



<b>Policy Type</b>	General Administrative Practices
<b>Policy Name</b>	AR 46, Distribution of Tickets or Passes by the County
<b>Resolution Number</b>	2022-0612
<b>Effective Date</b>	July 20, 2022

## 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" and "pass" have the same definitions as in FPPC Regulation 18946.
- c. "Immediate family" means spouse (including a registered domestic partner) and dependent children.

## SCOPE

This policy applies to tickets or passes provided to County officials by outside sources. Specifically, tickets or passes to a specific event or function and for which similar tickets or passes are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket or pass is sold and includes any benefits that the ticket or pass provides, and are:

- a. Gratuitously provided to the County by an outside source;
- b. 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
- c. Received and distributed by the County in any other manner.

This policy does not apply to tickets or passes purchased with County funds:

- a. Tickets or passes purchased by County departments with County funds to community events, such as a dinner to honor the Farmer of the Year or a fundraiser banquet for a nonprofit entity which provides services in partnership with a County department, are excluded from this policy.
- b. Tickets or passes provided to the County as a sponsor of a nonprofit event, where the donation to the nonprofit entity was made with Good Works Funding, are excluded from this policy. In contrast, tickets to nonprofit events purchased by others, or provided directly by the charity to the County gratuitously, where they are not provided to all sponsors, are subject to this policy.

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

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.

FPPC Regulation 18944.1 sets forth the circumstances when the County's receipt and distribution of tickets or passes 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).

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 4 of this policy applies.

### 1. POLICY ADMINISTRATOR

The Ticket Administrator, shall be responsible for administering this policy. Ticket Administrator means the County Administrative Officer, an agency director, or department head, or their designee. For the Board of Supervisors, the County Administrative Officer will serve as the Ticket Administrator.

Tickets or passes that are received by the County shall be forwarded to a Ticket Administrator for distribution.

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 fair value of the tickets or passes;
- 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);
- 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; and
- h. Promoting cultural, recreational, and educational facilities, services, and programs available to the public within the County.

### 3. TICKET DISTRIBUTION & USE

FPPC Regulation section 18944.1 specifies that distribution of the tickets or passes to County employees, other than members of the Board of Supervisors, the County 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.

County officials who receive tickets or passes under this 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.

### 4. EXEMPTIONS TO POLICY

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 following exemptions applies.

- 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.

### 5. 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;



# COUNTY OF TULARE

## ADMINISTRATIVE REGULATION

- 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 5.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.)