

MEMORANDUM
OFFICE OF THE
County Executive
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: David Boesch, County Executive Officer
By Holly Heinzen, Chief Assistant CEO

DATE: May 21, 2013

SUBJECT: Approval of Ticket Distribution Policy

Action Requested

Approve a policy for distribution of tickets for special events and programs consistent with the Fair Political Practices Commission (FPPC) regulations, which require that any distribution of tickets received by the County be made pursuant to a written policy of the local agency.

Background

FPPC Regulation Section 18944.1 governs the distribution of tickets received by public agencies and distributed to, or at the request of, public officials. The FPPC has amended this regulation to require that unless the public officials report the value of the tickets they receive from an agency as income, the tickets may only be distributed in accordance with an officially adopted policy requiring that the distribution of tickets accomplish public purposes of the agency. Such tickets distributed in accordance with a duly adopted written policy are, when so distributed, not considered gifts to public officials.

The purpose of the proposed policy is to ensure that any tickets the County receives from public or private entities and individuals are distributed in furtherance of the public purposes.

Proposed Policy

The proposed policy identifies criteria and circumstances under which the County may provide tickets to a county official or a person subject to this policy for any of the following County purposes, provided that the County Executive Officer, or his designee, or the Placer County Board of Supervisors determines that providing the tickets actually benefits the County by accomplishing one or more of the following:

- a. A County official is requested to attend an event representing the County in an official capacity.

- b. Promotion of open government by County official appearances, participation, and/or availability at business and/or community events.
- c. Promotion of intergovernmental relations through activities and events involving other public entities.
- d. Promotion of County recognition, visibility and/or profile on a local, regional, state, or national scale
- e. Promotion of business activity within Placer County.
- f. Promotion of tourism, landmarks, and community events in Placer County.
- g. Highlighting the achievements of local residents, nonprofit or charitable organizations, and businesses.

Other proposed elements of the policy include:

- Transfer of tickets distributed except to members of the County Official's immediate family for their personal use, would not be allowed under the policy, if approved.
 - If a County Official is provided a ticket for use by an immediate family member, that ticket must be used by the designated party; if it is not, the ticket must be returned to the County for redistribution in accordance with FPPC Section 18944.1(c).
- Consistent with criteria relative to Revenue Sharing Funds, tickets received and distributed as a result of approved Revenue Sharing Funds would serve a public purpose by promoting the general welfare of the County and its inhabitants therefore a benefit result to the County.
- Authority is delegated to the County Executive Officer or his or her designee to distribute any tickets received in accordance with this policy.
- Distribution of tickets pursuant to the approved policy shall be recorded, using FPPC California Form 802 or such other form designated by the FPPC, and maintained by the County Executive Officer or a designee as a public record, subject to inspection and copying.
 - The completed Form 802 shall also be promptly forwarded to the FPPC for posting on its website, as required by Regulation 18944.1(d).

Recommendation

The proposed policy meets the requirements of the FPPC regulations and establishes that tickets received by the County are distributed in furtherance of public purposes. It is therefore recommended that the Board of Supervisors approve the attached policy a policy for distribution of tickets for special events and programs consistent with the Fair Political Practices Commission (FPPC) regulations, which require that any distribution of tickets received by the County be made pursuant to a written policy of the local agency.

Attachment: Ticket Distribution and Disclosure Policy



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County of Placer Ticket Distribution and Disclosure Policy

Purpose

To establish a policy as mandated by regulations by the Fair Political Practices Commission (FPPC), which require that any distribution of tickets received by the County be made pursuant to a written policy of the local agency.

Background

FPPC Regulation Section 18944.1 governs the distribution of tickets received by public agencies and distributed to, or at the request of, public officials. The FPPC has amended this regulation to require that unless the public officials report the value of the tickets they receive from an agency as income, the tickets may only be distributed in accordance with an officially adopted policy requiring that the distribution of tickets accomplish public purposes of the agency. Such tickets distributed in accordance with a duly adopted written policy are, when so distributed, not considered gifts to public officials.

POLICY:

1. Definitions

- a. "County" shall mean the County of Placer.
- b. "Public Official" shall mean and refer to the County's "public officials," as that term is defined by Government Code section 82048 and FPPC Regulation 18701, as these sections are amended from time to time.
- c. "FPPC" shall mean the California Fair Political Practices Commission.
- d. "FPPC Regulations" shall mean the regulations of the FPPC set forth in Title 2, Division 6, of the California Code of Regulations.
- e. "Immediate Family" shall have the same meaning as set forth in Government Code Section 82029 as the same may be amended from time to time. As of the date of adoption of the Policy, the term "Immediate Family" is defined in Section 82029 as the officials' spouse and dependent children.
- f. "Policy" shall mean this Ticket Distribution and Disclosure Policy.
- g. "Ticket" shall mean a "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines a "ticket or pass" as admission to a facility, event, show or performance for an entertainment, amusement, recreation or similar purpose.

2. Purpose of Policy

The purpose of this Policy is to ensure that any tickets the County receives from public or private entities and individuals are distributed in furtherance of the public purposes as set forth in Paragraph 3.

3. Public Purpose Requirement

Any Ticket distributed by the County or at the request of a County Official shall accomplish a public purpose. The FPPC recognizes and has stated that the County has discretion in determining whether the distribution of tickets serves a legitimate public purpose of the County, provided that the determination is consistent with state law in accordance with FPPC Section 18944.1(e).

4. Ticket Distribution Public Purposes

The County may provide tickets to a county official or a person subject to this policy for any of the following County purposes provided that the County Executive Officer, or his designee, or the Placer County Board of Supervisors determines that providing the tickets actually benefits the County by accomplishing one or more of the following:

- h. Requested to attend an event representing the County in an official capacity.
- i. Promotion of open government by County official appearances, participation, and/or availability at business and/or community events.
- j. Promotion of intergovernmental relations through activities and events involving other public entities.
- k. Promotion of the County recognition, visibility and/or profile on a local, regional, state, on national scale
- l. Promotion of business activity within Placer County.
- m. Promotion of tourism, landmarks, and community events in Placer County.
- n. Highlighting the achievements of local residents, nonprofit or charitable organizations and businesses.

The above list of public purposes is illustrative rather than exhaustive.

5. Transfer Prohibition

The transfer by any County official of any ticket distributed to such County Official pursuant to this Policy to any other person, except to members of the County Official's immediate family for their personal use, is prohibited. If a County Official is provided a ticket for use by an immediate family member, that ticket must be used by the designated party; if it is not, the ticket must be returned to the County for redistribution in accordance with FPPC Section 18944.1(c).

6. Tickets Received As A Result of Approved Revenue Sharing Funds

The Placer County Board of Supervisors has actively promoted revenue sharing funding as a means to provide financial support for local events, fundraising, programs, supplies, improvements, and equipment needed to help non-profit and community based organizations. The Board finds that each and every approved contribution serves a public purpose by promoting the general welfare of the County and its inhabitants therefore a benefit result to the County. On these occasions, if any tickets are provided to the County as a result of the funding, they are deemed to be given to the County, and not to the individual Supervisor, and as a result, shall be distributed in accordance with this Policy.

7. County Executive Officer

The County delegates the authority to distribute any tickets received in accordance with this Policy to the County Executive Officer or his or her designee and such authority includes the power to distribute such a ticket to the County Executive Officer provided that doing so is otherwise consistent with this Policy.

8. Posting and Disclosure

The distribution of tickets pursuant to this Policy shall be recorded, using FPPC California Form 802 or such other form designated by the FPPC, and maintained by the County Executive Officer or a designee as a public record, subject to inspection and copying. The completed Form 802 shall also be promptly forwarded to the FPPC for posting on its website, as required by Regulation 18944.1(d).