

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

POLICIES

ARTICLE 2 - ETHICS
PART 2.0 - ETHICS AND CONDUCT
SECTION 2.02 - DISTRIBUTION OF TICKETS AND PASSES BY THE AUTHORITY

PURPOSE: To establish a policy pursuant to Fair Political Practices Commission (“FPPC”) Regulation §18944.1 for the distribution of tickets and passes to members of the Board, officers, and employees of the San Diego County Regional Airport Authority (“Authority”).

BACKGROUND: The Political Reform Act regulates the receipt, limits and reporting of gifts received by public officials. Cal. Gov. Code §§ 81000 *et seq.* “Gift” is defined as “any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received . . .” Cal. Gov. Code §82028(a). Exceptions are listed in Cal. Gov. Code §82028(b). “Gifts” include tickets and passes that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose. However, FPPC Regulation 18944.1(b) provides that tickets or passes given to an official of a government agency by the official’s agency or a source other than the official’s agency will not be considered a gift when the distribution is made in accordance with certain specified conditions. This Policy enumerates the conditions stated in FPPC Regulation 18944.1(b).

POLICY STATEMENT:

- (1). Definitions. Unless otherwise provided herein, the words and terms used in this policy shall have the same meaning as that ascribed to such words and terms in the Political Reform Act, as amended, and FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, §§18110 *et seq.*, as amended).
 - (a) “Authority Official” shall mean any Board member, officer, or employee of the Authority.
 - (b) “Behest of” shall mean a request or order.
 - (c) “Form 700 Filer” shall mean any Authority Official required by the Authority’s Ethics Codes to file a Statement of Economic Interest Form 700 with the Clerk of the Authority.
 - (d) “Form 802” shall mean the current FPPC form used to report the distribution of a ticket or pass pursuant to this Policy.
 - (d) “Immediate Family” shall mean the spouse and dependent children of an Authority Official.

- (e) “Ticket/Pass Administrator” shall mean the Authority officer or employee designated by the President/CEO and charged with the responsibility of implementing and administering this Policy.

(2) Applicability and Objective of Policy.

- (a) Applicability. This Policy applies to tickets and passes distributed by the Authority to Authority Officials which provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose and which are either:

- [i] Gratuitously provided to the Authority by an outside source;
- [ii] Acquired by the Authority pursuant to the terms of a contract for use of Authority property;
- [iii] Acquired by the Authority because the Authority controls the event to which the ticket or pass provides admission;
- [iv] Purchased by the Authority at fair market value; or
- [v] Acquired from a third party at the behest of an Authority Official made to a third party.

- (b) Non-applicability. This Policy does not apply to:

- [i] Tickets or passes distributed by the Authority to persons other than Authority officials or organizations.
- [ii] Tickets or passes distributed by the Authority to Authority Officials in order to permit the receiving Authority Official to perform work or job functions at the event that are directly and substantially related to their employment with the Authority.
- [iii] Tickets or passes that are provided to an Authority Official by a source other than the Authority for admission to an event at which the Authority Official performs a ceremonial role or function on behalf of the Authority. FPPC Regulation §18944.1(a).
- [iv] Tickets or passes distributed by the Authority to an Authority Official and the receiving official treats the ticket or pass as income in accordance with applicable income statutes, the Authority reports the distribution of the ticket or pass as income, and distribution is reported on a Form 802. When the Authority Official is a designated Form 700 Filer, the official shall be responsible for determining whether the income represented by the ticket or pass must be reported on the official’s statement of economic interests.

[v] Any other benefit an Authority Official may receive at the event that is not included with the admission such as food or beverages or any other item presented to the official.

- (c) Objective. This Policy provides the terms and conditions under which tickets distributed by the Authority to Authority Officials will not be subject to the gift limitations and reporting requirements of the Political Reform Act.

(3). Policy for Distribution of Tickets or Passes.

- (a) Public Purpose. Each ticket or pass distributed pursuant to this Policy shall promote at least one of the following public purposes:

[i] Promotion of the Airport;

[ii] Increasing the use of the Airport by common air carriers;

[iii] Gathering public input on the Airport, aircraft use of the Airport, or Airport construction projects;

[iv] Promoting Airport safety and security;

[v] Promoting the Authority's relationship with local, regional, state, and federal government agencies;

[vi] Promoting the Authority's relationship with companies and organizations associated with the airline industry as well as actual and potential Airport tenants;

[vii] Encouraging and recognizing the participation of small and local business in contracting with the Authority;

[viii] Promoting and rewarding volunteer public service that assists the Authority or advances the interests of the Airport;

[ix] Attracting or retaining highly qualified Authority employees.

[x] Recognizing the meritorious service of Authority employees in advancing the interests of the Authority and/or the Airport.

- (b) Transfer of Tickets. An Authority Official who receives tickets or passes pursuant to this Policy shall not transfer any such ticket or pass to any other person, except to members of the Authority Official's immediate family solely for their personal use.

- (c) Authority Receipt of Tickets or Passes. All tickets or passes received by the Authority shall be processed in accordance with this Policy by the Ticket/Pass Administrator. The Ticket/Pass Administrator shall maintain a written record of

all tickets or passes received by the Authority. No Authority Official shall make a behest for tickets or passes from a third party without authorization from the President/CEO or the Ticket/Pass Administrator. The Authority shall take receipt only of tickets or passes that conform to the requirements of this Policy.

- (d) Distribution of Tickets. The Ticket/Pass Administrator shall establish procedures for the distribution of tickets or passes in accordance with this Policy. The distribution of tickets or passes shall be subject to the following requirements:

[i] For tickets and passes provided by an outside source:

[a] The original source of the ticket or pass shall not have designated the Authority Official to whom the ticket or pass is to be distributed. The Ticket/Pass Administrator shall refuse to accept any ticket or pass when the source of the ticket or pass designates the Authority Official to whom the ticket or pass is to be distributed.

[b] The Ticket/Pass Administrator shall determine the Authority Official to whom the ticket or pass is to be distributed. The Ticket/Pass Administrator shall not be eligible for receipt of a ticket or pass pursuant to this Code.

[ii] For all tickets and passes distributed by the Authority, the Ticket/Pass Administrator, within thirty (30) days of the distribution of each ticket or pass, shall:

[a] Report each ticket or pass distributed by the Authority pursuant to this Policy using Form 802;

[b] Take necessary action to cause each completed Form 802 to be posted, in prominent fashion on the Authority's website.

[Adopted by Resolution No. 2010-0037 dated April 1, 2010.]