

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

240



FROM: Economic Development Agency

SUBMITTAL DATE:
June 10, 2009

SUBJECT: Adoption of Board Policy A-65 – Distribution of Tickets and Passes

RECOMMENDED MOTION: That the Board adopt Board Policy A-65 regarding the Distribution of Tickets and Passes

BACKGROUND: The Fair Political Practices Commission (FPPC) recently adopted new regulations regarding the distribution of tickets or passes to events, operative February 7, 2009 (FPPC§18944.1. Gifts: Tickets or Passes to Events). These regulations pertain to admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose. The regulations state that such tickets are not gifts to public officials if the County distributes them in accordance with a duly adopted written policy. County Counsel drafted proposed Board Policy A-65, attached hereto, to set forth the procedures by which the County will distribute tickets and passes.

(continued)

Robert Field
Assistant County Executive Officer/EDA

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|-----------------------|-------------------------------|------|-------------------------|-----|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 0 | In Current Year Budget: | N/A |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | N/A |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | N/A |

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA:

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|-----------------------------|---|--------------------------|
| SOURCE OF FUNDS: N/A | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: Jennifer J. Sargent

- Dep't Recomm.: Consent
- Per Exec. Ofc.: Consent
- Policy
- Policy

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| Prev. Agn. Ref.: | District: | Agenda Number: |
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3.25

BACKGROUND (continued):

Key provisions of the proposed policy are as follows:

- Tickets distributed pursuant to the policy must meet a public purpose, such as promoting the County and programs/resources available to County residents, promoting economic development and job creation, promoting County events, facilities or landmarks, exchange programs, and sponsorship agreements where the County requires a certain number of tickets or passes be made available for County use.
- Tickets distributed pursuant to the policy cannot be transferred except to members of the official's immediate family for personal use.
- Tickets distributed pursuant to the policy must be reported on FPPC Form 802 and posted to the County's website within thirty (30) days after distribution.
- The form shall be posted for twelve (12) months.
- Tickets or passes provided when the official performs a ceremonial role or function are not considered gifts and are exempt from disclosure.
- The distribution of tickets pursuant to this policy is delegated to the Economic Development Agency Assistant County Executive Officer or his designee.

EDA and County Counsel recommends that the Board adopt Board Policy A-65.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

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|---|--------------------------|--------------------|
| <u>Subject:</u> | Policy Number | Page |
| DISTRIBUTION OF TICKETS AND PASSES | A-65 | Page 1 of 3 |

Purpose:

This policy governs the distribution of tickets and passes for a facility, event, show or other performance for entertainment, amusement, recreational or similar purposes ("Event"), either received by the County of Riverside ("County") or provided by the County (i) pursuant to the terms of a contract for use of public property, (ii) because the County controls the event, or (iii) that is purchased by the County at fair market value and provided to any Board member, officer, employee or consultant of the County ("Official"), or to another individual or organization at the behest of the Official.

This policy is established pursuant to Section 18944.1 of the Fair Political Practices Commission ("FPPC") regulations and is subject to all applicable FPPC regulations and the Political Reform Act, as now exist or may hereafter be added or amended. Section 18944.1 provides that such tickets or passes are not gifts to public officials (which must be disclosed on the Official's Statement of Economic Interests/Form 700), if the County distributes them in accordance with a duly adopted written policy pursuant to Section 18944.1, subdivision (b)(2).

The provisions of subdivision (b) of Section 18944.1 apply only to the benefits the Official receives by the admission and are not applicable to any other benefits the Official may receive that are not included with the admission, such as food or beverages, or any other item presented to the Official at the Event.

Subdivision (e) of Section 18944.1 recognizes the discretion of the Board of Supervisors to determine whether the distribution of a ticket or pass serves a public purpose of the County, provided the determination is consistent with state law.

Performance of Ceremonial Role or Function:

A ticket or pass provided by a source other than the County to an Official for an event at which the Official performs a ceremonial role or function on behalf of the County is not a gift to the Official. These tickets are exempt from any disclosure or reporting requirements.

Public Purposes:

The distribution of tickets or passes by the County pursuant to this policy, to or at the request of an Official, should accomplish a public purpose. Such public purposes include:

- a. Promotion of County controlled events, activities or programs.
- b. Promotion of community programs and resources available to County residents, including nonprofit organizations and youth programs.
- c. Marketing promotions highlighting the achievements of local residents and businesses.
- d. Promotion and marketing of private facilities available for County resident use.
- e. Promotion of County growth and development, including economic development and job creation opportunities.
- f. Promotion of County events, facilities or landmarks.
- g. Promotion of County recognition, visibility or profile on a local, state, national or worldwide level, including but not limited to exchange programs with foreign officials and dignitaries, sponsorship agreements involving private events where County seeks to enhance the County's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries and residents.
- h. Promotion of open and accessible government by appearances or participation of Officials at business and community events.
- i. Where the County, as a form of consideration in a written contract, has required that a certain number of tickets or passes be made available for County use.
- j. Employment retention including enhancement of employee morale.

Prohibition on Transfer:

A ticket or pass distributed to an Official pursuant to this policy may not be transferred by the Official to any person, except to members of their immediate family solely for their personal use. Government Code section 82029 defines immediate family to mean spouse and dependent children. The Official or any member of the Official's immediate family may, however, return any ticket or pass unused to the County for redistribution pursuant to this policy.

Website Posting:

The distribution of tickets or passes pursuant to this policy shall be posted on the EDA County website in a prominent fashion within thirty (30) days after the distribution of the ticket or pass by using a FPPC Form 802, or such alternate form as may be approved or amended. The form shall be posted for twelve (12) months and may be removed at the County's discretion anytime thereafter. This policy shall be posted on the County's website in a prominent fashion.

Assistant County Executive Officer/EDA:

The County delegates the authority to distribute any complimentary tickets or passes pursuant to this policy to the Assistant County Executive Officer/EDA or his or her designee ("Director").

- a. With respect to a complimentary ticket or pass from an outside source provided to an Official by the County, the ticket or pass may not be earmarked by the original source for use by the Official who uses the ticket or pass; and
- b. The Assistant County Executive Officer/EDA shall determine, in his or her sole discretion, which Official may use the complimentary ticket or pass.
- c. Where the Director desires to obtain a complimentary ticket or pass, the County Board of Supervisors authorizes the County Executive Officer to exercise the County's sole discretion in determining whether the Assistant County Executive Officer's/EDA use of the tickets or passes is in accordance with the terms of this policy.