



SACOG Board of Directors

March 9, 2017

Approve SACOG Ticket and Pass Distribution Policy

Issue: SACOG occasionally receives tickets or passes to events. The Political Reform Act requires SACOG to adopt a ticket and pass distribution policy to distribute tickets or passes.

Recommendation: The Government Relations & Public Affairs Committee recommends that the Board adopt the SACOG Ticket and Pass Distribution Policy.

Committee Action/Discussion: SACOG occasionally receives tickets or passes to events, which may be distributed to SACOG employees or officials for recognized public purposes in support of SACOG's mission. As an example, distribution may be made to SACOG employees for the public purpose of enhancing employee morale and performance. The Political Reform Act requires SACOG to adopt a ticket and pass distribution policy so that such distributions do not violate the rules regulating gifts to public employees

SACOG's "designated employees" (i.e., those employees or officials required to file Form 700 each year) are prohibited from receiving gifts from any single source totaling more than \$250 in any calendar year. (California Government Code Section 89503(c).) However, FPPC Regulation 18944.1 provides that SACOG's distribution of tickets and passes to its employees or officials is exempted from the restrictions on gifts under the Political Reform Act, provided that:

- SACOG adopts a ticket policy, which must be posted on its website;
- SACOG provides the FPPC with a link to the webpage containing the ticket policy;
- The ticket or pass may not be earmarked by the original donor for use by a particular SACOG employee or official;
- SACOG determines which employee(s) or official(s) may use each ticket or pass;
- The distribution of each ticket or pass must be for a public purpose, as set forth in the ticket policy;
- Tickets or passes distributed to a SACOG employee or official may not be sold or transferred to any other person except to members of such individual's immediate family and one guest; and
- SACOG completes a Form 802 (Agency Report of Ceremonial Role Events and Ticket/Pass Distributions) and posts the Form on its website for each distribution of tickets under the ticket policy. In some instances, the name of the individual recipient must be listed.

Staff has prepared the attached Ticket and Pass Distribution Policy for review and approval by the SACOG Board, in compliance with FPPC regulations.

Approved by:

Kirk E. Trost
Interim Chief Executive Officer

KET:EJ:ts
Attachment

Key Staff: Erik Johnson, Manager of Policy & Administration, (916) 340-6247

SACOG TICKET AND PASS DISTRIBUTION POLICY**1. Purpose**

The purpose of this policy is to establish a procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance for entertainment, amusement, recreation or similar purposes in compliance with Section 18944.1 of the FPPC Regulations, which sets out the circumstances under which a public agency's distribution of tickets or passes to a 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 as gifts to the SACOG officials and employees who make use of such tickets or passes.

2. Definitions

For purposes of this policy, the following definitions apply:

"FPPC" means the California Fair Political Practices Commission.

"Pass" means a Ticket that provides repeated access, entry, or admission to a facility or series of events, shows or performances, and for which similar passes are sold to the public.

"Policy" means and refers to this Ticket and Pass Distribution Policy.

"SACOG" means the Sacramento Area Council of Governments.

"SACOG Official" means every director, officer, employee, or consultant of SACOG.

"Ticket" means anything that provides admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

3. Tickets and Passes Covered by this Policy

Tickets and Passes Covered by this Policy include those:

- a. Gratuitously provided to SACOG by an outside source and not earmarked by the outside source for use by a particular SACOG Official;
- b. Acquired by SACOG as consideration pursuant to the terms of a contract for the use of a SACOG venue, equipment or services;
- c. Available to SACOG because SACOG controls the event; or
- d. Purchased by SACOG at fair market value.

4. Limitations

This Policy does not apply to:

- a. Tickets provided to SACOG Officials by an outside source to an event at which the SACOG Official performs a ceremonial role or function on behalf of SACOG;
- b. Tickets for which the SACOG Official pays SACOG the face value of the Ticket;
- c. Tickets for which the SACOG Official treats the Ticket or Pass as income consistent with applicable state and federal income tax laws and SACOG reports the distribution of the Ticket or Pass as income to the SACOG Official in compliance with FPPC Regulation Section 18944.1(d); or
- d. Other benefits, such as food, beverages or other items, that are provided to the SACOG Official at the event, if such benefits are not included as part of the admission to the event.

5. Provisions

SACOG may distribute Tickets or Passes under the following provisions:

- a. The CEO, or his or her designee, is responsible for the distribution of Tickets and Passes in accordance with this Policy. All requests for Tickets or Passes falling within the scope of this Policy must be made in accordance with any procedures that may be established by the CEO. The public purpose to be accomplished must be identified with specificity and must not be a pretext to accomplish some other purpose. The following are deemed to be public purposes under this Policy:
 - i. Promotion of public exposure to, and awareness of, new, upcoming or existing SACOG services or facilities;
 - ii. Promotion of special events to which SACOG is a party;
 - iii. Promoting business activity, growth, or development that furthers SACOG's purposes;
 - iv. Promotion of SACOG brand recognition, visibility, or profile;
 - v. Meeting and greeting residents and visitors to gain feedback on and make observations of the quality and awareness of SACOG services or to gain insight into what SACOG services that residents and visitors would like to see SACOG make available;
 - vi. Promotion of open, visible, and accessible government by SACOG Official participation and/or availability of an event;
 - vii. Attracting and retaining highly qualified employees for SACOG service;

- viii. Attracting or rewarding volunteer public service;
 - ix. Promoting enhanced SACOG employee performance or morale; or
 - x. For the purpose of networking with other community and civic leaders at charitable events.
- b. Tickets or Passes distributed to a SACOG Official pursuant to this Policy must not be transferred to any other person except to members of such SACOG Official's immediate family (spouse, registered domestic partner, or dependent children) solely for their personal use, which personal use may include no more than one guest accompanying the SACOG Official or his or her immediate family member.
 - c. No person who receives a Ticket or Pass pursuant to this Policy may sell or receive reimbursement for the value of such Ticket or Pass.

6. Reporting Requirements

The following disclosure requirements must be met: For each Ticket or Pass distributed under this Policy, a Form 802 report must be filled out and sent to the FPPC for posting on its website. The Form 802 report or other report must contain the following information:

- a. The name of the person receiving the Ticket or Pass, except if the Ticket or Pass is distributed to an organization outside of SACOG, then SACOG may post the name, address, description of the organization, and the number of Tickets or passes provided to the organization in lieu of posting the names of each individual from the organization;
- b. A description of the event;
- c. The date of the event;
- d. The face value of the Ticket or Pass;
- e. The number of Tickets or Passes provided to each person;
- f. A description of the public purpose under which the distribution was made or, alternatively, that the Ticket or Past was distributed as income to the SACOG Official.