

RESOLUTION NO. 2018-18

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT
AUTHORITY ADOPTING A TICKET DISTRIBUTION POLICY

WHEREAS, the Ontario International Airport Authority (the "OIAA" or "Authority") was established under a Joint Exercise of Powers Agreement between the City of Ontario and the County of San Bernardino (the "Joint Powers Agreement") pursuant to the Joint Exercise of Powers Act of the State of California (the "Joint Powers Act"), for the purpose of operating, maintaining, managing, developing, and marketing the Ontario International Airport (the "Airport") and related Airport facilities; and

WHEREAS, as part of the OIAA's development and marketing strategies, the OIAA cultivates opportunities to showcase the Airport's unique attributes including being one of the most competitive, efficient, innovative and customer-friendly passenger, cargo, and business airports in the United States; and

WHEREAS, from time to time OIAA receives event tickets and/or passes from public and private entities and individuals or purchases event tickets and/or passes for events; 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 Fair Political Practices Commission ("FPPC") Regulations requires that receipt of tickets and passes by a public official would need to be disclosed by the OIAA 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 OIAA finds that the receipt of all such tickets and/or passes are public resources; and

WHEREAS, the OIAA desires to distribute these public resources in a manner that furthers the OIAA's purposes as reasonably described herein, such as the promotion of the Airport, its resources, facilities, and importance to the region;

WHEREAS, according to Section 18944.1, these tickets and/or passes are not gifts to public officials if the OIAA distributes these tickets and/or passes in accordance with a duly adopted written policy, when distributed under 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, provided that the determination is consistent with state law.

NOW, THEREFORE, BE IT RESOLVED by the Ontario International Airport Authority as follows:

THE ONTARIO INTERNATIONAL AIRPORT 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 OIAA shall be distributed in furtherance of governmental and/or public purposes as required under Section 18944.1.

SECTION 2: Limitation. This Policy shall only apply to the OIAA's distribution of tickets and/or passes to, a public official or at the request of a public official, for which no consideration of equal or greater value is provided by the public official. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this policy.

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 OIAA 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. The OIAA shall only provide a ticket and/or pass to or at the request of a public official, under any of the following OIAA public and governmental purposes:

- a. Promotion of the Airport, its operation, maintenance, management, administration, development, and marketing.
- b. Promotion of OIAA-controlled or sponsored events, activities, or programs.
- c. Promotion of programs and resources, including nonprofit organizations and youth programs.
- d. Marketing promotions highlighting the achievements of the Airport, its business partners, facilities, and functions.
- e. Promotion and marketing of private facilities available for the traveling public, including charitable and nonprofit facilities.
- f. Promotion of public facilities available for the traveling public and other public use.
- g. Promotion of Airport growth and development, including economic development and job creation opportunities.
- h. Promotion of City of Ontario and County of San Bernardino landmarks and/or community events.
- i. Promotion of special events in accordance with any OIAA contract.
- j. Exchange programs with foreign officials and dignitaries.
- k. Promotion of Airport's recognition, visibility, and/or profile on a local, state, national or worldwide scale.

l. Promotion of open government by public official appearances, participation and/or availability at business or community events.

m. Sponsorship agreements involving private events where the OIAA specifically seeks to enhance the Airport's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, public officials, residents, and their guests.

n. All written contracts where the OIAA as a form of consideration has required that a certain number of tickets or suites be made available for OIAA use.

o. Employment retention programs.

p. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.

q. Spouses of or immediate dependents of public officials in order to accompany or represent him or her to any of the items listed above.

r. Any purpose similar to above included in any OIAA contract.

SECTION 5: Return of Tickets and/or Passes. Any public official or any member of the public official's immediate family may return any ticket and/or pass unused to the OIAA for redistribution pursuant to this policy. Government Code Section 82029 has defined immediate family to mean spouse and dependent children. Under no circumstances 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. OIAA Chief Executive Officer. The OIAA delegates the authority to distribute any tickets and/or passes in accordance with this policy to the OIAA's Chief Executive Officer ("CEO") or his or her designee. In such case, where the CEO desires to obtain a ticket or pass, the OIAA authorizes the CEO to exercise the OIAA's sole discretion in determining whether the OIAA's use or behest of tickets and/or passes is in accordance to the terms of this policy.

SECTION 7: 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. Government Code Section 82029 has defined immediate family to mean spouse and dependent children.

SECTION 8: Website Posting. This policy shall be posted on the OIAA's website in a prominent fashion. These forms shall be posted for 12 months and may be removed at the OIAA's discretion anytime thereafter.

SECTION 9: Website Disclosure. The distribution of tickets or passes pursuant to this policy shall be posted on the OIAA's 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.

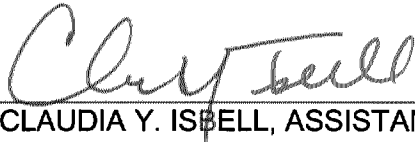
SECTION 10: Effective Date. OIAA President shall sign this Resolution and the OIAA Clerk shall attest hereto, and this Resolution shall take effect and be in force effective September 1, 2018.

PASSED, APPROVED, AND ADOPTED this 25th day of September 2018.



ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:



CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:



LORI D. BALLANCE
GENERAL COUNSEL

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Claudia Y. Isbell, Commission Clerk of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2018-18 was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held September 25, 2018 by the following roll call vote, to wit:

AYES: COMMISSIONERS: GOUW, BOWMAN, LOVERIDGE,
PRESIDENT WAPNER

NOES: COMMISSIONERS: NONE.


ABSENT: COMMISSIONERS: HAGMAN.



CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

(SEAL)

The foregoing is the original of Resolution No. 2018-18 duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held September 25, 2018.



CLAUDIA Y. ISBELL, ASSISTANT SECRETARY

(SEAL)