

**RESOLUTION NO. 09-002**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE WESTERN RIVERSIDE COUNTY REGIONAL  
CONSERVATION AUTHORITY REGARDING THE RECEIPT AND  
DISTRIBUTION POLICY OF TICKETS AND/OR PASSES IN THE  
FURTHERANCE OF THE AUTHORITY'S REASONABLY DEFINED  
PUBLIC PURPOSES**

**WHEREAS**, from time to time, the Western Riverside County Regional Conservation Authority ("Authority") receives "tickets or passes" from third party sources, both public and private; and

**WHEREAS**, under Title 2 of the California Code of Regulations, Section 18944.1 ("Section 18944.1") these tickets and/or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

**WHEREAS**, the Authority finds that the receipt of all such discounted, free or purchased tickets and/or passes are public resources; and

**WHEREAS**, on December 11, 2008, the Fair Political Practices Commission ("FPPC") adopted new regulations that set up the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the Authority and the circumstances they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interests ("Form 700"); and

**WHEREAS**, the Authority desires to distribute these public resources in a manner that furthers the Authority's governmental and public purposes as reasonably described herein, such as the promotion of Authority activities, including the promotion of ecosystem conservation efforts, the preservation of habitat reserves, and environmental species policy issues affecting or involving the Authority; and

**WHEREAS**, according to Section 18944.1 these tickets and/or passes are not gifts to "public officials" if these tickets and/or passes are disseminated in accordance with a duly adopted written policy written in compliance with Section 18944.1, subdivision (b)(2); and

**WHEREAS**, the FPPC has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of the Authority, provided that the determination is consistent with state law.

**NOW THEREFORE, BE IT RESOLVED**, the Board of Directors of the Western Riverside County Regional Conservation Authority, California hereby adopts the following:

**WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY  
TICKETS AND/OR PASSES DISTRIBUTION POLICY**

**Section 1. Purpose of Policy.** The purpose of this policy is to ensure that all tickets and/or passes provided to the Authority shall be distributed in furtherance of governmental and/or public purposes as required under Section 18944.1.

**Section 2. Limitations.**

a. This Policy shall only apply to the Authority'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.

b. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this policy.

c. Unless exempted otherwise under state law, any ticket and/or pass received or directed for use by an Authority official not in conformance with this policy remains subject to a separate disclosure requirements and the annual gift limit.

d. This policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy.

e. Tickets and/or passes to events that primarily provide informational material and is provided to assist the Authority 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 Authority counsel should be consulted.

**Section 3. Official Duties; Ceremonial Roles.** 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 Authority shall not be subject to this Tickets and/or Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

**Section 4. Public Purpose.** Authority may accomplish one or more public purposes of the Authority through the distribution of tickets to, or at the behest of, an Authority official. The following list is illustrative rather than exhaustive, of the public purposes of the Authority that may be served by Authority officials attending events using tickets distributed to them by the Authority.

- a. Promotion of habitat conservation activities by or on behalf of the Authority, regionally and statewide.
- b. Marketing promotions highlighting the achievements of public agencies, local residents, nonprofits, community groups and businesses in the areas of conservation and preservation.
- c. Promotion and marketing of Authority facilities and resources available for public use.
- d. Promotion of Authority recognition, visibility, and/or profile on a local, state, national or international scale.
- e. Promotion of Authority issues and interests at events sponsored by other governmental agencies and government related industry groups, and nonprofit organizations.
- f. Sponsorship agreements involving private events where Authority specifically seeks to enhance Authority's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- g. All written contracts where Authority as a form of consideration has required that a certain number of tickets or suites be made available for its use.
- h. Employment retention programs.
- i. Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- j. Spouses of Authority officials in order to accompany him or her to any of the events listed above.
- k. Any purpose similar to above included in any Authority contract.

**Section 5. Return of Tickets.** Any public official or any member of the public official's immediate family may return any ticket unused to the Authority 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 public official or a member of his or her immediate family sell or further transfer any ticket and/or pass provided under this policy.

**Section 6. Executive Director.** The Authority delegates the authority to distribute any tickets and/or passes in accordance with this policy to the Executive Director or his or her designee. In such case, where the Executive Director desires to obtain a ticket or pass, the Board of Directors authorizes the Board President to exercise the Authority's sole discretion in determining whether the Executive Director's use or behest of tickets and/or passes is in accordance to the terms of this policy.

**Section 7. Solicitation of Donated Tickets and/or Passes.** The Executive Director may authorize Authority 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.

**Section 8. Transfer Prohibition.** The transfer by any public official of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the public official's immediate family for their personal use, is prohibited.

**Section 9. Website Posting.** This policy shall be posted on the Authority's website in a prominent fashion. These forms shall be posted for 12 months and may be removed at the Authority's discretion anytime thereafter.

**Section 10. Website Disclosure.** The distribution of a tickets or passes pursuant to this policy shall be posted on the Authority website in a prominent fashion within 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.

PASSED, APPROVED AND ADOPTED this 11th day of May, 2009.

5-11-09  
Date

Bob Buster  
Bob Buster, Chairman  
Western Riverside County Regional  
Conservation Authority

ATTEST:

Honey Bernas  
Honey Bernas, Clerk of the Board