

RESOLUTION NO. 2202-07

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF SAN DIEGO COMMUNITY POWER
ADOPTING A TICKET AND PASS DISTRIBUTION POLICY
PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION
REGULATION 18944.1**

A. San Diego Community Power (“SDCP”) is a joint powers agency formed pursuant to the Joint Exercise of Powers Act, Cal. Gov. Code § 6500 *et seq.*, California Public Utilities Code § 366.2, and a Joint Powers Agreement effective on October 1, 2019, as amended (“JPA Agreement”).

B. Pursuant to Government Code Section 6509 and Section 3.4 of the JPA Agreement, SDCP’s powers are subject to the restrictions upon the manner of exercising power possessed by the City of Encinitas, a general law city.

C. The Fair Political Practices Commission (“FPPC”) has adopted Regulation 18944.1 establishing rules by which tickets distributed by local government agencies to government officials will not constitute reportable gifts under the Political Reform Act (Gov. Code § 81000, *et seq.*). Regulation 18944.1 defines the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by SDCP and the circumstances in which they would be distributed to public officials and not require disclosure for the purposes of the public official’s Statement of Economic Interests (“Form 700”).

D. Regulation 18944.1 requires that local government agencies adopt a written policy governing distribution of tickets to local government officials in order that receipt of tickets will not necessarily be treated as reportable gifts. Such rules and procedures apply to SDCP as a local public agency.

E. From time to time, SDCP may purchase or receive tickets or passes from third party sources, either public or private, and finds that the receipt of all such purchased, discounted, or free tickets and/or passes are public resources, and SDCP desires to distribute these public resources in a manner that furthers SDCP’s governmental and public purposes as reasonably described in the attached ticket and pass distribution policy.

F. 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 SDCP, provided that the determination is consistent with applicable law.

G. In order to comply with Regulation 18944.1, SDCP desires to adopt the attached Ticket and Pass Distribution Policy to govern the distribution of tickets and passes by SDCP to its officials, officers, employees, and covered consultants.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of San Diego Community Power as follows:

Section 1. The Board of Directors finds that the foregoing recitals are true and correct and are incorporated herein.

Section 2. The Ticket and Pass Distribution Policy attached hereto as Exhibit A is incorporated as though fully set forth herein, and is hereby adopted as the official Ticket and Pass Distribution Policy of SDCP. SDCP shall distribute tickets and passes to designated SDCP officials in accordance with the requirements and procedures set forth in the Ticket and Pass Distribution Policy and with applicable law.

Section 3. The Chief Executive Officer (“CEO”) and Chief Financial Officer (“CFO”) designated by the CEO are authorized to perform any and all acts necessary to give effect to and comply with the terms and intent of the Ticket and Pass Distribution Policy. The CEO and CFO shall be responsible for the administration of the distribution of tickets and passes pursuant to the Ticket and Pass Distribution Policy.

Section 4. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The Board of Directors hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of San Diego Community Power held on May 26, 2022.

Joseph M. Masca

Chair, Board of Directors
San Diego Community Power

ATTEST:

Megan Wiegelman

Secretary, Board of Directors
San Diego Community Power

EXHIBIT A
TICKET AND PASS DISTRIBUTION POLICY