



Policy 018 – MCE Ticket and Pass Distribution

Purpose

The purpose of this policy is to establish a procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance for training, education, entertainment, amusement, recreation or similar purposes in compliance with Section 18944.1 of the FPPC Regulations, which sets out the circumstances under which a public agency's distribution of tickets or passes to a public official or employee does not result in a gift to the public official or employee. Tickets or passes to an event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to public official or employee who make use of such tickets or passes.

Definitions

For purposes of this policy, the following definitions apply:

- "FPPC" means the California Fair Political Practices Commission.
- "MCE" means Marin Clean Energy.
- "MCE Official" means every director, officer, employee, or consultant of MCE.
- "Pass" means a Ticket that provides repeated access, entry, or admission to a facility or series of events, shows or performances, and for which similar passes are sold to the public.
- "Policy" means and refers to this Ticket and Pass Distribution Policy.
- "Ticket" means anything that provides admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

Tickets and Passes Covered by this Policy

Tickets and Passes Covered by this Policy include those:

1. Gratuitously provided to MCE by an outside source and not earmarked by the outside source for use by a particular MCE Official;
2. Acquired by MCE as consideration pursuant to the terms of a contract for the use of a MCE venue, equipment or services;
3. Available to MCE because MCE controls the event; or
4. Purchased by MCE at fair market value.

Limitations

This Policy does not apply to:

1. Tickets provided to MCE Officials by an outside source to an event at which the MCE Official performs a ceremonial role or function on behalf of MCE;
2. Tickets for which the MCE Official pays MCE the face value of the Ticket;
3. Tickets for which the MCE Official treats the Ticket or Pass as income consistent with applicable state and federal income tax laws and MCE reports the distribution of the Ticket or Pass as income to the MCE Official in compliance with FPPC Regulation Section 18944.1(d); or
4. Other benefits, such as food, beverages or other items, that are provided to the MCE Official at the event, if such benefits are not included as part of the admission to the event.

Provisions

MCE may distribute Tickets or Passes under the following provisions:

1. The CEO, or his or her designee, is responsible for the distribution of Tickets and Passes in accordance with this Policy. All requests for Tickets or Passes falling within the scope of this Policy must be made in accordance with any procedures that may be established by the CEO. The public purpose to be accomplished must be identified with specificity and must not be a pretext to accomplish some other purpose. The following are deemed to be public purposes under this Policy:
 - a. Promotion of public exposure to, and awareness of, new, upcoming or existing MCE products, services or facilities;
 - b. Promotion of special events to which MCE is a party;
 - c. Promoting business activity, growth, or development that furthers MCE's purposes;
 - d. Promotion of MCE brand recognition, visibility, or profile;
 - e. Meeting and greeting individuals in MCE's service area to gain feedback on and make observations of the quality and awareness of MCE services or to gain insight into what MCE services that individuals would like to see MCE make available;
 - f. Promotion of open, visible, and accessible government by MCE Official participation and/or availability of an event;
 - g. Increasing use or appreciation of MCE-run, sponsored or supported community programs or public programs at MCE facilities or at facilities in partnership with MCE;
 - h. Attracting and retaining highly qualified employees for MCE service;
 - i. Promoting enhanced MCE employee performance or morale;
 - j. For the purpose of networking with other community and civic leaders at various types of events;
 - k. Furthering any other public purpose that MCE is required or authorized by law to pursue; or
 - l. Any public purpose similar to those listed herein or any public purpose identified in any MCE contract or as may be determined by resolution of the Board of Directors.
2. Tickets or Passes distributed to a MCE Official pursuant to this Policy must not be transferred to any other person except to members of such MCE Official's immediate family (spouse, registered domestic partner, or dependent children) solely for their personal use, which personal use may include no more than one guest accompanying the MCE Official or their immediate family member.
3. No person who receives a Ticket or Pass pursuant to this Policy may sell or receive reimbursement for the value of such Ticket or Pass.

Reporting Requirements

The following disclosure requirements must be met: For each Ticket or Pass distributed under this Policy, a Form 802 report must be filled out and posted on MCE's website within 45 days of distribution. A link to the form will be emailed to the FPPC. The Form 802 report or other report must contain the following information:

1. The name of the person receiving the Ticket or Pass, except if the Ticket or Pass is distributed to an organization outside of MCE, then MCE may post the name, address, description of the organization, and the number of Tickets or passes provided to the organization in lieu of posting the names of each individual from the organization;
2. A description of the event;
3. The date of the event;
4. The face value of the Ticket or Pass;

5. The number of Tickets or Passes provided to each person;
6. A description of the public purpose under which the distribution was made or, alternatively, that the Ticket or Pass was distributed as income to the MCE Official.