



Policy Type: Board

Category: Administrative Practices

Policy Name: County Distribution of Tickets or Passes - Board Policy 3.48

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3.48 COUNTY DISTRIBUTION OF TICKETS OR PASSES (Adopted 10-6-09; Amended 4-5-11; Amended 4-10-12; Amended 4-12-16)

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"¹). 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.

Footnote 1: The FPPC Regulations can be found in Title 2 of the California Code of Regulations.

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.

“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 or toll-free helpline: 866-275-3772*)

Related Policies

None.



Related Forms and Information

- FPPC Form 802 - <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-reporting-ceremonial-role-events-and-ticket-admission.html>

History

Date	Changes Made
4/12/2016	Policy Amended. View legislative file.
3/15/2016	Updated Link for FPPC Form 802. (David Bruno)
1/30/2014	Policy Uploaded. (John Myers)
4/10/2012	Policy Amended. View legislative file.
4/5/2011	Policy Amended. View legislative file.
10/6/2009	Policy Adopted. View legislative file.