

EXHIBIT A

Policy/Procedure

Subject: Distribution of Tickets and/or Passes in accordance with Fair Political Practices Commission (“FPPC”) Regulation as set forth in Section 18944.1 of Title 2 of the California Code of Regulations (“Regulation 18944.1”)

1.0 Purpose:

To ensure that tickets and/or passes provided to and distributed by the Irvine Community Land Trust (“Land Trust”) are in furtherance of its Articles of Incorporation, governing policies, and legitimate public purposes associated therewith, consistent with the requirements of public agencies under Regulation 18944.1.

To ensure that tickets and/or passes distributed by the Land Trust under Regulation 18944.1 and this Policy are disclosed on FPPC Form 802 and posted to the Land Trust’s website within thirty days of distribution, as required by Regulation 18944.1.

2.0 Application of Policy

2.1 Types of Tickets: This Policy applies to Tickets that provide admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose, and are either:

- 2.1.1 gratuitously provided to the Land Trust by an outside source;
- 2.1.2 acquired by the Land Trust by purchase;
- 2.1.3 acquired by the Land Trust as consideration pursuant to the terms of a contract for the use of a Land Trust venue; or
- 2.1.4 acquired and distributed by the Land Trust in any other manner.

2.2 Policy Applicable to Tickets Only: This Policy shall only apply to the Land Trust’s distribution of Tickets to, or at the behest of, a Land Trust Official. This Policy does not apply to any other item of value provided to the Land Trust or any Land Trust Official, regardless of whether received gratuitously or for which consideration is provided. This includes food, beverage or a gift provided to a Land Trust Official at an event that is not included in the fair market value of the Ticket.

3.0 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 California Political Reform Act of 1974 (Government Code Section 81000 et seq., as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the

California Code of Regulations, Section 18110 et seq., as the same may from time to time be amended).

- 3.1 “Immediate family” shall mean and refer to a spouse and dependent children.
- 3.2 “Land Trust” shall mean and include the Irvine Community Land Trust, a California nonprofit corporation.
- 3.3 “Land Trust Official” shall mean and refer to every member, officer, employee or consultant of the Land Trust, consistent with the definition applicable to local public agencies in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any Land Trust board, or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).
- 3.4 “Policy” shall mean and refer to this Policy for the Distribution of Tickets and/or Passes.
- 3.5 “Ticket” shall mean and refer to a “ticket or pass” for admission privilege to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

4.0 General Provisions

- 4.1 No Right to Tickets: The use of Tickets is a privilege extended by the Land Trust and not the right of any person to which the privilege may from time to time be extended.
- 4.2 Limitation on Transfer of Tickets: Tickets distributed to a Land Trust Official pursuant to this Policy shall not be transferred to any other person, except to members of such Land Trust Official’s immediate family solely for their personal use.
- 4.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of the Ticket.
- 4.4 No Earmarking of Ticket Given to Land Trust: No Ticket gratuitously provided to the Land Trust by an outside source and distributed by the Land Trust to, or at the behest of, a Land Trust Official pursuant to this Policy shall be earmarked by the original source for provision to a particular Land Trust Official.

5.0 Ticket Administrator

- 5.1 The Executive Director of the Land Trust shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.

5.2 The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the purchase and or distribution of Tickets in accordance with this Policy. All requests for Tickets that fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.

5.3 The Ticket Administrator shall determine the face value of Tickets distributed by the Land Trust for purposes of Sections 6.1, 6.2 and 8.4.4 of this Policy.

5.4 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket privileges of any person who violates any provision of this Policy.

6.0 Conditions Under Which Tickets May be Purchased and/or Distributed

Subject to the provisions of this Policy, complimentary Tickets may be distributed to Land Trust Officials under the following conditions:

6.1 The Land Trust Official reimburses the Land Trust for the face value of the Ticket(s).

6.1.1 Reimbursement shall be made at the time the Ticket(s) is/are distributed to the Land Trust Official.

6.1.2 The Ticket Administrator shall, in his or her sole discretion, determine which event Tickets, if any, shall be available under this section.

6.2 The Land Trust Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.

6.3 The Land Trust Official uses, or behests, such Ticket(s) for one or more of the following governmental and/or public purposes, which shall be consistent with the Land Trust's Articles of Incorporation, governing policies, and legitimate public purposes associated therewith:

6.3.1 Facilitating the attendance of a Land Trust Official at an event where the job duties of the Land Trust Official require his or her attendance at the event.

6.3.2 Promotion of Land Trust resources and or facilities available to the public.

6.3.3 Promotion of Land Trust-run, sponsored or supported community programs or events,

6.3.4 Promoting, supporting and or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting City of Irvine residents.

- 6.3.5 Increasing public exposure to, and awareness of, the various programs, projects and facilities available to the public by the Land Trust.
- 6.3.6 Attracting or rewarding volunteer service.
- 6.3.7 Attracting and retaining highly qualified employees in Land Trust service; recognizing or rewarding meritorious service by a Land Trust employee; and or promoting enhanced Land Trust employee performance or morale.
- 6.3.8 Recognizing contributions made to the Land Trust by former members of the Land Trust Board of Directors, Land Trust employees, or other appointed officials.

7.0 Tickets Distributed at the Behest of a Land Trust Official

- 7.1 Only the following Land Trust Officials shall have authority to behest Tickets: Members of the Board of Directors, President, Secretary, and the Executive Director.
- 7.2 Tickets shall be distributed at the behest of a Land Trust Official only for one or more public purposes set forth in Section 6.3.

8.0 Disclosure Requirements

- 8.1 This Policy shall be posted on the Land Trust website in a prominent fashion.
- 8.2 Tickets provided to Land Trust officials as part of their official duties, or Tickets provided so that the Land Trust Official may perform a ceremonial role or function on behalf of the Land Trust are not be subject to this Policy and are exempt from any disclosure requirements under Section 8.0. A ceremonial role or function includes, but is not limited to, making a speech, participating in a panel or seminar, presenting an award or proclamation, or cutting a ribbon.
- 8.3 Tickets distributed by the Land Trust for which the Land Trust receives reimbursement from the Land Trust Official as provided under Section 6.1 shall not be subject to the disclosure provisions of Section 8.0.
- 8.4 Tickets distributed by the Land Trust to any Land Trust Official either 1) which the Land Trust official treats as income pursuant to Section 6.2, or 2) for one or more public purposes described in Section 6.3, shall be disclosed on Form 802 provided by the FPPC in a prominent fashion on the Land Trust's website within thirty (30) days after distribution. Such posting shall include the following information:

- 8.4.1 The name of the recipient, except that if the recipient is an organization, the Land Trust may post the name, address, description of the organization and number of Tickets provided to the organization in lieu of posting the names of each recipient;
- 8.4.2 a description of the event;
- 8.4.3 the date of the event;
- 8.4.4 the face value of the Ticket;
- 8.4.5 the number of Tickets provided to each person
- 8.4.6 if the Ticket is distributed at the behest of a Land Trust Official, the name of the Land Trust Official who made such behest; and
- 8.4.7 a description of the public purpose(s) under which the distribution was made, or, alternatively, the Land Trust Official is treating the Ticket as income.

[End of Policy]

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION
CHAPTER 9.5. ETHICS

This database is current through 1/22/10 Register 2010, No. 4

§ 18944.1. Gifts: Tickets or Passes to Events.

For purposes of this regulation "ticket or pass" means admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

(a) Ticket or pass provided by source other than official's agency. A ticket or pass provided to an official for his or her admission to an event at which the official performs a ceremonial role or function on behalf of the agency is not a gift to the official.

(b) Ticket or pass provided to official by official's agency.

(1) When an agency provides a ticket or pass to an official of that agency, the ticket or pass is not subject to the provisions of this regulation, provided that the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the agency reports the distribution of the ticket or pass as income to the official in complying with the provisions of subdivision (d) below.

(2) When an agency provides a ticket or pass to a public official that otherwise meets the definition of gift under Section 82028 and is not exempt under applicable Commission regulations, the official will meet the burden under Section 82028 that equal or greater value has been provided in exchange therefor, provided that all of the following requirements are met:

(A) With respect to a ticket or pass from an outside source provided to an official by the official's agency:

(i) The ticket or pass is not earmarked by the original source for use by the agency official who uses the ticket or pass;

(ii) The agency determines, in its sole discretion, which official may use the ticket or pass.

(iii) The distribution of the ticket or pass by the agency is made in accordance with a policy adopted by the agency in accordance with subdivision (c) below.

(B) With respect to a ticket or pass provided by the official's agency to an agency official, which ticket or pass the agency obtains (i) pursuant to the terms of a contract for use of public property, (ii) because the agency controls

the event (such as a state or county fair), or (iii) that is purchased by the agency at fair market value, the distribution of the ticket or pass is made in accordance with subdivision (c) below.

(c) Any distribution of tickets or passes under subdivision (b)(2) by an agency to, or at the behest of, its officials must be made pursuant to a written policy duly adopted by legislative or governing body of the agency that state the public purposes to be accomplished by the agency policy. If the agency maintains a website, the written policy shall be posted on the website in a prominent fashion. The written policy shall contain, at a minimum, the following:

- (1) a provision setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes;
- (2) a provision requiring that the distribution of any ticket or pass by the agency to, or at the behest of, an official accomplish a public purpose of the agency; and
- (3) a provision prohibiting the transfer by any official of any ticket or pass, distributed to such official pursuant to the agency policy, to any other person, except to members of the official's immediate family solely for their personal use.

(d) The distribution of a ticket or pass pursuant to this regulation, including a ticket or pass that is provided to the official under subdivision (b)(1) above, shall be posted, on a form provided by the Commission, in a prominent fashion on the agency's website, within 30 days after the distribution. If the agency does not maintain a website, the form shall be maintained as a public record, be subject to inspection and copying under Section 81008(a), and be forwarded to the Commission for posting on its website. The posting shall include the following:

- (1) the name of the person receiving the ticket or pass, except that if the ticket or pass is distributed to an organization outside the agency, the agency 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) if the ticket or pass is behested, the name of the official who behested the ticket or pass; and

(7) 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 official.

(e) The Commission recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of a ticket or pass serves a legitimate public purpose of the agency, provided the determination is consistent with state law.

(f) The provisions of subdivision (b) apply only to the benefits the official receives by the admission and are not applicable to any other benefits the official may receive that are not included with the admission, such as food or beverages, or any other item presented to the official at the event.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 83112, Government Code. Reference: Section 82028, Government Code.

HISTORY

1. Renumbering of former section 18726.7 to section 18944.1 with amendment of section heading filed 6-22-94; operative 6-22-94 (Register 94, No. 25).

2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).

3. Amendment of first paragraph and subsections (a)-(b) and (d)-(e) filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).

4. Repealer and new section filed 1-8-2009; operative 2-7-2009. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2009, No. 2).

2 CCR § 18944.1, 2 CA ADC § 18944.1
1CAC

2 CA ADC § 18944.1

END OF DOCUMENT

A Public Document

This form is for use by all state and local government agencies to disclose the distribution of tickets or passes that allow admission to facilities, events, shows, or performances for entertainment, amusement, recreational, or similar purposes. The agency must complete Form 802 identifying agency officials who receive tickets or passes from the agency as well as other individuals and organizations that receive tickets or passes at the behest of agency officials. Form 802 must be posted in a prominent fashion on the agency's website.

Gifts of Tickets or Passes to Public Officials

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets or passes to or at the behest of an official in the agency does not result in a gift to the official. (Regulation 18944.1 is available on the FPPC website at www.fppc.ca.gov.) Even though the distribution of tickets or passes to a public official under the regulation is not a gift to the official, the agency must disclose the distribution on Form 802. The official does not have to disclose tickets or passes received or distributed under the regulation on his or her Statement of Economic Interests (Form 700), but tickets or passes received or distributed by the official that do not fall under the regulation may be subject to disclosure on the official's Form 700 and subject to gift limits.

Posting Form 802

The Form 802 must be posted on the agency's website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

Part 1. Agency Identification

List the agency's name, address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Event For Which Tickets Were Distributed

Provide the date(s) of the event, a description of the event, and the face value (i.e. the cost to the public) of the ticket or pass. Check the box indicating whether the event was an "agency event" (such as a county fair, or an event for which the agency purchased tickets). If the agency received the tickets from an outside source, identify the source, the number of tickets received, and check the box to identify whether the tickets or passes were provided to the agency:

- Gratuitously; or
- Pursuant to a contract.

Part 3. Agency Official(s) Receiving Ticket(s)

Disclose the name of each agency official that received a ticket or pass and the number of tickets or passes the official received. Also state whether the distribution is income to the official or describe the public purpose for which the official received the tickets or passes.

Part 4. Individual or Organization Receiving Ticket(s)

If tickets or passes were distributed to an individual or organization outside the agency, at the behest of an official of the agency, provide the name of the official. Disclose the name(s) of the individual(s) who received the tickets or passes and the number of tickets or passes provided. If the tickets or passes were provided to an organization, the agency may post the name, address, a description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the name of each individual that received a ticket or pass. Also, describe the public purpose for the distribution to the individual or organization.

Part 5. Verification

The agency head or his or her designee must sign the form.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations Sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Act Notice, please contact the FPPC.

General Counsel
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660