

RESOLUTION NO. 071375

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION ADOPTING A COUNTY POLICY FOR DISTRIBUTION OF TICKETS
OR PASSES RECEIVED BY COUNTY OF SAN MATEO OFFICERS AND
EMPLOYEES

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, certain County officials and designated employees are required to file an annual State of Economic Interests (FPPC Form 700); and

WHEREAS, from time to time these County officials and employees receive tickets to events; and

WHEREAS, this Board wants to ensure that tickets or passes provided to the County officers and employees are distributed in accordance with the Fair Political Practices Commission (FPPC) Regulation 18944.1; and

WHEREAS, this Board wants to ensure that tickets or passes provided to the County officers and employees are distributed in accordance with the Fair Political Practices Commission (FPPC) Regulation 18944.1; and

WHEREAS, this Board desires to adopt a policy that establishes a procedure for the distribution, use and reporting of tickets or passes, provided to the officers and employees of the County of San Mateo, to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

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NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED THAT the following policy for distribution of tickets or passes received by County of San Mateo officers and employees is hereby adopted.

* * * * *

Regularly passed and adopted this 10th day of May, 2011.

AYES and in favor of said resolution:

Supervisors:

CAROLE GROOM

DON HORSLEY

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE

Carole Groom

President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

R. Romero

Rebecca Romero, Deputy
Clerk of the Board of Supervisors

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**POLICY FOR DISTRIBUTION OF TICKETS OR PASSES RECEIVED BY
COUNTY OF SAN MATEO OFFICERS AND EMPLOYEES**

Purpose:

This policy establishes a procedure for the distribution, use and reporting of tickets or passes, provided to the County of San Mateo, to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose (hereinafter the "Event") in compliance with section 18944.1 of the California Code of Regulations (hereinafter "FPPC Regulation"). FPPC Regulation 18944.1 sets forth the circumstances when a public agency's distribution of tickets or passes, when no consideration of equal or greater value is provided by the public official or employee, does not result in a gift to the official or employee. Tickets or passes to an Event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered gifts to County officials or employees who make use of donated tickets and passes.

The public purpose in distributing tickets and passes to Events is to promote County resources, programs and facilities, to monitor and evaluate County venues and County-sponsored events, and to promote cultural, recreational and educational facilities, services and programs available to the public within the County. This policy is subject to all applicable FPPC Regulations and the Political Reform Act. Nothing in this policy is intended to alter, amend or otherwise affect the obligations of County officers and employees under the Political Reform Act and its implementing regulations or under any County policy or conflict of interest code.

Policy:

I. Definitions

(A) "Ticket Administrator" means the Clerk of the Board or designee. The Ticket Administrator has sole discretion to determine who shall receive the tickets.

(B) "County official" means every member, officer, employee or consultant of the County of San Mateo, as defined in Government Code Section 82048 and California Code of Regulations Regulation 18701. Such term shall include, without limitation, any County board or commission member or other appointed or elected official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

(C) "Face value" means the price indicated on the ticket or, if no price is indicated, the price at which the ticket or similar 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.

(D) "Immediate Family" means spouse and dependent children.

(E) "Ticket" means "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines "ticket or pass" as admission to a facility, event, show, or performance for entertainment.

II. Applicability

This policy applies to tickets that are: (i) gratuitously provided to the County by an outside source; (ii) purchased by the County; (iii) received by the County pursuant to the terms of a contract for use of public property or because the County controls the event; or (iv) received and distributed by the County in any other manner.

III. Public Purpose

Any distribution of tickets in accordance with this policy to a County official, or to an individual or organization outside the County at the behest of a County official, must be in furtherance of a public purpose and be reported as provided in this policy. Public purposes under this policy include, but are not limited to, the following:

(A) Facilitating the attendance of a County official at an event where the job duties of the County official require his or her attendance at the event.

- (B) 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.
- (C) Official welcoming of visiting foreign officials and dignitaries.
- (D) Promotion of County resources and/or facilities available to the public.
- (E) Promotion of County-run, sponsored or supported community programs or events.
- (F) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the County.
- (G) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting County residents.
- (H) Attracting or rewarding volunteer service.
- (I) Attracting and retaining highly qualified employees in County service; recognizing or rewarding meritorious service by a County employee; and/or promoting enhanced County employee performance or morale.

IV. Exemptions to Policy

- (A) **Ceremonial Role or Function.** Tickets provided to a County official to carry out his or her job duties where the County official will perform a ceremonial function on behalf of the County at the event are not considered gifts to the County official and are exempt from the disclosure and reporting requirements of this policy.
- (B) **Income.** If the County official treats the tickets as income consistent with federal and state income tax laws and the County reports distribution of the tickets or passes as income to the County official on a FPPC Form 802, the Policy shall not apply.
- (C) **Reimbursement.** If the County official reimburses the County for the face value of the tickets within thirty (30) days of receipt or acceptance of the tickets, as defined in the Political Reform Act, the Policy shall not apply.

V. Procedures for Distribution and Reporting

(A) Distribution.

(1) Tickets that are donated or provided by an outside source and are earmarked for use by a specific County official by that source are considered gifts to the County official and are subject to the disclosure and reporting requirements applicable to gifts, unless one of the exemptions listed in Section IV applies.

(2) Tickets received by the County from an outside source without designation as to the specific County official who may use the tickets shall be forwarded to the Ticket Administrator. The Ticket Administrator shall determine the face value of the tickets or passes, the individuals who may use them, and report their distribution as provided in Section V(B) below.

(3) A County official may request use of tickets, or for distribution to an individual or organization outside the County, by completing Parts 3 and 4 of FPPC Form 802 and submitting the request to the Ticket Administrator.

(B) Reporting Requirement.

Tickets distributed by the County to a County official, or to an individual or organization outside the County at the behest of a County official, pursuant to this policy shall be documented in a completed FPPC Form 802 (see Attachment "A") or such other form(s) as the FPPC may designate. The completed Form 802 shall be filed with the Clerk of the Board and posted on the County's website in a prominent fashion within 30 days after distribution of the tickets.

(C) Transfer Prohibition.

A County official who receives tickets or passes distributed by the County according to this policy is prohibited from transferring or giving the tickets or passes to any other person except to members of the County official's immediate family for their personal use. No person receiving a ticket or pass pursuant to this policy shall sell or receive reimbursement for the value of the ticket or pass.

(D) Policy Limited to Tickets or Passes.

If other benefits, such as food, beverages or other items, are provided to the County official at the Event and they are not included as part of the admission to the Event; those benefits are not covered by this policy.

**Tickets Provided by
Agency Report**

A Public Document

TICKETS PROVIDED BY
AGENCY REPORT

1. Agency Name		Date Stamp	California Form 802 For Official Use Only
Division, Department, or Region (if applicable)			
Street Address			
Area Code/Phone Number	E-mail	<input type="checkbox"/> Amendment (Must explain in Part 6.) Date of Original Filing: _____ (month, day, year)	
Agency Contact (name and title)			

2. Event For Which Tickets Were Distributed

Date(s) of Event: ____/____/____ Description of Event: _____
____/____/____ Face Value of Ticket: \$ _____
Agency Event ☐ Yes ☐ No (Identify source of tickets below.)
Name of Outside Source of Ticket(s) Provided to Agency: _____
Number of Tickets Received: _____ Ticket(s) Provided to Agency: ☐ Gratuitously ☐ Pursuant to Contract

3. Agency Official(s) Receiving Ticket(s) (use a continuation sheet for additional names)

Name of Official (Last, First)	Number of Tickets	State Whether the Distribution is Income to the Official or Describe the Public Purpose for the Distribution

4. Individual or Organization Receiving Ticket(s) (Provided at the behest of an agency official.)

Name of Behesting Agency Official: _____
Name of Individual or Organization: _____ Number of Tickets: _____
Description of Organization: _____
Address of Organization: _____
Number and Street City State Zip Code
Purpose for Distribution: (Describe the public purpose for the distribution to the organization.)

5. Verification

I have determined that the distribution of tickets set forth above is in accordance with the provisions of FPPC Regulation 18944.1.

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.)

FPPC Form 802 (Feb/05)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

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