



## Legislation Details (With Text)

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**File created:** 8/1/2019    **In control:** Board of Port Commissioners  
**On agenda:** 9/16/2019    **Final action:** 9/16/2019  
**Title:** RESOLUTION ADOPTING REVISION TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 070, AGENCY PROVIDED PASSES OR TICKETS

**Sponsors:**

**Indexes:**

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**Attachments:** 1. 12. 2019-0315 Attachment A, 2. 12. 2019-0315 Attachment B, 3. 12. 2019-0315 Attachment C, 4. 12. 2019-0315 Draft Resolution

Date	Ver.	Action By	Action	Result
9/16/2019	1	Board of Port Commissioners	adopted	

**DATE:** September 16, 2019

**SUBJECT:**

**RESOLUTION ADOPTING REVISION TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 070, AGENCY PROVIDED PASSES OR TICKETS**

### **EXECUTIVE SUMMARY:**

BPC Policy No. 070 sets out a framework for the distribution of passes and tickets for admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose, by the District to its officials, individuals, or organizations. BPC Policy No. 070 was originally adopted by the Board of Port Commissioners (Board) in 2009 and amended on May 10, 2016 in compliance with Fair Political Practices (FPPC) Regulation 18944.1. Amendments to BPC Policy No. 070 are needed to update the Policy, specifically updating policy definitions and public purposes for ticket distribution.

### **RECOMMENDATION:**

Adopt a Resolution Adopting revision to Board of Port Commissioners (BPC) Policy No. 070, Agency Provided Passes or Tickets.

### **FISCAL IMPACT:**

There are no fiscal impacts associated with this agenda item.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.

### **DISCUSSION:**

As stated above, BPC Policy No. 070 sets out a framework for the distribution of passes and tickets for admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose, by the District to its officials, individuals, or organizations pursuant to FPPC Regulation 18944.1.

The following changes are being recommended to bring the District's policy up to date with current FPPC regulations:

- Revisions to definitions for ticket, pass, and official.
- Addition of a provision prohibiting disproportionate use of tickets or passes pursuant the regulation.
- Updating the section related to posting on the Port's website to conform to the regulation as currently written.

### **General Counsel's Comments:**

The General Counsel's Office has reviewed the agenda sheet and attachments, as presented to it, and approves them as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation, adoption of a revision to BPC Policy No. 070, does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board to pass necessary resolutions for regulation of the district and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

### **Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

Donna Morales  
District Clerk

Attachment(s):

Attachment A: Fair Political Practices Commission Regulation 18944.1

Attachment B: Redline Version of Board Policy 070

Attachment C: Final Revision (clean copy)