



CITY OF SAN RAMON

Ticket Distribution Policy

March 2012

CITY OF SAN RAMON



ADMINISTRATIVE POLICY

DATE: April 10, 2012
Effective: April 24, 2012

SUBJECT: POLICY FOR DISTRIBUTION OF EVENT TICKETS

PURPOSE:

The California Fair Political Practices Commission amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to facilities or events for entertainment purposes distributed by the City to, or at the behest of, public officials to further restrict the use of event tickets and passes by City officials and employees. For such tickets, Regulation 18944.1 requires that, unless City officials or employees report the value of the tickets or passes they receive as income, the tickets will be treated as reportable "gifts" unless they are distributed in accordance with an officially adopted written policy.

The intent of this Policy is to outline the City of San Ramon Policy relating to tickets or passes to events, distributed to, or at the behest of, public officials.

The Policy is similar to the FPPC regulations but does not necessarily mirror the regulations. If there is a conflict, the more stringent control must be followed. This The Ticket Distribution Policy shall become effective upon the date of approval and signature by the City Manager.

A handwritten signature in black ink, appearing to read "Greg Rogers", is written over a horizontal line.

Greg Rogers, City Manager

4-23-12
Date

INTRODUCTION AND OVERVIEW

1. Purpose

The purpose of this Policy is to ensure that all Tickets which the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.

2. Application of Policy

- 2.1 Types of Tickets – this Policy applies to Tickets which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are either:
- Gratuitously provided to the city by an outside source;
 - Acquired by the City by purchase;
 - Acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; or
 - Acquired and distributed by the City in any other manner.
- 2.2 Policy Applicable to Tickets only – this Policy shall only apply to the City’s distribution of Tickets to, or at the behest of, a City Official. This Policy does not apply to any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided.
- 2.3 This Policy, together with the procedures established pursuant to Section 4.4 below, shall supersede and replace any prior city policy governing Tickets to which this Policy applies.

3. Definitions

- 3.1 “City” refers to the City of San Ramon, the San Ramon Redevelopment Agency, any other affiliated agency created or activated by the City of San Ramon City Council or the city Charter, and any departments, boards, commissions or committees
- 3.2 “City Official” refers to the City’s “public officials” as that term is defined by Government Code Section 82048 and FPPC Regulation 18701 and include any City board, commission or committee member or other appointed official or employee required to file and annual Statement of Economic Interests (FPPC Form 700).
- 3.3 “FPPC” refers to the Fair Political Practices Commission.
- 3.4 “Immediate family” refers to the spouse and dependent children.
- 3.5 “Policy” refers to this Ticket Distribution Policy.
- 3.6 “Ticket” refers to a “ticket or passes” as that term is defined in FPPC Regulation 18944.1 as amended but which currently defines a “ticket or pass” as admission privilege to a facility, event, show or

performance for an entertainment, amusement, recreation, or similar purpose.

4. General Provisions.

- 4.1 No Right to Tickets: The use of complimentary Tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- 4.2 Limitation on Transfer of Tickets: Tickets distributed to a City Official pursuant to this Policy shall not be transferred to any other person, except to members of such City Official's immediate family solely for the personal use.
- 4.3 Prohibition Against Sale of 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
- 4.4 Implementation of Policy: The City 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 city Administrator.
- 4.5 Designation of Agency Head: The City Administrator or his/her designee shall be the "Agency Head" for purposes of implementing the provisions of this policy and completing and posting the FPPC California Form 802.
- 4.6 No Earmarking of Ticket to City: No Ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official.

5. Conditions Under Which Tickets May be Distributed: Subject to the provisions of this Policy, complimentary Tickets may be distributed to City Officials under the following conditions:

- 5.1 The City Official reimburses the City for the face value of the Ticket(s).
- 5.2 The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.
- 5.3 The distribution of the Ticket(s) to, or at the behest of, the City Official accomplishes a governmental and/or public purpose. The following list of governmental and/or public purposes the City may accomplish through the distribution of Tickets is illustrative rather than exhaustive:
 - a) Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event.

- b) Facilitating the attendance of a City Official at an event where the job duties of the City Official require his or her attendance at the event.
- c) Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, 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.
- d) Promotion of City resources and/or facilities available to San Ramon residents.
- e) Promotion of City-run sponsored or supported community programs or events.
- f) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefitting San Ramon residents.
- g) Promotion of business activity, development, and/or redevelopment within the City.
- h) Promotion of City-owned businesses.
- i) Promotion of City tourism on a local, state, national or worldwide scale.
- j) Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- k) Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
- l) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- m) Attracting or rewarding volunteer public service.
- n) Encouraging or rewarding significant academic, athletic, or public service achievements by San Ramon students, residents or businesses.
- o) Attracting and retaining highly qualified employees in the City service.
- p) Recognizing or rewarding meritorious service by a City employee.
- q) Promoting enhanced City employee performance or morale.
- r) Recognizing contributions made to the City by former City Council Members or City employees.

6. Disclosure Requirements.

- 6.1 This policy shall be posted on the City website in a prominent fashion.
- 6.2 Tickets Distributed by the City to any City Official which either: i) the City Official treats as income pursuant to Section 5.2 above; or ii) for one or more public purposes described in Section 5.3 above, shall

be posted on the City website in a prominent fashion, within thirty (30) days after distribution. Such posting shall incorporate the use of FPPC California Form 802, attached to and incorporated in this Policy as Exhibit A, or such alternative form(s) as may from time to time be designated by the FPPC.

- 6.3 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above shall not be subject to the disclosure provisions of Section 6.2.



CITY OF SAN RAMON

ACKNOWLEDGEMENT OF RECEIPT

PASS/TICKET DISTRIBUTION POLICY

Dated – April 24, 2012

My signature below is confirmation that I have received a copy of the City of San Ramon's Pass/Ticket Distribution Policy and that I understand that it sets forth the City's policy with respect to passes or tickets. The Policy outlines employee responsibilities regarding the acceptance of passes or tickets.

I understand that this Policy is intended to supplement other City personnel policies that govern rules of conduct and performance in the workplace. I further understand and agree that it is my responsibility to read and familiarize myself with the provisions of this Policy.

Employee's Signature

Print Employee's Name

Date of Receipt

(Regulations of the Fair Political Practices Commission Title 2, Division 6, California Code of Regulations)

§ 18944.1. Gifts: Tickets or Passes to Events.

For purposes of this regulation “ticket or pass” means admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

(a) Ticket or pass provided to official by official's agency.

(1) When an agency provides a ticket or pass to an official of that agency, the ticket or pass is not subject to the provisions of this regulation, provided that the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the agency reports the distribution of the ticket or pass as income to the official in complying with the provisions of subdivision (c) below.

(2) When an agency provides a ticket or pass to a public official that otherwise meets the definition of gift under Section 82028 and is not exempt under applicable Commission regulations, the official will meet the burden under Section 82028 that equal or greater value has been provided in exchange therefor, provided that all of the following requirements are met:

(A) With respect to a ticket or pass from an outside source provided to an official by the official's agency:

(i) The ticket or pass is not earmarked by the original source for use by the agency official who uses the ticket or pass;

(ii) The agency determines, in its sole discretion, which official may use the ticket or pass.

(iii) The distribution of the ticket or pass by the agency is made in accordance with a policy adopted by the agency in accordance with subdivision (b) below.

(B) With respect to a ticket or pass provided by the official's agency to an agency official, which ticket or pass the agency obtains (i) pursuant to the terms of a contract for use of public property, (ii) because the agency controls the event (such as a state or county fair), or (iii) that is purchased by the agency at fair market value, the distribution of the ticket or pass is made in accordance with subdivision (b) below.

(b) Any distribution of tickets or passes under subdivision (a)(2) by an agency to, or at the behest of, its officials must be made pursuant to a written policy duly adopted by legislative or governing body of the agency that state the public purposes to be accomplished by the agency policy. If the agency maintains a website, the written policy shall be posted on the website in a prominent fashion. The written policy shall contain, at a minimum, the following:

(1) a provision setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes;

(2) a provision requiring that the distribution of any ticket or pass by the agency to, or at the behest of, an official accomplish a public purpose of the agency; and

(3) a provision prohibiting the transfer by any official of any ticket or pass, distributed to such official pursuant to the agency policy, to any other person, except to members of the official's immediate family solely for their personal use.

(c) The distribution of a ticket or pass pursuant to this regulation, or Regulation 18942(a)(13), including a ticket or pass that is provided to the official under subdivision (a)(1) above, shall be posted, on a form provided by the Commission, in a prominent fashion on the agency's website, within 30 days after the distribution. If the agency does not maintain a website, the form shall be maintained as a public record, be subject to inspection and copying under

Section 81008(a), and be forwarded to the Commission for posting on its website. The posting shall include the following:

(1) the name of the person receiving the ticket or pass, except that if the ticket or pass is distributed to an organization outside the agency, the agency may post the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization;

(2) a description of the event;

(3) the date of the event;

(4) the face value of the ticket or pass;

(5) the number of tickets or passes provided to each person;

(6) if the ticket or pass is behested, the name of the official who behested the ticket or pass; and

(7) a description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official.

(d) The Commission recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of a ticket or pass serves a legitimate public purpose of the agency, provided the determination is consistent with state law.

(e) The provisions of subdivision (a) apply only to the benefits the official receives by the admission and are not applicable to any other benefits the official may receive that are not included with the admission, such as food or beverages, or any other item presented to the official at the event.

NOTE: Authority cited: Section 83112, Government Code. Reference: Section 82028, Government Code.

HISTORY

1. Renumbering of former section 18726.7 to section 18944.1 with amendment of section heading filed 6-22-94; operative 6-22-94 (Register 94, No. 25).
2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
3. Amendment of first paragraph and subsections (a)-(b) and (d)-(e) filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).
4. Repealer and new section filed 1-8-2009; operative 2-7-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2009, No. 2).
5. Repealer of subsection (a), subsection relettering and amendment of newly designated subsections (a)(1), (a)(2)(A)(iii)-(b), (c) and (e) filed 9-27-2010; operative 10-27-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2010, No. 40).

Agency Report of: Ceremonial Role Events and Ticket/Admission Distributions

California **802**
Form

A Public Document

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at www.fppc.ca.gov.

General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions and then must post the policy on the agency's website. The Form 802 serves to detail each event and the public purpose of each agency distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or specific individuals.

Website Posting

The Form 802 must be posted on the agency's website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

Privacy Information Notice

Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any questions regarding this notice, please contact the FPPC General Counsel at Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814 (916) 322-5660.

Instructions

Part 1 Agency Identification:

List the agency's name and street address. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2 Function, Event, or Ceremonial Role Information:

Provide the title of the event, the face value (i.e., the cost to the public) of each admission, a brief description of the event, and the date(s) of the event. Check the box indicating whether the tickets or admissions were provided by the agency. If the answer is no, identify the outside source.

Check the box indicating whether the distribution was made at the behest of an agency official. If the answer is yes, provide the full name and title of the agency official.

In the table, Column 1, identify the recipient of the distributed admissions. The full name is required for individuals. If admission is provided to an organization, individual names are not required but the organization's name, address, and brief description must be identified.

In the table, Column 2, disclose the total number of tickets/admissions distributed.

In the table, Column 3, check the box indicating whether the recipient was an agency official.

In the table, Column 4, if an agency official claims admission as taxable income, mark the income box. A description of a ceremonial role conducted by an agency official must be identified even if the official will claim the ticket as income. Alternatively, provide the public purpose for the distribution that is associated with the agency's policy that is posted on the agency's website.

Part 3 Verification:

The agency head or a designee must sign this form acknowledging that he or she has read, understands, and verifies compliance with FPPC Regulations 18944.1 and 18942.

**Agency Report of:
Ceremonial Role Events and
Ticket/Admission Distributions**

A Public Document

1. Agency Name		Date Stamp	California Form 802 For Official Use Only
Division, Department, or Region <i>(if applicable)</i>		<input type="checkbox"/> Amendment <i>(Must provide explanation in Part 3.)</i>	
Street Address			
Designated Agency Contact <i>(Name, Title)</i>			
Area Code/Phone Number	E-mail	Date of Original Filing: _____ <i>(month, day, year)</i>	

2. Function, Event, or Ceremonial Role Information

Title _____ Face Value of Each Admission \$ _____

Description _____ Date(s) ____/____/____ ____/____/____

Ticket(s)/Admission(s) provided by agency? Yes No If no: _____
Name of Source

Was the distribution to persons identified below made at the behest of an agency official?

Yes No If yes: _____
Official's Name (Last, First) and Title

The identity of recipient(s) and the explanation:

Name (Last, First) or Organization (Name, Address, Description)	Number of Admission(s)/ Ticket(s)	Agency Official	<ul style="list-style-type: none"> • Check the income box if the agency official claims admission as taxable income. If the agency official performed a ceremonial role, also provide a description. • If not income, describe the public purpose, including ceremonial roles, performed by an agency official, individual, or organization.
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>

3. Verification

I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution of admissions, set forth above, is in accordance with the provisions.

Signature of Agency Head or Designee Print Name Title *(month, day, year)*

Comment: *(Use this space or an attachment for any additional information including amendment explanation.)*