

General and Administrative Policy 8: Ticket and Pass Distribution

I. Purpose of Policy

The purpose of this Policy is to establish a fair and equitable process for the distribution of complimentary tickets or passes to Silicon Valley Clean Energy ("SVCE") officials, employees, and their guests in compliance with the requirements of Section 18944.1 of the Fair Political Practices Commission (FPPC) Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as now exist or may hereafter be added or amended.

II. Definitions

A. 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 FPPC Regulations and the Political Reform Act.
 - "SVCE" shall mean the Silicon Valley Clean Energy Authority, and any departments, boards, committees, and commissions thereof.
 - "SVCE Official" shall mean every official, officer, agent and employee of SVCE who is obligated to file an annual Statement of Economic Interests (FPPC Form 700) under the Political Reform Act or SVCE's current conflict of interest code.
 - "SVCE Venue" shall mean and refer to any facility owned, controlled or operated by SVCE.
 - "FPPC" shall mean and refer to the California Fair Political Practices Commission.
 - "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.

- “Immediate Family” shall mean the spouse and dependent children of the SVCE Official. The term spouse includes registered domestic partners recognized by state law. The term dependent children shall mean a child, including an adoptive child or stepchild, of a SVCE Official who is under 18 years old and who the SVCE Official is entitled to claim as a dependent on his or her federal tax return.
- “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.
- “Policy” shall mean and refer to this Complimentary Ticket or Pass Distribution Policy Pursuant to FPPC Regulation 18944.1
- “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.
- “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 of Policy

- A. This Policy shall be applicable to every officer, agent and employee of SVCE who is obligated to file an annual Statement of Economic Interests (Form 700) under the Political Reform Act or SVCE’s current conflict of interest code.
- B. This Policy governs the distribution of Tickets or Passes by SVCE to a SVCE Official, or at the behest of a SVCE Official, that are either:
 - Gratuitously provided to SVCE by an outside source;
 - Acquired by SVCE by purchase;

- Acquired by SVCE as consideration pursuant to the terms of a contract for the use of a SVCE Venue; or
- Acquired and distributed by SVCE in any other manner.

C. This Policy does not apply to the following:

- Other items of value. Any other item of value provided to SVCE or any SVCE Official such as food, beverages, or other items, regardless of whether received gratuitously or for which consideration is provided.
- Sources other than SVCE. Tickets or Passes provided by sources other than SVCE.
- Taxable Income. A Ticket or Pass received by a SVCE Official from SVCE where both the SVCE Official and SVCE treat and report the value of the Ticket or Pass as taxable income consistent with applicable state and federal income tax laws and the Ticket is reported as income.
- Reimbursement. A Ticket or Pass distributed by SVCE to a SVCE Official if such SVCE Official pays to SVCE the fair value of the ticket within 30 days of receipt.
- Ceremonial Roles. A Ticket provided to a SVCE Official so that the SVCE Official may perform a ceremonial role on behalf of SVCE or as part of his or her job duties to assist the official performing the ceremonial role, is not a gift as provided by Section 18942(a)(13) of the FPPC Regulations.

IV. General Provisions

- A. No Right to Tickets or Passes: The use of complimentary Tickets or Passes is a privilege extended by SVCE 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 SVCE Official pursuant to this Policy shall not be transferred to any other person, except to members of such SVCE Official's Immediate Family or no more than one guest solely for their attendance at the event. If a SVCE Official transfers a Ticket or Pass he or she has received from SVCE to another person, as opposed to returning the Ticket or Pass to SVCE for redistribution,

then the value of the Ticket or Pass he or she transfers shall constitute a gift to him or her 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 SVCE Board member, Chief Executive Officer ("CEO"), political appointee or any department head.

V. Ticket Administrator

- A. The SVCE Board delegates the authority to the CEO or their designee to be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- B. The Ticket Administrator shall have the authority, in their 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 SVCE for purposes of reporting pursuant to Section 9 of this Policy.
- D. The Ticket Administrator, in their 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 California Form 802, the Ticket Administrator

shall be the "Agency Head." The SVCE Secretary is delegated responsibility for completing and posting the FPPC Form 802.

VI. Conditions Under Which Tickets or Passes Distributed to SVCE Officials are not considered a Gift under the Political Reform Act

- A. The Ticket Administrator must distribute complimentary Tickets or Passes to SVCE Officials only pursuant to this Policy.
- B. The Ticket or Pass is not earmarked by an outside source for use by specific SVCE 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 9 of this Policy.
- D. The distribution of the Ticket(s) to, or at the behest of, the SVCE Official must accomplish or further one or more of the following governmental and/or public purposes:
 - Facilitating the performance of a ceremonial role or function by a SVCE Official on behalf of SVCE at an event, for which the SVCE Official may receive enough Tickets or Passes for the SVCE Official and each member of his or her Immediate Family.
 - Facilitating the attendance of a SVCE Official at an event where the job duties of the SVCE Official require his or her attendance at the event, for which the SVCE Official may receive enough Tickets or Passes for each member of the SVCE Official's Immediate Family.
 - 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.
 - Meeting and greeting individuals in SVCE's service area to gain feedback on and make observations of the quality and awareness of SVCE services

or to gain insight into what SVCE services that individuals would like to see SVCE make available;

- Economic or business development purposes on behalf of SVCE.
- Promotion of SVCE resources and/or facilities available to SVCE customers.
- Promotion of SVCE-run, sponsored or supported community events, activities, or programs.
- To monitor and evaluate the value of SVCE-run, sponsored, or supported community events, activities or programs, including, but not limited to, evaluation of the venue, quality of performances and compliance with SVCE policies, agreements and other requirements.
- Promotion and evaluation of events, activities or programs at SVCE venues, including but not limited to evaluation of the venue, quality of performances and compliance with SVCE policies, agreements and other requirements.
- Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting SVCE customers.
- Promotion of SVCE brand recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- Encouraging SVCE customer support for and attendance at local events.
- Encouraging participants in SVCE sponsored programs to attend local events.
- Attracting or rewarding volunteer public service.
- Encouraging or rewarding significant achievements of SVCE customers.
- Attracting and retaining highly qualified employees to SVCE.
- Recognizing or rewarding meritorious service by a SVCE employee.
- Promoting enhanced SVCE employee performance or morale.
- Furthering any other public purpose that SVCE is required or authorized by law to pursue, any public purpose similar to those listed herein, any public purpose identified in any SVCE contract or as may be determined by resolution of the Board of Directors.
- As an incident to the above public purposes, allowing for the Immediate Family of the SVCE Official to accompany the SVCE Official to events to accomplish any of the purposes listed in this Resolution.

- E. The SVCE Official receiving a Ticket or Pass shall prepare a written inspection report of findings and recommendations if part of the public purpose for which the Ticket or Pass was received was for the public oversight or inspection of facilities.

VII. Tickets or Passes Distributed at the Behest of a SVCE Official

- A. Only the following SVCE Officials shall have authority to behest Tickets or Passes: SVCE Board Members and the CEO.
- B. Tickets or Passes shall be distributed at the behest of a SVCE Official only for one or more public purposes set forth in Section 6.D. above.
- C. If Tickets or Passes are distributed at the behest of a SVCE Official, such SVCE Official shall not use one of the Tickets or Passes so distributed to attend the event.

VIII. Other Benefits

- A. The distribution of Tickets or Passes pursuant to this Policy shall not constitute a "gift" to the SVCE Official receiving the Ticket, however, other benefits, such as food or beverage or other gifts provided to the SVCE Official that are not given to the general public as part of the Ticket or Pass admission, will need to be accounted for as gifts.
- B. If SVCE receives complimentary Tickets or Passes that are earmarked for particular SVCE Officials, then the Tickets or Passes are considered gifts to that particular SVCE Official. If these Tickets or Passes are not returned unused to the provider within thirty (30) days of receipt, then the SVCE Official must comply with the applicable FPPC gift limit regulations and reporting regulations.

IX. Posting and Disclosure Requirements

- A. Within 30 days of adoption or amendment of this Policy, the Policy shall be posted on SVCE's website and a link to the website that displays SVCE'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, SVCE must report the distribution on FPPC Form 802 containing the information required to be reported under Regulation 18944.1(d), and post the Form 802 on SVCE's website and a link to the website that displays SVCE's Form 802s shall be e-mailed to the FPPC in order for the FPPC to post the link on its website.
- C. This Policy and SVCE's Form 802s are public records and are subject to inspection and copying under Government Code Section 81008.