

POLICY RESOLUTION NO. BOS-2016-40

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF SANTA CLARA AMENDING BOARD POLICY 3.48 RELATING TO  
COUNTY DISTRIBUTION OF TICKETS OR PASSES**

**WHEREAS**, the Board of Supervisors wishes to give direction and set policy for such matters for which the responsibility of decisions is placed on it by virtue of State codes, County Charter or specific ordinances and resolutions or relates to its broad policy-making authority to matters regarding Santa Clara County; and

**WHEREAS**, the Board of Supervisors wishes to clearly state and compile policies and to provide for distribution of these policies to affected decision-makers; and

**WHEREAS**, the Policy Manual is not set by ordinance, is not legally binding, and can be changed by adoption of a resolution approved by a majority of the Board of Supervisors and is intended to give guidance to staff and future members of the Board of Supervisors;

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Adopted: 04/12/2016

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APR 12 2016

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Santa Clara, State of California, that the Board of Supervisors' Policy Manual is hereby amended by adoption of this resolution to amend Section 3.48 relating to County Distribution of Tickets or Passes, attached hereto as Exhibit "A" and incorporated herein, and the Clerk of the Board is directed to incorporate the policy into the manual so that it is available to all County staff.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on APR 12 2016 by the following vote:

AYES: **CHAVEZ, CORTESE, SIMITIAN, WASSERMAN, YEAGER**

NOES: **NONE**


ABSENT: **NONE**

ABSTAIN: **NONE**




\_\_\_\_\_  
DAVE CORTESE, President  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MEGAN DOYLE  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
JOSE L. LOPEZ  
Deputy County Counsel

Exhibits to this Resolution:

A – Board Policy Manual Section 3.48 relating to Distribution of Tickets or Passes

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## EXHIBIT A

### 3.48 COUNTY DISTRIBUTION OF TICKETS OR PASSES

This policy establishes a procedure for the distribution, use and reporting of tickets or passes, provided to the County, 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”<sup>1</sup>). FPPC Regulation 18944.1 sets forth 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 public 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 the County officials or employees who make use of donated tickets and passes.

The public purpose in distributing tickets and passes to Events, which is described in more detail in section 3.48.3, 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 officials and employees under the Political Reform Act and its implementing regulations or under any County policy or conflict of interest code.

#### 3.48.1 Definitions

“Ticket Administrator” means the County Executive or his/her designee(s) for County departments, agencies, and boards and commissions, and for elected County officials, the elected County officials' staff designee. The Ticket Administrator has sole discretion to determine who shall receive the tickets.

“County official” means every member, officer, employee or consultant of the County of Santa Clara, as defined in Government Code Section 82048 and FPPC 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).

“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.

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<sup>1</sup> The FPPC Regulations can be found in Title 2 of the California Code of Regulations.

“Immediate Family” means spouse and dependent children.

“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.

### **3.48.2 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.

### **3.48.3 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.

### **3.48.4 Exemptions to Policy**

#### **(A) Income.**

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 the FPPC Form 802.

#### **(B) Reimbursement.**

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.

### **3.48.5 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 3.48.4 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 3.48.5(B) below.

(3) A County official may request use of tickets, or for distribution to an individual or organization outside the County, by completing Part 3 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, or to a County official for admission to an event at which he/she will perform a ceremonial role or function on behalf of the County, 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 must be filed with the Clerk of the Board within 45 days of distribution of tickets and must be maintained as a public record, be subject to inspection and copying under California Government Code Section 81008(a), and must be posted on the County's website. A link to the County's website shall be forwarded to the FPPC for posting on its website.

(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 or no more than one guest solely for their attendance at the Event. 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 Application Limitations.

This Policy and the Form 802 reporting apply only to the benefits the official receives that are provided to all members of the public with the same class of ticket.

(E) Retention of Form 802.

The original Form 802 must be retained by the Clerk of the Board for a period of not less than seven years.

Attachment A: FPPC Form 802 (Feb/16) *(Current Form Available on the FPPC website at [www.fppc.ca.gov](http://www.fppc.ca.gov) or toll-free helpline: 866-275-3772)*

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

**A Public Document**

**1. Agency Name**

Division, Department, or Region <i>(if applicable)</i>		Date Stamp	<b>California Form 802</b> For Official Use Only
Area Code/Phone Number	E-mail	<input type="checkbox"/> <b>Amendment</b> <i>(Must Provide Explanation in Part 3.)</i>	
		Date of Original Filing: _____ <i>(month, day, year)</i>	

**2. Function or Event Information**

Does the agency have a ticket policy?    Yes     No     Face Value of Each Ticket/Pass \$ \_\_\_\_\_

Event Description: \_\_\_\_\_    Date(s) \_\_\_\_/\_\_\_\_/\_\_\_\_    \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Provide Title/Explanation*

Ticket(s)/Pass(es) provided by agency?    Yes     No     If no: \_\_\_\_\_  
*Name of Source*

Was ticket distribution made at the behest of agency official?    Yes     No     If yes: \_\_\_\_\_  
*Official's Name (Last, First)*

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A.	Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B.	Name of Individual <i>(Last, First)</i>	Number of Ticket(s)/ Passes	Identify one of the following:
			Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
			Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C.	Name of Outside Organization <i>(include address and description)</i>	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

**4. Verification**

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

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

Comment: \_\_\_\_\_

# Agency Report of: Ceremonial Role Events and Ticket/Pass 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](http://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. The Form 802 serves to detail each event and the public purpose of each ticket distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons, organizations, or agencies 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 to specific individuals.

## Exception

FPPC This form is not required for admission provided to a school or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school or university.

## Reporting and Public Posting

**Ticket Distribution Policies:** An agency must post its ticket policy on its website within 30 days of adoption or amendment and e-mail a link of the website location to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

**Form 802:** The use of the ticket or pass under the policy must be reported on Form 802 and posted on the agency's website within 45 days of distribution. A link to the website location of the forms must be e-mailed to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

The FPPC will post on its website the link to each agency's policy and completed forms. It is not necessary to send an e-mail each time a new Form 802 is posted. It is only necessary to submit the link if the posting location changes.

This form must be maintained as a public document.

## Privacy Information Notice

Information requested by the FPPC is 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 are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel.

## Instructions

### Part 1. Agency Identification:

List the agency's name. 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 or Event Information:

Confirm that your agency has a policy for ticket distribution. Unless the ceremonial role or income box in Part 3, Section B, is marked, this form is only applicable if your agency has a policy.

Complete all of the other required fields that identify the ticket value, description of event, date(s) and whether the ticket was provided by the agency or an outside source. If an agency official behests the tickets, the official's name is also required. Use the comment field or an attachment to explain in full.

### Part 3. Ticket Recipients:

This part identifies who uses the tickets. The identification requirements vary depending upon who received the tickets and are categorized into three sections. Each section must list the number of tickets received. Use the comment field or an attachment to explain in full.

**Section A.** Report tickets distributed to agency staff, other than an elected official or governing board member, pursuant to the agency's policy. It is not necessary to list each employee's name, but identify the unit/department for which the employee works. The agency must describe the public purpose associated with the ticket distribution. A reference to the policy is permissible.

**Section B.** Report: 1) any agency official who performs a ceremonial role; 2) any agency official who reports the value as income; or 3) tickets used by elected officials and governing board members (including those distributed pursuant to the agency's policy).

**Section C.** Report tickets provided to an organization. The organization's name, an address (website url is permissible), and a brief description of the public purpose are required.



Agency Report of:  
 Ceremonial Role Events and Ticket/Pass Distributions  
 Continuation Sheet

Agency Name

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual (Last, First)	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C. Name of Outside Organization (include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy