



TOWN OF HILLSBOROUGH

CITY COUNCIL POLICY

POLICY NO. 304

APRIL 2, 2012

SUBJECT: DISTRIBUTION OF COMPLIMENTARY TICKETS

PURPOSE: The purpose of this policy is to establish a fair and equitable process for the distribution of complimentary tickets or passes provided to the Town in compliance with the requirements of Section 18944.1 of the Fair Political Practices Commission (FPPC) Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as they now exist or may hereafter be added or amended.

DEFINITIONS: The following words and terms used in this Policy shall have the following meanings:

- A. "Town" or "Town of Hillsborough" shall mean and include the Town of Hillsborough, and any other affiliated agency created or activated by the Hillsborough City Council, and any departments, boards and commissions thereof.
- B. "Town Official" shall mean any member, officer, employee or consultant of the Town who is obligated to file an Annual Statement of Economic Interests (FPPC Form 700) under state law or the Town's current Conflict of Interest Code.
- C. "Town Venue" shall mean and refer to any facility owned, controlled or operated by the Town.
- D. "Immediate family" shall mean and refer to the spouse and dependent children of the Town Official. The term spouse includes registered domestic partners recognized by state law and dependent children shall mean a child, including an adoptive child or stepchild, of a Town Official who is under 18 years old and who the Town Official is entitled to claim as a dependent on his or her federal tax return.
- E. "Policy" shall mean and refer to this Policy regarding the Distribution of Complimentary Tickets.
- F. "Ticket" shall mean and refer to any ticket, pass, etc. that provides admission privileges to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose.

SECTION 1: APPLICATION OF POLICY

- A. This policy shall be applicable to every Town Official who is obligated to file an Annual Statement of Economic Interests (Form 700) under state law or the Town's current Conflict of Interest Code.
- B. This Policy governs the distribution of complimentary tickets received by the Town that are either:

1. Gratuitously provided to the Town by an outside source;
 2. Acquired by the Town by purchase;
 3. Acquired by the Town as consideration pursuant to the terms of a contract for the use of a Town venue; or
 4. Acquired and distributed by the Town in any other manner.
- C. This Policy does not apply to:
1. Any other item of value provided to the Town or any Town Official, regardless of whether received gratuitously or for which consideration is provided.
 2. Tickets provided by sources other than the Town.
 3. A ticket received by a Town Official from the Town where both the Town Official and the Town treat and report the value of the ticket as income consistent with applicable state and federal income tax laws and the ticket is reported as income pursuant to the provisions of this Policy.

SECTION 2: GENERAL PROVISIONS

- A. No Right to Tickets: The use of complimentary tickets is a privilege extended by the Town and not the right of any person to which the privilege may from time to time be extended.
- B. Limitation on Transfer of Tickets: Tickets distributed to a Town Official pursuant to this Policy shall not be transferred to any other person, except to members of such Town Official's immediate family solely for their personal use. If a Town Official transfers a ticket he or she has received from the Town to another person, as opposed to returning the ticket to the Town for redistribution, then the value of the ticket or tickets he or she transfers shall constitute a gift to him or her and shall be reportable as provided by the regulations of the FPCC.
- C. Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.

SECTION 3: TICKET ADMINISTRATOR

- A. The City Council delegates the authority to the City Manager or his/her designee to be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- B. The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this Policy. Such authority includes the power to distribute such a ticket to the City Manager provided that doing so is otherwise consistent with this Policy. All requests for tickets that fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- C. The Ticket Administrator shall determine the face value of tickets distributed by the Town for purposes of Sections 4.A. and 4.B of this Policy.

- D. The Ticket Administrator, in his or her sole discretion, may revoke or suspend the ticket privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of tickets.
- E. For the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the Ticket Administrator shall be the "Agency Head."

SECTION 4: CONDITIONS UNDER WHICH TICKETS MAY BE PURCHASED AND/OR DISTRIBUTED

Subject to the provisions of this Policy, the Ticket Administrator may distribute complimentary tickets to Town Officials under any one of the following conditions:

- A. The Town Official reimburses the Town for the face value of the ticket(s) at the time of distribution.
- B. The Town Official treats the ticket(s) as income consistent with applicable federal and state income tax laws and the ticket(s) are reported as income pursuant to the provisions of this Policy.
- C. The distribution of the ticket(s) to, or at the behest of, the Town Official that accomplishes or furthers one or more of the following governmental and/or public purposes:
 - 1. Facilitating the performance of a ceremonial role or function by a Town Official on behalf of the Town at an event, for which the Town Official may receive enough tickets for the Town Official and each member of his or her Immediate Family.
 - 2. Facilitating the attendance of a Town Official at an event where the job duties of the Town Official require his or her attendance at the event, for which the Town Official may receive enough tickets for each member of the Town Official's Immediate Family.
 - 3. 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.
 - 4. Promotion of Town resources and/or facilities available to Hillsborough residents.
 - 5. Promotion of Town-run, sponsored or supported community events, activities or programs.
 - 6. To monitor and evaluate the value of Town-run, sponsored or supported community events, activities or programs for the Town including but not limited to evaluation of the venue, quality of performances and compliance with Town policies, agreements and other requirements.
 - 7. Promotion and evaluation of events, activities or programs at Town venues, including but not limited to evaluation of the venue, quality of performances and compliance with Town policies, agreements and other requirements.

8. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Hillsborough residents.
9. Promotion of Town recognition, visibility, and/or profile on a local, state, national or worldwide scale.
10. Encouraging Hillsborough resident and community support for and attendance at local events.
11. Encouraging participants in Town sponsored programs to attend local events.
12. Attracting or rewarding volunteer public service.
13. Encouraging or rewarding significant academic, athletic, or public service achievements by Hillsborough students, residents or community organizations.
14. Attracting and retaining highly qualified employees in the Town.
15. Recognizing or rewarding meritorious service by a Town employee.
16. Promoting enhanced Town employee performance or morale.
17. As an incident to the above public purposes, allowing for the Immediate Family of the Town Official to accompany the Town Official to events to accomplish any of the purposes listed in this Policy.

SECTION 5: TICKETS DISTRIBUTED AT THE BEHEST OF A TOWN OFFICIAL

- A. Only the following Town Officials shall have authority to behest tickets: City Councilmembers, the City Manager, the Assistant City Manager, and Department Heads.
- B. Tickets shall be distributed at the behest of an authorized Town Official only for one or more public purposes set forth in Section 4-C. above.
- C. If tickets are distributed at the behest of a Town Official, such Town Official shall not use one of the tickets so distributed to attend the event.

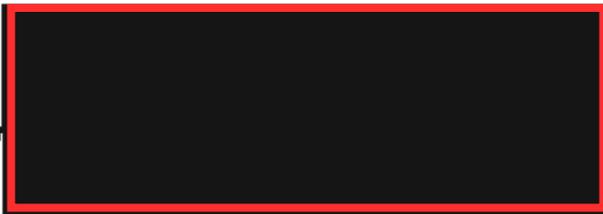
SECTION 6: OTHER BENEFITS

- A. The distribution of tickets pursuant to this Policy shall not constitute a "gift" to the Town Official receiving the ticket, however, other benefits, such as food or beverage or other gifts provided to the Town Official that are not part of the admission provided by the complimentary ticket, will need to be accounted for as gifts.
- B. If the Town receives complimentary tickets that are earmarked for particular Town Officials, then the tickets are considered gifts to that particular Town Official. If these tickets are not returned unused to the provider within thirty (30) days of receipt, then the Town Official must comply with the applicable FPFC gift limit regulations and reporting regulations.

SECTION 7: POSTING AND DISCLOSURE REQUIREMENTS

- A. This Policy and Form 802 reports required by Section 18944.1 of the FPPC Regulations shall be posted on the Town's website as required by that Section.
- B. Tickets provided to Town officials as part of their official duties, or tickets provided so that the Town Official may perform a ceremonial role or function on behalf of the Town are not to be subject to this Policy and are exempt from any disclosure requirements. A ceremonial role or function includes, but is not limited to, making a speech, participating in a panel or seminar, presenting an award or proclamation, or cutting a ribbon.
- C. The distribution of tickets pursuant to this Policy shall be documented by the preparation and certification of Fair Political Practices Commission Form 802. Within thirty (30) calendar days of the distribution of a ticket, the Ticket Administrator shall prepare and certify a Form 802, post it on the Town's website, and forward a copy to the FPPC for posting on the FPPC website. The form shall include the following:
1. The name of the recipient, except that if the recipient is an organization, the Town may post the name, address, description of the organization and number of tickets provided to the organization in lieu of posting the names of each recipient.
 2. A description of the event.
 3. The date of the event.
 4. The face value of the ticket.
 5. The number of tickets provided to each person.
 6. If the ticket is distributed at the behest of a Town Official, the name of the Town Official who made such behest.
 7. A description of the public purpose(s) under which the distribution was made, or alternatively, the Town Official is treating the ticket as income.
- D. Tickets distributed by the Town for which the Town receives reimbursement from the Town Official shall not be subject to the disclosure provisions set forth herein.

Mayor



Date:

April 9, 2012