



Policy Type	General Administrative Practices
Policy Name	AR 46, Distribution of Tickets or Passes by the County
Resolution Number	2021-0158
Effective Date	March 17, 2021

PURPOSE

This policy establishes rules in accordance with Fair Political Practices Commission (FPPC) Regulation section 18944.1 regarding the distribution and reporting of tickets or passes distributed to, or at the behest of, County officials. The FPPC regulation requires the Board of Supervisors to adopt a policy regarding tickets or passes, and to report the distribution of tickets or passes.

DEFINITIONS

For the purposes of this policy, the following words, terms, and phrases shall have the following meanings:

- a. "County official" means an official who is included in the County's conflict of interest code and therefore must complete Form 700.
- b. "Ticket" or "pass" means any form of admission to a facility, event, show, or performance for entertainment, amusement, recreation, or a similar purpose.
- c. "Immediate family" means spouse (including a registered domestic partner) and dependent children.

SCOPE

This Policy applies to tickets or passes which provide access, entry, or admission to a facility or event for an entertainment, amusement, recreational, social, charitable, or similar purpose, for which tickets or passes are sold to the public, and are:

- a. Gratuitously provided to the County by an outside source;
- b. Purchased by the County;
- c. Received by the County pursuant to the terms of a contract for the use of public property or because the County controls the event; or
- d. Acquired and distributed by the County in any other manner.

This policy does not apply to any other item of value provided to the County or any County Official, regardless of what type of item is involved, received gratuitously or for which consideration is provided. (See AR 37.)

POLICY

FPPC Regulation 18944.1 sets forth the circumstances when the County's receipt and distribution of tickets or passes, when no consideration of equal or greater value is provided by the County official, does not result in a gift to the official. Tickets or passes received by a County official not in compliance with this policy may be considered a gift, which requires disclosure on the County official's statement of economic interests (Form 700). In addition, FPPC Regulation 18946.4 provides for deducting the value of a charitable contribution from a ticket to a charitable fundraiser, before the value of the item received is calculated. Finally, FPPC Regulation 18944.3 provides that purchases by the County which result in



the provision of food, beverages, entertainment, goods, or services of more than a nominal value to a County official are not gifts to the official, where the payment is a lawful expenditure of public moneys.

This policy must be maintained as a public record and is subject to inspection and copying under Government Code Section 81008. The County must post this policy on its website within 30 days of adoption or amendment and must send to the Commission by e-mail the agency's website link that displays the policy so that the Commission may post the link.

1. POLICY ADMINISTRATOR

The County Administrative Officer, or designee, shall be responsible for administering this policy.

Tickets or passes that are received by the County shall be forwarded to the County Administrative Officer, or designee, who shall act as the Ticket Administrator.

The Ticket Administrator shall:

- a. Determine if the distribution of the tickets or passes accomplishes a public purpose in accordance with Section 2 of this policy;
- b. Determine the face value of the tickets or passes (which for a charitable fundraiser means the value of the item received by the public official (such as a meal or round of golf), after the true donation is subtracted);
- c. Determine the individuals who may use the tickets or passes; and
- d. Report the distribution of tickets or passes to the Clerk to the Board of Supervisors using FPPC Form 802.

The Ticket Administrator shall have the authority, in his or her sole discretion, to establish specific procedures for the distribution of tickets in accordance with this policy. All requests for tickets which fall within the scope of this policy shall be made in accordance with the procedures established by the Ticket Administrator.

2. PUBLIC PURPOSE

The distribution of any ticket or pass by the County to, or at the behest of, a County official must accomplish a public purpose of the County and be reported as provided in this policy. The public purposes of the County include, but are not limited to, the following:

- a. Attending an event sponsored by the County (e.g., health fair);
- b. Attending a community event in which the County is a participant (e.g., World Ag Expo, charitable fundraiser);
- c. Gathering information about the operation of a facility similar to one operated by, or to be operated by, the County (e.g., a museum);
- d. Promoting tourism as a form of economic development;
- e. Promoting business networking to enhance staff development;
- f. Promoting County resources, programs, and facilities;
- g. Monitoring and evaluating County venues;
- h. Promoting cultural, recreational, and educational facilities, services, and programs available to the public within the County; and
- i. Supporting local charities.

FPPC Regulation section 18944.1 specifies that distribution of the tickets or passes to County officials, other than members of the Board of Supervisors, the Chief Administrative Officer, political appointees, or department heads, for their personal use, to support general employee morale or retention, or to reward public service, is deemed to serve a public purpose.



For purposes of this paragraph, “personal use” means use by the official, plus his or her immediate family, or no more than one guest.

Except as specified below for Good Works funds, County officials who receive tickets or passes under the policy are 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.

Except as specified below for Good Works funds, this policy prohibits the disproportionate use of tickets or passes by a member of the Board of Supervisors, the County Administrative Officer, a political appointee, or department head.

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 of this policy applies.

3. EXEMPTIONS TO POLICY

- a. Ceremonial Role or Function. Tickets provided to a County Official to carry out his or her job duties where the County official will perform a ceremonial function on behalf of the County at the event are not considered gifts to the County official. Examples of a ceremonial role include: throwing out the first pitch at a baseball game; cutting a ribbon at an opening; or making a presentation of a certificate, proclamation, award, or other item (see FPPC Regulation 18942.3). However, the distribution of such tickets must still be reported on Form 802.
- b. Income. If the County official treats the tickets as income consistent with federal and state income tax laws, this Policy shall not apply.
- c. Reimbursement. If 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, this Policy shall not apply.

4. REPORTING REQUIREMENTS

The distribution of tickets or passes pursuant to this policy shall be reported and retained as required by FPPC Regulation section 18944.1. The distribution must be reported on FPPC Form 802 within 45 days of the distribution.

- a. Except as provided in paragraphs b and c below, the information reported shall include the following:
 - i. The name of the County official receiving the ticket or pass;
 - ii. A description of the event;
 - iii. The date of the event;
 - iv. The fair value of the ticket or pass (see FPPC Regulation 18946, subd. (d)(1), and FPPC Regulation 18946.4);
 - v. The number of tickets or passes provided to each person;
 - vi. If the ticket or pass is behested, the name of the County official who behested the ticket or pass;
 - vii. If the ticket was transferred to members of the County official’s immediate family or no more than one guest solely for their attendance at the event, the relationship of the transferee;
 - viii. A description of the public purpose under which the distribution was made; and
 - ix. 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.



- b. If the ticket or pass is distributed to a County department or other unit of the County, and not used by a member of the Board of Supervisors, the County Administrative Officer, a political appointee, or 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, in lieu of reporting the name of the individual employee as otherwise required in Section 4.a.i.
- c. The form must be signed by the County Administrative Officer or designee, and filed with the Clerk to the Board of Supervisors. The forms must be maintained as public records and are subject to inspection and copying under Section 81008(a). The Clerk to the Board of Supervisors shall post the form, or a summary of the information on the form, on the County website, and shall send to the Commission by e-mail the County's website link that displays the form so that the Commission may post the website link.

Note regarding report to FPPC of tickets and passes to charitable fundraiser events

FPPC Regulation section 18946.4 provides that the value of tickets to a charitable fundraiser is limited. First, the true donation is subtracted. Second, the first two tickets provided by the charity itself are deemed to have no value. Accordingly, the Ticket Administrator shall report on Form 802 only the value of the item received by the official, not the purchase price of the ticket, and shall also exclude the first two tickets provided by the charity itself. (Note: nominal items distributed to all attendees at a charitable fundraiser event, such as pens with the charity's logo, are deemed to have no value.)

5. SPECIAL RULES FOR TICKETS TO CHARITABLE FUNDRAISERS PURCHASED WITH GOOD WORKS FUNDS

Pursuant to Government Code section 26227, the County maintains a formal program of good works funding, under which local charities may ask a Board member to authorize monetary donations for a qualifying purpose. In accordance with the program's guidance, a Supervisor submits a request for a specified amount of money and purpose to the County Administrative Officer, the County Administrative Officer enters into a formal contract with the requesting charity for that amount and purpose, and the contracts are later ratified by formal action of the Board of Supervisors.

Many of these donations include the purchase of or result in the receipt of tickets or passes to charitable fundraisers. For tickets or passes to charitable fundraisers purchased by the County with good works funds, the following rules shall apply, pursuant to FPPC Regulation section 18944.3. Under this regulation, if good works funds are used to sponsor a charitable fundraiser golf tournament, and tickets to participate in the tournament are given to every tournament sponsor, then these tickets would be considered to be purchased by the County with good works funds. In contrast, tickets purchased by others or provided directly by the charity are subject to the general rules in Sections 1-4 of this policy above. For example, tickets provided as a "thank you" for sponsorship, that would otherwise not be included in the sponsorship packet, and are not provided to all sponsors, are not considered to be purchased by the County with good works funding.

- a. Payment from County funds to a charity is a lawful expenditure of public moneys.
- b. The portion of the purchase price paid by the County for a ticket to a charitable fundraiser which would otherwise be considered a gift to a County official of "food, beverage, entertainment, goods, or services of more than a nominal value," is not a gift to that official.
- c. Tickets to a charitable fundraiser purchased by the County with good works funds must be received by the Ticket Administrator, as defined in Section 1 of this policy, for the purposes of valuation, distribution, and reporting.
- d. Tickets to a charitable fundraiser purchased by the County with good works funds may be distributed solely to members of the Board of Supervisors, the County Administrative Officer, a political appointee, or department head, or may include other County officials.
- e. Once tickets to a charitable fundraiser purchased by the County with good works funds have been distributed to County officials by the Ticket Administrator, County officials may distribute the tickets to persons in addition to



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immediate family or one guest. Such persons shall use the tickets solely for their attendance at the event. No person receiving a ticket purchased by the County with good works funding shall sell or receive reimbursement for the value of the ticket.

- f. The distribution of tickets to charitable fundraisers purchased by the County with good works funds shall be reported on FPPC Form 802 as provided above. (This includes reporting the further distribution of tickets to others for attendance at the event.)