

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

CODES

ARTICLE	2	-	ETHICS
PART	2.0	-	ETHICS AND CONDUCT
SECTION	2.10	-	PROHIBITED RECEIPT OF BENEFITS

(a) Definitions

(1) “**Benefit**” means any Honorarium, Gift or Travel Expense made to, or in the interest of, an individual or a member of the individual’s immediate family. The term Benefits does not include anything that (A) is returned unused to the donor or the donor’s agent or intermediary within thirty (30) calendar days of receipt, (B) is donated to a 501(c)(3) nonprofit organization that is unconnected to the official or official’s immediate family, or (C) falls within an exception to the definition of a gift under the California Political Reform Act or California Fair Political Practices Commission Regulations.

(2) “**Gift**” means any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and 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 without regard to official status.

(3) “**Honorarium**” means, except as provided below, 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. The term Honorarium does not include earned income for personal services that are customarily provided in connection with the practice of a bona fide business, trade or profession, such as teaching, practicing law, medicine, insurance, real estate, banking or building contracting, unless the sole or predominant activity of the business, trade or profession is making speeches.

(4) “**Travel Expenses**” means reasonable payments, advances or reimbursements for travel, including actual transportation and related lodging, food and beverages.

(b) Restrictions on Benefits

(1) No Board member or Employee shall request a Benefit from any person or entity or accept any Benefit intended to influence official duties.

(2) No Board member or Employee shall accept anything of value from anyone, other than the Authority or another Board member or Employee, for doing his or her job.

(3) No Board member or Employee shall accept Benefits aggregating more than one-half (1/2) the amount of gifts permitted under the California Political Reform Act in any calendar year from any single source:

(A) That the Board member or Employee knows or should know is doing business with the Authority or intends to do business with the Authority or has done business with the Authority during the previous twelve (12) months; or

(B) That the Board member or Employee knows or should know has or is seeking a contract, lease, license, permit, grant or benefit from the Authority; or

(C) That the Board member or Employee knows or should know is an agent (whether compensated or not) of any person or entity described in Subsections (A) or (B).

(4) No person designated in the Authority's Conflict of Interest Code shall accept an Honorarium from any source if that person would be required to report the receipt of income or Gifts from that source on his or her statement of economic interests pursuant to the Appendix to the Authority's Conflict of Interest Code.

(c) Acceptance of Benefits

(1) A Benefit is "accepted" when the recipient knows that he or she has either actual possession of the Benefit or takes any action exercising direction or control over the Benefit.

(2) In the case of a rebate or discount, a Benefit is "accepted" when the recipient receives the rebate or discount and knows that the rebate or discount is not made in the regular course of business to members of the public.

(3) Turning a Benefit over to another person does not negate receipt of acceptance of the Benefit.

(d) Exceptions to Restrictions on Benefits

The following are not considered Benefits for the purpose of this Section and are not subject to the restrictions of Subsection (b):

(1) A Gift or loan from an individual's spouse or former spouse; child or step-child; parent; grandparent or great grandparent; grandchild or great grandchild; brother; sister; current or former parent-in-law, brother-in-law, or sister-in-law; nephew; niece; aunt or uncle; including grand nephew, grand niece, grand aunt, or grand uncle, or first cousin including first cousin once removed or the spouse, or former spouse, of any such person other than a former in-law, unless the individual giving the Gift or making the loan is acting as an agent or intermediary for any person not identified in this Subsection (1).

(2) Gifts exchanged between a Board member or Employee and an individual, other than a lobbyist, on holidays, birthdays or similar occasions provided that the presents exchanged are not substantially disproportionate in value;

- (3) Any devise, bequest or inheritance;
- (4) A prize or award received in a bona fide competition not related to the recipient's status as a Board member or Employee of the Authority;
- (5) A personalized plaque or trophy with an individual value that is the greater of \$160 or one half the aggregate amount permitted by the California Fair Political Practices Commission for gifts in a calendar year from a single source;
- (6) Campaign contributions, including rebates or discounts received in connection with campaign activities, although such campaign contributions must be reported in the time and manner required by the California Political Reform Act;
- (7) Admission, food, beverages and similar non-cash nominal Benefits provided to the Board member or Employee at an event at which a Board member or Employee participates in a panel or seminar in his or her official capacity as a Board member or Employee or provides a similar service, provided, however, that such food and beverages must be consumed on the day of the activity in which the Board member or Employee participates;
- (8) Travel Expenses approved by the Board for travel within California provided directly in connection with an event at which a Board member or Employee gives a speech, participates in a panel or seminar or provides a similar service;
- (9) Travel Expenses approved by the Board for travel outside California but within the United States (although such expenses may be reportable on the Board member or Employee's statement of economic interests) if:
 - (A) The travel is reasonably related to a legislative or governmental purpose; and
 - (B) The travel is made in connection with an event at which the Board member or Employee gives a speech, participates in a panel or seminar or provides a similar service; and
 - (C) The lodging and subsistence expenses in this case are limited to the day immediately preceding the day of, and the day immediately following the speech, panel or other similar service.
- (10) Travel Expenses approved by the Board for travel within the United States (although such expenses may be reportable on the Board member or Employee's statement of economic interests) if:
 - (A) The travel is reasonably related to a legislative or governmental purpose; and

(B) The payment is provided by the Authority or any other public agency or a bona fide public or private educational institution, as defined in Section 203 of the Revenue and Taxation Code, or by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person that is domiciled outside the United States and that substantially satisfies the requirements for tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

(11) Travel Expenses that are reasonably necessary in connection with a bona fide business, trade or profession and that satisfies the criteria for federal income tax deduction for business expenses in Sections 162 and 274 of the Internal Revenue Code, unless the sole or predominant activity of the business, trade or profession is making speeches, although such Travel Expenses may be reportable on the Board member's or Employee's statement of economic interests;

(12) Income received as a payment for a comedic, dramatic, musical or other similar artistic performance; and payments received for the publication of books, plays or screenplays, although such income may be reportable on the Board member's or Employee's statement of economic interest;

(13) Income earned for the Board member's or Employee's personal services 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, although such income may be reportable on the Board member or Employee's statement of economic interests; and

(14) Any exception in this section applicable to a Board member or Employee attending an event in his or her official capacity shall apply equally to any Board member or Employee attending an event in his or her official capacity as an elected or appointed official of another public agency.

[Amended by Resolution No. 2019-0015 dated February 7, 2019.]

[Amended by Resolution No. 03-007 R dated February 6, 2003.]

[Adopted by Resolution No. 2002-02 dated September 20, 2002.]