

32<sup>nd</sup> District Agricultural Association  
**Board Policies**

### **5.07 CEO Event Responsibilities**

*Date Adopted/Last Revised: Month #, 20XX*

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*Note: Capitalized terms not otherwise defined in this Board Policy have the meanings set forth in the Definitions section of Board Policy 1.01. Should any provision in this policy contradict any provision of California law, California law shall control.*

#### **Purpose**

The purpose of this policy is to establish guidelines and expectations for the CEO related to event-specific responsibilities. Areas of focus include event logistics, event ticket distribution, and fairground management.

#### **5.07.01 Event Logistics**

#### **Policy**

It is the policy of the 32<sup>nd</sup> DAA that the CEO will provide adequate logistical planning for all major events, including the annual Fair, in order to protect the reputation of the organization and provide value to the public.

Within this context, adequate logistical planning involves:

- Active collaboration with governmental agencies and affected property owners and residents to minimize inconveniences or other negative impacts caused by events. The CEO may offer up to twenty OC Fair admission tickets to neighbors for a discounted price as defined in the 32<sup>nd</sup> DAA's neighbor ticket policy.
- Recommending the price of entrance fees and parking for the annual OC Fair as part of the annual operating budget process and presenting to the full Board for approval. Such rates will be competitive with other fair and special event venues in Southern California.
- Choosing concessions, and items sold directly by the 32<sup>nd</sup> DAA at rates that are competitive with other fair and special event venues in Southern California.

**Comment [MR1]:** See comment on neighbor ticket policy.

- Operating with an Incident Command Procedure / Emergency Preparedness Plan. This plan must be approved by appropriate governmental agencies, and communicated to relevant staff, as well as key vendors and production personnel. To this end, the CEO will schedule a security meeting with the appropriate security partner representatives and the Chair and Vice Chair of the Board prior to the start of the annual OC Fair and once in the approximate mid-point of the annual OC Fair.
- Responsible management of lifetime credentials. Lifetime credentials are non-transferable and valid for complimentary admission to the annual OC Fair for the designated recipient plus one guest, and parking in a lot determined by 32<sup>nd</sup> DAA management. Civil Service employees who have completed 240 service months (20 years) with the 32<sup>nd</sup> DAA, or upon the recommendation of the CEO and the approval of the Board, will receive a lifetime credential upon completion of their employment. Additionally, lifetime credentials may be issued to past Board Members, event industry professionals, employees of other government agencies, and other partners who have contributed to the success of the 32<sup>nd</sup> DAA upon the recommendation of the CEO and the approval of the Board.

**Comment [MR2]:** Lifetime credentials are not consistent with California law. While existing employees and Board members are entitled to a certain number of event tickets (in accordance with FPPC guidelines), the PFFC does not permit the issuance of lifetime credentials. Strongly recommend deleting this section.

## 5.07.02 Event Ticket Distribution

### Policy

It is the policy of the 32<sup>nd</sup> DAA that the CEO will follow established policies and procedures pertaining to the equitable and rational distribution of complimentary event tickets in support of the 32<sup>nd</sup> DAA's strategic goals. All ticketing policies and implementation of those policies must comply with all applicable state laws and regulations.

Within this context, the CEO will:

- Maintain and adhere to explicit policies, procedures, controls, and record-keeping over the distribution of complimentary tickets.
- Act in accordance with California Food & Agricultural Code section 3026 and limit the total number of courtesy fair admission tickets to less than 4% of the quantity of gross paid admissions to the OC Fair in the preceding calendar year.
- Maintain and adhere to explicit policies, procedures, controls and record-keeping over the reservation and sale or courtesy distribution of "house seats" in the Pacific Amphitheatre for strategic business development and community relations.

- House seats may not be held except for the following purposes:
  - Contractual fulfillment of agreements with artists and performers
  - Promotions and marketing, including sponsorships
  - Press and media relations
  - Business development and community relations
- House seats provided on a courtesy basis are subject to all requirements of Section 3 below.
- Post the ticket policy on the 32nd DAA website in accordance with FPPC requirements, and for reporting and recordkeeping regarding tickets as required by state and federal tax law, including but not limited to the California Political Reform Act of 1974 (government Code sections 81000, *et seq.*, as amended) and the Fair Political Practices Commission (“FPPC”) Regulations (Title 2, Division 6 of the California Code of Regulations, sections 18110, *et seq.*, as amended).
- Follow the policy statement described immediately below:

**A. Application of Policy**

- i. This policy applies to tickets distributed by the OC Fair & Event Center (OCFEC) for events and activities, including the OC Fair, Pacific Amphitheatre, Grandstand Arena, Hangar and other events and activities taking place at the OCFEC facility.
- ii. This policy applies to tickets which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are either:
  - a. Issued by OCFEC as the producer of the event;
  - b. Gratuitously provided to OCFEC by an outside source;
  - c. Acquired by OCFEC by purchase;
  - d. Acquired by OCFEC as consideration pursuant to the terms of a contract for the use of an OCFEC venue; or
  - e. Acquired and distributed by OCFEC in any other manner.
- iii. This policy does not apply to any other item of value provided to OCFEC or any OCFEC Official, regardless of whether received gratuitously or for which consideration is provided.

**B. Definitions**

- i. “OC Fair & Event Center” or “OCFEC” shall mean the 32nd District Agricultural Association, known as the OC Fair & Event Center.
- ii. “OCFEC Official” means every Director, officer, employee, or consultant of the OC Fair & Event Center, as defined in Government Code Section 82048 and California Code of Regulations, title 2, section 18701. OCFEC Official shall include, without limitation, any member of the OCFEC’s Board of Directors or any other appointed OCFEC official or OCFEC employee required to file an annual Statement of Economic Interests (FPPC Form 700).

- iii. "OCFEC Venue" means and includes the OC Fair & Event Center, OC Fairgrounds, Pacific Amphitheatre, Grandstand Arena, or any other venue owned, controlled, or operated by OCFEC.
- iv. "Immediate Family" means the spouse or registered domestic partner and dependent children, as set forth in Government Code section 82029 and Family Code section 297.5.
- v. "Policy" means this ticket policy.
- vi. "Ticket" means and includes any form of admission privilege to a facility, event, show or performance.

### ***C. General Provisions***

- i. **No Right to Tickets:** The use of complimentary tickets is a privilege extended by OCFEC and not the right of any person to which the privilege may from time to time be extended.
- ii. **Limitation on Transfer of Tickets:** Tickets distributed to an OCFEC Official pursuant to this Policy shall not be transferred to any other person, except to members of such OCFEC Official's Immediate Family (as defined above) solely for their personal use. Unused tickets must be returned to the District for sale to the general public.
- iii. **Prohibition Against Sale or Receiving Reimbursement for Tickets:** No person who receives a ticket pursuant to this Policy shall sell or receive reimbursement for the value of such ticket.
- iv. **No Earmarking of Tickets to OCFEC:** No ticket gratuitously provided to the OCFEC by an outside source and distributed to, or at the behest of an OCFEC Official pursuant to this Policy, shall be earmarked by the original source for distribution to a particular OCFEC Official.
- v. **No Disproportionate use of Tickets or Passes:** This Policy prevents the disproportionate use of tickets or passes by Board Members and the CEO.

### ***D. Ticket Administrator***

- i. The 32nd DAA CEO shall be the Ticket Administrator for purposes of implementing the provisions of this Policy, and may delegate this responsibility within the organization as necessary.
- ii. The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this Policy. All

requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.

- iii. The Ticket Administrator shall determine the face value of tickets distributed by OCFEC for purposes of Sections E(i), E(ii), and G(i)(d) of this Policy. Face value will include any applicable fees and service charges.
- iv. 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 or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this policy.
- v. The disclosure forms required by Section G of this Policy shall be prepared and posted by the Ticket Administrator, or by an individual acting under the Ticket Administrator's authority, supervision and control.

***E. Conditions Under Which Tickets May Be Distributed***

Subject to the provisions of this Policy, tickets may be distributed to OCFEC Officials under the following conditions:

- i. The OCFEC Official reimburses OCFEC for the face value of the ticket(s), including any applicable fees and service charges.
  - a. Reimbursement shall be made at the time the ticket(s) is/are distributed to the OCFEC Official.
  - b. The Ticket Administrator shall, in his or her sole discretion, determine which event tickets, if any, shall be available under this section.
- ii. The OCFEC Official treats the value of the ticket(s) as income consistent with applicable federal and state income tax laws.
- iii. The OCFEC Official uses, or behests, such ticket(s) for one or more of the following public purposes:
  - a. Performance of a ceremonial role or function representing OCFEC at the event, for which the OCFEC Official may receive enough tickets for the OCFEC Official and each member of his or her immediate family.
  - b. The official and/or job duties of the OCFEC Official require his or her attendance at the event, for which the OCFEC Official may receive enough tickets for the OCFEC Official and each member of his or her immediate family.
  - c. Economic or business development purposes on behalf of OCFEC, including but not necessarily limited to: promotion and marketing of OCFEC's resources and facilities available for commercial and other uses; increase of ancillary revenue for food, beverage, parking and related items at interim and

- OCFEC-promoted events; promotion and marketing of OCFEC initiated, supported controlled or sponsored programs or events.
- d. Fulfillment of contractual obligations where OCFEC has agreed to provide tickets as a form of consideration.
- e. Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.
- f. Attracting or recognizing volunteer service to OCFEC.
- iv. The Ticket Administrator may also elect to offer OC Fair admission tickets at a discounted price to OCFEC Officials for one or more of the public purposes described in Section E(iii). If offered, the Ticket Administrator will establish the prices of such tickets and any applicable quantity limits.

***F. Tickets Distributed at the Behest of an OCFEC Official***

- i. Only Board Members and the CEO shall have the authority to behest tickets.
- ii. Tickets shall be distributed at the behest of an OCFEC Official only for one or more public purposes set forth in this Policy.
- iii. If tickets are distributed at the behest of an OCFEC Official, such OCFEC Official shall not use one of the tickets so distributed to attend the event.

**Comment [MR3]:** In plain language, this prevents a Director from behesting the same ticket that he/she will use for the event. Once a Director behests a ticket, he or she cannot use that ticket.

***G. Disclosure Requirements***

- i. Tickets distributed by OCFEC to any OCFEC Official (i) which the OCFEC Official treats as income pursuant to Section E(ii) above, or (ii) for one or more public purposes described in Section E(iii) above, shall be posted on FPPC Form 802, or any successor form provided by the FPPC, in a prominent fashion on OCFEC’s website within thirty (30) days after distribution. Such posting shall include the following information:
  - a. The name of the recipient, except that if the recipient is an organization, OCFEC 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 individual recipient;
  - b. A description of the event;
  - c. The date of the event;
  - d. The face value of the ticket;
  - e. The number of tickets provided to each person or organization;
  - f. If the ticket was distributed at the behest of an OCFEC Official, the name of the OCFEC Official who made such behest; and

- g. A description of the public purpose(s) under which the distribution was made, or, alternately, that the OCFEC Official is treating the ticket(s) as income.
- ii. Tickets distributed by OCFEC for which OCFEC receives reimbursement from the OCFEC Official as provided under Section E(i) above shall not be subject to the disclosure provisions of Section G(i).

### **5.07.03 Fairground Management/Leasing**

#### **Policy**

With respect to the interim and year-round operations, it is the policy of the 32nd DAA that the CEO will maintain the appearance and reputation of the Fairgrounds as a vital community asset.

Accordingly, the CEO will:

- Establish and maintain a competitive rental rate structure for space/building rentals. .
- Operate with standardized rental policies and requirements, which shall be incorporated into all rental agreements.
- Rent facilities with both parties entering into a written rental agreement.
- Operate with the written consent of the two affected parties, allow competing events within forty-five (45) days of the traditional dates of annual renters' events.
- Ensure that facilities are not rented for any activities that the CEO determines may adversely impact the local neighborhood.