

BP 2713 GIFTS OF TICKETS AND/OR PASSES

Reference:

Fair Political Practices Commission (“FPPC”) Regulation 18944.1.

The purpose of this Policy is to ensure that all ticket and/or passes to attend a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose, made available to or for the District, are distributed in furtherance of governmental and/or public purposes as required under the Political Reform Act.

The District finds that the receipt of all such discounted, free or purchased tickets and/or passes are public resources. The District hereby desires to distribute these public resources in a manner that furthers its governmental and public purposes as reasonably described herein, such as the promotion of education related policy activities on behalf of the District and its community and government partners for these purposes.

This Policy shall be subject to the following limitations:

1. This Policy shall only apply to the District’s distribution of tickets and/or passes to, or at the behest of, a public official for which no consideration of equal or greater value is provided by the public official.
2. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this Policy.
3. Unless exempted otherwise under state law, any ticket and/or pass received or directed for use by a District official not in conformance with this Policy remains subject to separate disclosure requirements and the annual gift limit.
4. This policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy.
5. Tickets and/or passes to events that primarily provide informational material and is provided to assist the District official in the performance of his or her official duties or that of his or her elected office being sought is also not generally subject to this Policy. As any event becomes more entertainment oriented, this Policy, as well as District counsel, should be consulted.

Tickets provided to public officials as part of their official duties, or tickets provided so that the public official may perform a ceremonial role or function on behalf of the District shall not be subject to this Tickets and/or Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

Definitions:

District Officials: District Officials shall mean all public officials and those employees as that term is defined by Government Code Section 82048 and FPPC Regulation 18701.

Tickets/Passes: Tickets and passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purposes.

The Chancellor, or designee, shall be responsible for managing all donations of tickets and/or passes and for the accounting and inventory of all donated tickets and/or passes. In such case, where the Chancellor desires to obtain a ticket or pass, the Board of Trustees authorizes the Board President to exercise the District's sole discretion in determining whether the Chancellor's use or behest of tickets and/or passes is in accordance with the terms of this Policy.

The Chancellor may authorize District staff to approach companies or organizations to request donation of tickets and/or passes to facilitate the achievement of the governmental and public purposes described below.

The District may accomplish one or more public purposes of the District through the distribution of tickets to, or at the behest of, a District official. The following list is illustrative, rather than exhaustive, of the public purposes of the District that may be served by District officials attending events using tickets distributed to them by the District.

1. Promotion of education related policy activities on behalf of the District, nationally, regionally and statewide.
2. Marketing promotions highlighting the achievements of public agencies, local residents, nonprofits, community groups and businesses in the areas of education.
3. Promotion and marketing of District facilities and resources available for public use.
4. Promotion of District recognition, visibility, and/or profile on a local, state, national or international scale.
5. Promotion of District issues and interests at event sponsored by other governmental agencies and government related industry groups, and nonprofit organizations.
6. Attendance to student productions, scholarship dinners, welcome dinners, recognition dinners, award banquets, graduation ceremonies, pinning ceremonies, commencement activities, end-of-year parties, student performances, student plays, student or faculty debates, student sporting events, student or faculty presentations, and/or similar events that may have some amusement, entertainment, or recreational component within or on behalf of the District.
7. Promotion of open government by District official appearances, participation and/or availability at business or community events.
8. Sponsorship agreements involving private events where District specifically seeks to enhance District's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
9. All written contracts where District, as a form of consideration, has required that a certain number of tickets or suites be made available for its use.

10. Employment retention programs.
11. Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders.
12. Spouses of District officials in order to accompany him or her to any of the events listed above.
13. Any purpose similar to above included in any District contract.

Any District official or any member of the district official's immediate family may return any ticket unused to District for redistribution pursuant to this Policy. Government Code Section 82029 has defined "immediate family" to mean spouse and dependent children. Under no reasons, may either the district official or a member of his or her immediate family sell or further transfer any ticket and/or pass provided under this Policy.

The transfer by any District official of any tickets and/or passes distributed pursuant to this Policy to any other person, except to members of the District official's immediate family for their personal use, is prohibited.

This Policy shall be posted on the District's website. These forms shall be posted for 12 months and may be removed at the District's discretion any time thereafter.

The distribution of tickets or passes pursuant to this Policy shall be posted on District's website in a prominent fashion with 30 days after the ticket distribution and shall include all the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time.

Date Approved: August 18, 2009