

CITY COUNCIL POLICY

SUBJECT: CITY OF MOUNTAIN VIEW TICKET DISTRIBUTION
POLICY FOR SHORELINE AMPHITHEATRE AND
OTHER TICKETS

NO.: A-15

PURPOSE:

To establish a policy governing the distribution of tickets received by the City and for the disclosure of the distribution of same on the City's website. This Policy is drafted consistent with 2 California Code of Regulations, Section 18944.1.

I. DEFINITIONS

"Ticket" – Anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.

"Pass" – A ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public. For purposes of this Policy, the term "ticket" shall include "pass" as defined herein.

"Ticket Distribution Coordinator" or "TDC" – The City Manager of the City of Mountain View or designee(s).

"Immediate family" – The spouse and dependent children of the City Official. The term "spouse" includes registered domestic partners recognized by State law. The term "dependent children" shall mean a child, including an adoptive child or stepchild, of a City Official who is under eighteen (18) years old and who the City Official is entitled to claim as a dependent on that City Official's Federal tax returns.

"Certificate" – A certificate issued by the City of Mountain View to a Certificate Recipient at the behest of a City Councilmember. Each Certificate is valid for two (2) individual tickets to a single Shoreline Amphitheatre event.

"Certificate Recipient" – A nonprofit organization that serves the Mountain View community.

"Certificate Tickets" – Individual tickets issued in exchange for a Certificate.

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“Premium tickets” – The twenty (20) premium tickets received by the City for each event pursuant to the City’s Shoreline Amphitheatre Lease. Premium tickets include the eight (8) tickets to the City box for each event.

“Pool tickets” – Tickets received by the City (excluding premium tickets) pursuant to the City’s Shoreline Amphitheatre Lease.

“City Official” – Every member, officer, or full-time employee of the City of Mountain View, as defined in Government Code Section 82048 and 2 California Code of Regulations Section 18700. Such term shall include, but is not limited to, any City Councilmember or other appointed official or employee required to file a Statement of Economic Interests (FPPC Form 700).

II. TICKET DISTRIBUTION POLICY

Unless otherwise provided herein, words and terms used shall have the same meaning as such words and terms in the California Political Reform Act of 1974 and the regulations of the Fair Political Practices Commission (FPPC) as same may be amended from time to time.

A. Purpose

This Ticket Distribution Policy is provided to ensure that the City of Mountain View’s distribution of tickets to entertainment, amusement, recreational, or similar events furthers a public purpose in accordance with 2 California Code of Regulations Section 18944.1. Tickets that are distributed and meet the requirements as provided in this Policy will not result in a gift to the City Official who receives the tickets.

B. Application of Policy

1. The following qualify as tickets subject to the requirements of this Policy:
 - a. Gratuitously provided to the City by an outside source;

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- b. Acquired by the City by purchase or by sponsorship;
 - c. Acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; and
 - d. Acquired and distributed by the City in any other manner.
2. The following tickets are not subject to the requirements of this Policy:
- a. **Ceremonial Function**— A ticket(s) provided by a source other than the City to a City Official for admission to an event at which the City Official performs a ceremonial role or function, as defined by 2 California Code of Regulations Section 18942.3, on behalf of the City.
 - b. **Official Treats Ticket as Income**— A City Official receiving a ticket(s) pursuant to this Policy may treat the ticket(s) as income consistent with State and Federal income tax laws. Should the City Official make this election, the City will report the distribution of the ticket(s) on the City’s website and official records in complying with the provisions of the reporting requirements of this Policy. Unless otherwise required by law, the City does not have an obligation to report the ticket(s) as income to the City Official as part of IRS or State Franchise Tax Board reporting requirements.
 - c. **City Official Reimburses the City**— Payment/reimbursement shall be made at the time the ticket(s) is/are distributed to the City Official.

C. General Provisions

All tickets subject to this Policy shall be subject to the following provisions:

1. **No Right to Tickets**— It is a privilege to use tickets distributed under this Policy and not the right of any person. No ticket shall be distributed to any person without the person complying with this Policy and completing and signing the appropriate form(s) required by this Policy.

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2. **Limitation on Transfer of Tickets**—Except as otherwise provided in this Policy, tickets distributed to a City Official pursuant to this Policy shall not be transferred to any person except to no more than one (1) member of the City Official's immediate family or no more than one (1) guest solely for their attendance at the event. The City Official must accompany the immediate family member or guest to whom the ticket was transferred. Tickets distributed to a City Official may not be sold or bartered, and any tickets that are not planned for use shall be returned to the TDC as soon as possible before the event.
3. **Eligibility**—The City Official receiving the ticket(s) must be currently serving the City at the time of the event.
4. **Ticket Administration**—The TDC shall have the authority, in the TDC's sole discretion, to establish procedures for distribution of the 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 TDC.
5. **Public Purpose**—Any distribution of tickets in accordance with this Policy, excluding those set forth in Section B.2. of this Policy, to a City Official or to an individual or organization outside the City at the behest of a City 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 City Official at an event where the job duties of the City Official require 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.

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- c. Oversight for inspection purposes, if a City Official submits a written inspection report of findings and recommendations after attending the event.
 - d. Official welcoming of foreign officials and dignitaries.
 - e. Promotion of City resources and/or facilities available to the public.
 - f. Promotion of City-run, -sponsored, or -supported community programs or events.
 - g. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
 - h. Promoting, supporting, and/or showing appreciation for programs or services rendered by nonprofit organizations benefiting City residents.
 - i. Attracting or rewarding volunteer service.
 - j. Attracting and retaining highly qualified employees in City service; recognizing or rewarding public service by a City Official, and/or supporting general morale.
 - (1) Not applicable to Councilmembers, City Manager, appointed officials, or department heads (2 California Code of Regulations Section 18944.1(e)).
 - k. Promoting cultural, artistic, educational, recreational, or community activities or events in the City.
6. **Prohibition Against Disproportionate Use**—The TDC is responsible for ensuring that tickets under this Policy are available to all City Officials, regardless of status, and that tickets are not used disproportionately by City

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- Councilmembers, City Manager, appointed City Officials, or department heads.
7. **Suspension of Privileges** – The TDC, in the TDC’s sole discretion, may revoke or suspend the ticket privileges for the remainder of the calendar year of any person who violates any provision of this Policy or the procedures established by the TDC for the distribution of tickets in accordance with this Policy, including the unauthorized transfer of tickets.
 8. **Compliance with FPPC Ticket Distribution Requirements** – When the City provides a ticket to a City Official that otherwise meets the definition of gift under Government Code Section 82028 and is not exempt under applicable FPPC regulations, the City Official will meet the burden under Section 82028 that equal or greater value has been provided in exchange therefor, provided that all of the following requirements are met:
 - a. The ticket is not earmarked by the source of the ticket for a City Official or class of officials.
 - b. The TDC determines which City Official may use the ticket.
 - c. The distribution of the ticket by the City is made in accordance with this Policy.
 9. **Benefits of Admission** – The provisions of this Policy apply only to the benefits the City Official receives by the admission and are not applicable to any other benefits the City Official may receive (such as food, beverages, souvenirs, or parking) unless those benefits are part of the admission privileges of the ticket. Parking passes and access to the VIP entrance and/or Shoreline Amphitheatre lounges which may be included as part of the admission privileges attached to some tickets, are considered part of the admission privileges of the ticket.

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D. Distribution of Shoreline Amphitheatre Tickets

1. **Councilmember Tickets** – In addition to the above General Provisions which apply to all City Officials, the following provisions apply to City Councilmembers for tickets received by the City pursuant to the Shoreline Amphitheatre lease only:
 - a. Each Councilmember may receive up to fourteen (14) tickets for events at the Shoreline Amphitheatre per season for a stated public purpose pursuant to this Policy.
 - b. Each Councilmember may designate up to two (2) Certificates to a qualifying Certificate Recipient per season.
 - c. Each Councilmember may receive up to ten (10) tickets for events at the Shoreline Amphitheatre per season provided that the ticket(s) are treated as income pursuant to this Policy and 2 California Code of Regulations Section 18944.1(g).
 - d. Each Councilmember may receive up to ten (10) tickets for events at the Shoreline Amphitheatre per season if the Councilmember reimburses the City for the fair value of the ticket(s), as defined in 2 California Code of Regulations Section 18946(d)(1), pursuant to this Policy and 2 California Code of Regulations Section 18944.1(h).
2. **Distribution Priority** – The TDC shall establish procedures to receive requests for tickets for events at Shoreline Amphitheatre, including a deadline for such requests. Timely requests will be fulfilled by the TDC in the following order of priority for each event:
 - a. City Council.
 - (1) Councilmembers requesting more than one (1) pair of tickets for an event shall receive one (1) pair of premium tickets initially.

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- b. Recipients of Certificate Tickets, limited to one (1) pair of tickets per recipient.
 - c. Employees, department heads, and appointed officials.
 - d. Any additional tickets left after the initial fulfillment of timely requests shall continue to be filled in the order of priority pursuant to this Policy.
 - e. The TDC shall establish procedures to distribute remaining tickets once all timely requests have been fulfilled.
3. **Management of City Box** – The Shoreline Amphitheatre lease reserves the City box for use by the City. Tickets to the City box are limited to City Officials, City volunteers, and authorized guests of same. Nonprofit Certificate Recipients shall not receive tickets to the City box.

III. DISCLOSURE REQUIREMENTS

- A. Tickets distributed by the City to any City Official under this Policy shall be in conformance with the regulations of, and posted on a form provided by, the FPPC and any required City form in a prominent fashion on the City's website within forty-five (45) days after distribution.

Revised: June 22, 2021, Resolution No. 18573

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Effective Date: September 3, 1991, Resolution No. 15308

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