

ATTACHMENT 1

ACCEPTANCE, DISTRIBUTION, USE, AND REPORTING OF TICKETS POLICY OF
THE PENINSULA CORRIDOR JOINT POWERS BOARD (TICKET POLICY)

1. Purpose

This Ticket Distribution Policy (Policy) is provided to ensure that the Peninsula Corridor Joint Powers Board's (Agency or Caltrain) distribution of tickets to community events, such as non-profit fundraisers, entertainment, amusement, recreational, or similar events and functions further a public purpose in accordance with title 2, section 18944.1, of the California Code of Regulations. Tickets that are distributed as provided in this Policy will not result in a reportable gift to the Agency official who receives the tickets.

2. Definitions

"Accept" means to take actual possession of a ticket or to take any action exercising direction or control over the ticket.

"Behest" means under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of an Agency official.

"Ceremonial Role" means "ceremonial role" as defined in title 2, section 18942.3, of the California Code of Regulations, as it now exists or as it may be amended in the future. Section 18942.3 presently defines a "ceremonial role" as an act performed at an event by an official as a representative of the official's agency at the request of the holder of the event or function where, for a period of time, the focus of the event is on the act performed by the official.

"Executive Director" means the Executive Director, or designee.

"Agency Official" means every member, officer, employee, or consultant of Caltrain who is required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interests (Form 700) under state law or Caltrain's current conflict of interest code.

"Community Groups" means recognized community groups, non-profit organizations, schools, youth groups, and similar groups and organizations.

"Fair Value" means "fair value" as defined in title 2, section 18946, of the California Code of Regulations, as it now exists or as it may be amended in the future. Section 18946 presently defines "fair value" to mean the face value of the ticket or pass. When a ticket or pass does not have a face value indicated or has a face value that is not available to the general public, the "fair value" is the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator of the venue or host of the event who offers the ticket for public sale. Where the price indicated on the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.

"Pass" means a ticket that provides repeated access, entry, or admission to a facility or series of events for which similar passes are sold to the public.

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“Significant” means sufficiently great or important; to be worthy of attention.

“Ticket” means anything that provides access, entry, or admission to a specific future event or function for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold. “Ticket” includes a “pass” as defined in this section, so that wherever this Policy uses the term “ticket,” it means both tickets and passes. A ticket includes any benefits that the ticket provides. “Ticket” does not include a Clipper pass or other travel pass provided by Caltrain directly to employees or Directors.

3. Applicability

- a. This Policy applies to a ticket only if all the following criteria are met:
 - i. it has been accepted by the Executive Director on behalf of the Agency;
 - ii. it is for admission to a facility, event, show, or performance;
 - iii. it is for a social, entertainment, amusement, recreational, or similar purpose;
 - iv. it is either:
 - a. provided by the Executive Director to an Agency official, or
 - b. provided by the Executive Director at the behest of an Agency official;
 - v. the Agency official does not treat the ticket as income consistent with applicable state and federal income tax laws;
 - vi. the Agency official does not reimburse Caltrain for the ticket within 30 days of receipt;
 - vii. the ticket is not earmarked by an outside source for use by a specific Agency official; and
 - viii. the ticket is not for an Agency official to perform a ceremonial role on behalf of Caltrain.

b. A ticket not covered by this Policy may be subject to separate disclosure requirements and the annual gift limit under the California Political Reform Act and related regulations. An Agency official who receives or behests a ticket not covered by this Policy is solely responsible for determining, and complying with, all reporting requirements and the annual gift limit applicable to such ticket.

c. This Policy applies only to the benefits that the Agency official receives from the ticket that are provided to all members of the public with the same class of ticket. If the Agency official receives benefits, such as food and beverages, that are not provided to all members of the public with the same class of ticket, then the Agency official shall treat those benefits as gifts unless the Agency official provides consideration of equal or greater value for the benefits.

d. The use of tickets is a privilege extended by Caltrain and not the right of any person to whom the privilege may from time to time be extended.

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e. An Agency official may not solicit or accept a ticket or pass in exchange for performing an official Agency act. An Agency official may not solicit a ticket or pass from anyone seeking or currently doing business with Caltrain.

4. Public Purpose

a. Tickets may only be distributed to, or at the behest of, an Agency official for one or more of the following public purposes of the Agency:

- i. to promote public transit and the broader public transportation industry;
- ii. to promote equity and sustainable communities;
- iii. to further Caltrain's goals, allow the Agency to reach target markets, or foster long-term relationships with organizations in Caltrain's jurisdiction.

b. The distribution of a ticket to an Agency official (other than a member of the Board of Directors or the Executive Director) for their personal use to support morale, retention, collaboration or recruitment, or to reward significant public service serves a public purpose of Caltrain. "Personal use" may include tickets for use by the Agency official and no more than one guest who attends the event or function in the company of the Agency official.

5. Distribution of Tickets

a. The Board of Directors delegates the authority to implement this Policy to the Executive Director or designee. The Executive Director or designee shall have the authority to determine whether the distribution of tickets and/or pass to a particular recipient furthers one or more of the public purposes described in section 4(a).

b. When a ticket is distributed, the Executive Director or designee must disclose the distribution in accordance with Section 18944.1(d) of Title 2 of the California Code of Regulations, on a form provided by the Fair Political Practices Commission.

- i. The Executive Director or designee shall maintain the original form as a public record.
- ii. The Executive Director or designee shall file copies of the form with the Fair Political Practices Commission within 30 days after the ticket or pass is distributed.
- iii. The Executive Director or designee shall file amendments to the form within 10 days after the issue that necessitates the amendment occurs.

c. All requests for tickets under this Policy must be made in accordance with these procedures.

d. The Executive Director or designee shall determine the face value of tickets for purposes of this Ticket Policy. In determining face value, the Executive Director shall refer to

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title 2, section 18946, of the California Code of Regulations, as it now exists or as it may be amended in the future.

6. Prohibition on Transfer

An Agency official who has received tickets under this Policy shall not transfer any of the tickets to any other person except to one guest solely for their attendance at the event in company of the Agency official.

7. Return of Tickets

An Agency official, or their guest, may return an unused ticket to the Executive Director or designee before the event takes place. A returned ticket may be redistributed in accordance with this Ticket Policy.

8. Reporting

Caltrain shall report the distribution of a ticket as required by title 2, section 18944.1, of the California Code of Regulations.

9. Website Posting

Caltrain shall post this Policy and all completed FPPC Form 802s, or a summary of the information on the Form 802, on its website.