> 11/5/2019	<b>Last Review Date:</b> 2019
<b>Approval Resolution No.:</b> 38-19	<b>Next Review Date:</b> 2023
<b>Rescinded Resolution No.:</b> 82-15	<b>Rescinded Resolution Date:</b> 10/6/2015

The purpose of this policy of Dublin San Ramon Services District is to ensure that all tickets and/or passes accepted by Dublin San Ramon Services District (“DSRSD”) from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes as required pursuant to Fair Political Practices Commission (“FPPC”) Regulation 18944.1. <sup>1</sup>

## 1. Definitions

- a. “District” shall mean the Dublin San Ramon Services District.
- b. “District Official” shall mean each “Public Official” of the District as the latter term is defined by Government Code Section 82048 and FPPC Regulation 18701, as these sections may be amended from time to time. The term “District Official” shall include, without limitation, any “Public Official” required to file an annual Statement of Economic Interests (“FPPC Form 700”).
- c. “FPPC” shall mean the California Fair Political Practices Commission.
- d. “FPPC Regulations” shall mean the regulations of the FPPC set forth in Title 2, Division 6, of the California Code of Regulations.
- e. “Immediate Family” shall have the same meaning as set forth in Government Code Section 82029 and as the same may be amended from time to time.
- f. “Policy” shall mean this Ticket Distribution policy.

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<sup>1</sup>FPPC Regulation 18944.1 (2 California Code of Regulations Section 18944.1) sets out the circumstances under which a public agency’s distribution of tickets or passes for which no consideration of equal or greater value is provided by the public official or employee does not result in a gift to the public official or employee. Consideration of equal or greater value shall be presumed if the tickets or passes are distributed pursuant to this policy. Tickets or passes to an event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to the agency’s officials and employees who make use of such tickets and passes.

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- g. "Ticket" shall mean a "ticket" or a "pass" as those terms are defined in FPPC Regulation 18944.1 (currently by reference to Regulation 18946), as it may be amended from time to time.

**2. Tickets Covered by this Policy**

Tickets covered by this Policy include those:

- a. Gratuitously provided to the District by an outside source.
- b. Acquired by the District by purchase.

**3. Limitations and Exclusions**

- a. This Policy shall apply only if the Ticket is (i) not earmarked by the original source of the Ticket for use by the specific District Official who uses the Ticket and (ii) the General Manager or authorized designee determines in his or her sole discretion which District Official may use the Ticket.
- b. This Policy shall not apply to any other item of value provided to the District or District Official regardless of whether received gratuitously or for which consideration is provided as part of admission, such as food and beverages. Any such other item of value may be reportable on the District Official's FPPC Form 700 and be subject to state law and FPPC Regulations related to gifts to public officials.
- c. This Policy does not apply to a single Ticket or other admission to a specific fundraising event provided by a nonprofit organization holding its own fundraiser and used solely by the District Official.
- d. This Policy does not apply to any Ticket received by a District Official:
  - i. That the District Official treats as taxable income consistent with applicable state and federal income tax laws and regulations and the District reports the distribution of the Ticket as income to the District Official; or
  - ii. For which the District Official pays the fair market value, or for which the District Official reimburses the District in accordance with FPPC Regulations, or for which the District Official pays or reimburses the District for the fair market value; or
  - iii. That is a "gift" to the District Official in accordance with FPPC Regulations whether or not the District Official reports the gift on the District Official's FPPC Form 700; or
  - iv. Who attends an event as part of his or her job duties to assist a District Official who is performing a ceremonial role on behalf of the District.

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- e. The disproportionate use of Tickets by a member of the District Board of Directors, the General Manager, a department head, or a political appointee is prohibited.

#### 4. **Ticket Distribution for Public Purposes**

The distribution of any Ticket by the District to, or at the behest of, a District Official shall accomplish a public purpose as defined below, or where not listed herein, such other purpose as may be considered and approved by the District Board of Directors. The District may accomplish one or more of the following public purposes through the distribution of Tickets to, or at the behest of, a District Official:

- a. Support or promotion of the mission of the District.
- b. Sponsorships of events, activities, or programs of the District.
- c. Support or promotion events, activities, or programs of local water quality or wastewater programs and nonprofit organizations.
- d. Sponsorships or promotion of special events in accordance with another District policy.
- e. Promotion of District recognition, visibility, and/or profile on a local, state, or national scale.
- f. Spouses of or immediate dependents of a District Official in order to accompany or represent him or her to any of the items listed above.
- g. To support general employee morale, retention, or to reward public service, provided that that the recipient is not a member of the District Board of Directors, the General Manager, a department head, or a political appointee.

#### 5. **Designation of Agency Head**

For the purpose of implementing this Policy, and completing and posting the Agency Report of Ceremonial Role Event and Ticket/Pass Distributions ("FPFC Form 802"), the General Manager or authorized designee shall be the "Agency Head." As such:

- a. The General Manager or authorized designee shall have full authority to determine which District Official(s) may use Tickets, and to disclose the distribution of Tickets as provided in Section 9 below.
- b. The General Manager or authorized designee shall determine the value of the Ticket. Whether or not the Ticket states a face value or states something to the effect of "complimentary" or "promotional," the value of the Tickets will be based on the reasonable cost for attendance at such an event as determined by the General Manager or authorized designee, which may be the face value of the Ticket.

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- c. In such cases where the General Manager desires to use a Ticket, the District Board of Directors hereby authorizes the General Manager’s authorized designee to exercise the District’s sole discretion in determining whether the General Manager’s use or behest of the Ticket is in accordance with the terms of this Policy.

**6. Transfer, Sale, and Reimbursement Prohibitions**

The transfer by any District Official of any Ticket, distributed to such District Official pursuant to this Policy, to any other person, except to members of the District Official’s Immediate Family for their personal use, is prohibited. No person receiving a Ticket pursuant to this Policy shall be permitted to sell, receive reimbursement for the value of, or further transfer any Ticket.

**7. Return of Tickets**

Any District Official or any member of the District Official’s Immediate Family, or any person or entity receiving a Ticket at the behest of any District Official, may return any unused Ticket to the General Manager or authorized designee for redistribution pursuant to this Policy, provided such Ticket(s) is/are returned prior to the event taking place. A District Official is not required to report on FPPC Form 802 any Ticket returned pursuant to this Section prior to the event taking place. Any Ticket returned unused but after the event has taken place shall be deemed to have been used by the recipient and shall be reported as such on FPPC Form 802.

**8. Website Posting**

This Policy shall be posted on the District website in a prominent fashion.

**9. Website Disclosure**

The distribution of a Ticket pursuant to this Policy shall be posted on the District website in a prominent fashion within forty-five (45) days after the Ticket distribution. Such posting shall use FPPC Form 802 or such alternate form as from time to time the FPPC may designate, and in accordance with the reporting requirements specified under FPPC Regulation 18944.1(d). The link on the District’s website that displays the form shall be sent by e-mail to the FPPC so that it may post the website link. These forms must be maintained as public records and are subject to inspection and copying under Government Code Section 81008(a).