

**COUNTY OF ALAMEDA POLICY ON RECEIPT AND DISTRIBUTION
OF TICKETS AND PASSES**

Section 1. Purpose of Policy.

This policy is adopted pursuant to Section 18944.1 of Title 2, Division 6, of the California Code of Regulations as the written ticket distribution policy for the County of Alameda that governs the distribution and disclosure of complimentary tickets or passes. Any distribution of a ticket or a pass under this regulation to, or at the behest of, a County official must be made pursuant to this Policy.

Section 2. Definitions.

Unless otherwise expressly defined in this Policy, words and terms used herein shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 and the related regulations of the Fair Political Practices Commission (FPPC).

- A. "County" shall mean the County of Alameda.
- B. "County Official" or "official" shall mean an elected County officer or board member, commissioner, consultant, officer, agent, and employee of the County who is obligated to file an Annual Statement of Economic Interests (FPPC Form 700) pursuant to the Political Reform Act.
- C. "County Venue" shall mean any facility owned, controlled, or operated by the County.
- D. "FPPC" shall mean to the California Fair Political Practices Commission.
- E. "Immediate family" shall mean spouse or dependent children as defined in Section 18943 of Title 2, Division 6, of the California Code of Regulations.
- F. "Pass" shall mean a ticket that provides repeated access, entry or admission to a facility or series of events and for which similar passes are sold to the public.
- G. "Policy" shall mean this policy regarding the distribution and disclosure of complimentary tickets and passes pursuant to Section 18944.1 of Title 2, Division 6, of the California Code of Regulations.
- H. "Ticket" shall mean anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.
- I. "Ticket Administrator" shall mean the official within a County agency, department or office assigned the responsibility to coordinate the behesting and/or distribution of tickets and passes, and complete the disclosures required by this Policy, on behalf of the agency, department, or office.

Section 3. Application

A ticket or pass provided to a County official by the County is not a gift under the Political Reform Act, in any of the following scenarios:

- A. The ticket or pass is taxable income to the official;
- B. The County official reimburses the County for the ticket or pass within 30 days of receipt in compliance with Section 18941(c) of Title 2 of the California Code of Regulations; or

C. The ticket or pass is distributed in accordance with this policy and all of the following apply.

a. The distribution of the ticket or pass to, or at the behest of, the County official is for one or more of the following public purposes:

- (1) To obtain oversight of facilities or events that have received County funding or support.
- (2) To review facilities or events that may require County funding or support in the near future, or to gather information about the operation of a facility similar to one presently or potentially operated by the County.
- (3) To promote tourism or foster economic or business development on behalf of the County or in support of the County's economic development program, including the Economic Development Alliance for Business.
- (4) To evaluate the ability of a facility, its operator, or a local sports team to attract business and contribute to the local economy.
- (5) To review the ability of a facility or its operator to participate in the County's job creation goals or job training programs.
- (6) To evaluate the contribution of a facility or an event to the County's goals for fostering arts, culture, and entertainment opportunities for County residents.
- (7) To promote, encourage, reward, or support general employee morale, retention, exemplary service, or staff development. Such distribution shall be made for the employee's personal use, meaning use by the employee, the employee's immediate family, or no more than one guest.
- (8) To reward a community volunteer for service to the public.
- (9) To promote County-run, sponsored, or supported community events, activities, or programs.
- (10) To promote attendance at events held at a County facility in order to maximize potential County revenue from parking and concession sales.
- (11) To reward a school or nonprofit organization for its contributions to the community.
- (12) To promote County resources or facilities available to County of Alameda residents.
- (13) To provide opportunities to those who are receiving services from County agencies, consistent with the agency's goals for the particular population (i.e., for use by juvenile wards in the custody of the Chief Probation Officer or by clients receiving mental health services and seniors receiving services from the Health Care Services Agency/Public Health).

- (14) To promote health, motivate, and provide expanded opportunities to vulnerable populations in the County such as the disabled, underprivileged, seniors and youth in foster care.
 - (15) To promote intergovernmental relations and 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.
 - (16) To promote special events under any County contract or agreement, including but not limited to sport and athletic events.
 - (17) To promote, support or show appreciation for programs or services rendered by charitable and non-profit organizations benefitting County residents or County schools.
 - (18) To promote County tourism on a local, state, national, or worldwide scale.
 - (19) To promote County recognition, visibility, or profile on a local, state, national, or worldwide scale.
 - (20) To encourage County of Alameda resident and business support for attendance at local events.
 - (21) To encourage or reward significant academic, artistic, public service, or athletic achievements by County of Alameda students, residents, businesses, or employees.
 - (22) To facilitate the attendance of a County official at an event where the job duties of the County official require or support an official's attendance at the event.
- b. A Ticket Administrator distributes the ticket or pass to the County official for the official's use, for use by members of the official's immediate family, or for use by no more than one guest.
 - c. The County, in its sole discretion, determines who will receive the ticket or pass and does not distribute a disproportionate number of the available tickets or passes to an elected County officer, the County Administrator, appointed board and commission members, or department heads.
 - d. An outside source has not earmarked the ticket or pass for a specific County official.
 - e. The distribution of the ticket or pass is disclosed in accordance with Section 6.

Section 4. General Provisions.

- A. This policy governs the distribution of complimentary tickets or passes received by the County that are either:
 - a. Gratuitously provided to the County by an outside source.
 - b. Acquired by the County by purchase for fair value.
 - c. Acquired by the County as consideration pursuant to the terms of a contract for the use of a County venue.

d. Acquired and distributed by the County in any other manner.

B. This policy does not apply to:

- a. Any other item of value that does not meet the definition of "ticket" or "pass" provided to the County or any County official.
- b. Tickets or passes provided to County officials directly by sources other than the County.
- c. A ticket or pass received by a County official from the County where both the County official and the County treat and report the value of the ticket or pass as taxable income consistent with applicable state and federal income tax laws.
- d. A ticket or pass, if the official reimburses the County for the ticket within 30 days of receipt.
- e. A ticket provided to an official and one guest of the official for admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose at which the official performs a ceremonial role on behalf of the official's agency, as defined in FPPC Regulation 18942.3, provided the use is disclosed and posted in compliance with Section 6, below. Any official who attends the event as part of the person's job duties to assist the official who is performing the ceremonial role has not received a gift or income by attending the event.

C. The receipt or use of a ticket or pass under this policy is a privilege extended by the County and is not the right of any person to whom the privilege is extended.

D. Tickets or passes distributed to a County official pursuant to this policy shall not be transferred to any other person, except to members of such County official's immediate family or no more than one guest solely for their attendance at the event. If a County official transfers a ticket or pass received from the County to another person (except as otherwise provided herein), as opposed to returning the ticket or pass to the County for redistribution, then the value of the ticket or pass transferred shall constitute a gift to the County official and shall be reportable as provided by the regulations of the FPPC.

E. A benefit that a County official receives from a ticket or pass may be a gift to the official if the benefit is not provided to all members of the public with the same class of ticket or pass.

F. The County may distribute an unlimited number of tickets or passes to non-County entities and to individuals who are not County officials, including County employees and volunteers who are not County "officials." All tickets and passes that the County distributes must comply with this policy and be disclosed pursuant to Section 6.

G. The disproportionate use of tickets or passes by a member of the Board of Supervisors, County Administrator, Political Appointees, or Department Heads of the County is prohibited.

Section 5. Ticket Administrator

A. The County, in its sole discretion, determines who will receive the ticket or pass. If a ticket or pass is earmarked by an outside source for use by a specific agency official, it will not fall within the gift exemption.

B. The County Administrator ("CAO"), or the CAO's designee, shall maintain a list of all Ticket Administrators in the County and may issue guidelines from time to time to facilitate the County's compliance with this Policy.

- C. All County agencies, departments and offices that receive, behest or distribute tickets or passes shall designate a "Ticket Administrator" to oversee compliance with this Policy, and shall inform the CAO, or CAO's designee, if the designated Ticket Administrator changes.

Section 6. Disclosure

- A. The Ticket Administrator shall disclose the distribution of tickets and passes in accordance with Section 18944.1(d) of Title 2 of the California Code of Regulations, on a form provided by the Fair Political Practices Commission (currently, Form 802).
- B. The following information shall be reported on such form:
 - a. The name of the official receiving the ticket or pass. If the ticket or pass is distributed to a department or other unit of the County, and not used by a member of a governing body, County Administrator, board, or commission member, or elected or appointed department head, the County may report the name of the department or other unit of the County receiving the ticket or pass, and the number of tickets or passes provided to the department or unit, in lieu of reporting the name of the individual employee. For those officials listed above, the name of the official receiving the ticket must be disclosed.
 - b. A description of the event.
 - c. The date of the event.
 - d. The fair value of the ticket or pass as that term is defined in Regulation 18946(d)(1).
 - e. The number of tickets or passes provided to each person.
 - f. If the ticket or pass is behested, the name of the individual who behested the ticket.
 - g. If the ticket was transferred to a member of the official's immediate family or one guest, the relationship of the transferee.
 - h. A description of the public purpose under which the distribution was made.
 - i. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities. A copy of the report shall be maintained with the completed Form 802.
- C. The Ticket Administrator shall maintain the original form as a public record as set forth in Government Code Section 81008.
- D. This Policy shall be posted on the County's website within 30 days of adoption and a link to such website shall be forwarded to the FPPC for posting on the FPPC's website.
- E. The Ticket Administrator shall within 30 calendar days of the distribution of a ticket or pass (or within such other interval as guidelines issued by the CAO, or the CAO's designee may state) prepare and certify a Form 802. The form shall be forwarded to the CAO, or the CAO's designee, to be posted to the County's website and the website link that displays the form shall be sent to the FPPC via e-mail, so that the FPPC may post the website link. Any guidelines issued shall state a timeline for posting that facilitates the posting of Form 802 on the County website within 45 days of the distribution of the ticket or pass as required by FPPC Regulation 18944.1.
- F. The Ticket Administrator shall file amendments to the form within 10 days after the issue that necessitates that any amendment occur.

Section 7. Caveat

This Policy is not a substitute for legal advice. Only the GPPC can provide immunity from prosecution for the legal advice that it offers. Please consult the County Counsel with questions about reporting, disclosure and disqualification requirements regarding tickets and passes and the County Counsel will provide advice and assistance with obtaining advice from the FPPC when requested.