



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 1, 2011

TO: Mayor and Councilmembers

FROM: City Administrator's Office
City Attorney's Office

SUBJECT: Administrative Policy On Tickets And Passes

RECOMMENDATION:

That Council approve an administrative policy that governs the use and distribution of tickets and passes donated to or acquired by the City.

DISCUSSION:

According to recently adopted regulations of the state Fair Political Practices Commission (FPPC), all California public agencies are required to adopt and post online agency policies applicable to the use of complimentary tickets and passes which are donated to or acquired by the public agency where the tickets or passes provide free admission to an "entertainment, amusement, recreational or other similar" event venue. Under these regulations, cities are required to identify the "public purposes" which might support providing free event tickets or passes to individuals employed by or associated with the city and to disclose the names of public officials, employees, or members of the public who receive these tickets or passes.

The proposed policy only applies to any tickets or passes to a facility or event for entertainment, recreation, sports, or a similar function. The policy outlines several public purposes whereby tickets or passes could be distributed, including the following:

- Relating to an official's performance of a ceremonial role or function representing the City at an event;
- Required by job duties;
- Fostering positive intergovernmental relations;
- Supporting or showing appreciation for programs or services rendered to the community by non-profit organizations that have benefited residents;
- Encouraging or rewarding significant academic, athletic, or public service achievements by Santa Barbara students, residents, or businesses;

- Rewarding volunteer or meritorious public service by a City employee; or
- Serving as a prize for a City employee competition or drawing.

Under the City's proposed policy, the City Administrator is named as the "Ticket Administrator" with the responsibility of approving the distribution of these types of free tickets and passes, all in a manner consistent with one of the public purposes described above and deemed acceptable by the FPPC regulations.

Since the City does not generally host events, shows, or performances where tickets or passes are sold, this policy would primarily affect the City if tickets or free passes are donated to the City. For example, passes and tickets are donated to children enrolled in youth programs or charitable event tickets may be provided to the City as a result of a funding agreement.

ATTACHMENT: Draft Administrative Policy on Tickets and Passes

PREPARED BY: Nina Johnson, Assistant to the City Administrator

SUBMITTED BY: James L. Armstrong, City Administrator
Stephen Wiley, City Attorney

APPROVED BY: City Administrator's Office
City Attorney's Office

**CITY OF SANTA BARBARA TICKET AND PASS POLICY ADOPTED
PURSUANT TO THE REQUIREMENTS OF FAIR POLITICAL PRACTICES
COMMISSION REGULATIONS - SECTION 18944.1. OF TITLE TWO OF THE
CALIFORNIA CODE OF REGULATIONS.**

1.0 Application of Policy.

1.1 This City policy applies to tickets or passes which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose and which are acquired by the City under any of the following circumstances:

- a. gratuitously provided to the City by an outside source;
- b. acquired by the City through purchase;
- c. acquired by the City as consideration pursuant to the terms of a contract for the use of a city venue or as a result of a City grant agreement; or
- d. acquired and distributed by the City in any other manner.

1.2 This policy does not apply to any other item or thing of value provided to the City or and City Official regardless of whether received gratuitously or for which consideration is provided. This policy applies only to tickets or passes received by the City under Section 1.1.

2.0 Definitions: Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may from time to time be amended) and the Fair Political Practices Commission (“FPPC”) Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as the same may from time to time be amended).

2.1 “City” or “City of Santa Barbara” The City of Santa Barbara, the Santa Barbara Redevelopment Agency, any other affiliated agency created or activated by the Santa Barbara City Council, and any departments, boards, and commissions thereof.

2.2. “City Official” Every member, elected officer, appointed officer, employee or consultant of the City of Santa Barbara, as defined in Government Code Section 82048 and FPPC Regulation 18701. This term shall include, without limitation, any City board or commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

2.3 “City Venue” Any facility, building, or real property owned, controlled, or operated by the City of Santa Barbara at which events, shows, or performances are held, performed or conducted.

2.4 “Immediate family” The spouse (including the registered domestic partner) and dependent children of a City official.

2.5 “Ticket” or “Pass” Any form of admission privilege which allows an individual to gain admission to a facility, building, or real property where an event, show, or performance will occur.

3.0 General Provisions.

3.1 No Right to City Tickets: The use by a City Official of complimentary tickets which are received by the City is a privilege extended by the City and is not the right of any person to which the privilege may from time to time be extended.

3.2 Limitation on Transfer of City Tickets: Tickets distributed to a City Official pursuant to this Policy shall not be transferred to any other person except to a member of such City Official’s immediate family solely for their own personal use.

3.3 Prohibition Against Sale of or Receiving Reimbursement for City Tickets: No person who receives a ticket pursuant to this policy may sell or receive any form of reimbursement for the value of such ticket or tickets.

4.0 Ticket Administrator.

4.1 The City Administrator of the City shall be Ticket Administrator for purposes of implementing the provisions of this City Policy.

4.2 The Ticket Administrator has the sole authority, in his or her discretion, to establish procedures for the distribution of tickets supplemental to and in accordance with this Policy. All requests for tickets from City Officials which fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.

4.3 The Ticket Administrator will determine the face value of tickets distributed by the City for purpose of Sections 5.1, 5.2 and 7.1, subparagraph (d), of this policy.

4.4 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the ticket privileges of any City Official or person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of City tickets in accordance with this Policy.

5.0 Conditions Under Which Tickets May Be Distributed: Subject to the provisions of this Policy, complimentary tickets may be distributed to City Officials by the Ticket Administrator under the following circumstances and conditions:

5.1 The City Official reimburses the City for the established face value of the ticket(s) as follows:

- a. Reimbursement shall be made at the time the tickets are distributed to the City Official.
- b. The Ticket Administrator shall, in his or her sole discretion, determine which event tickets, if any, shall be available under this section.

5.2 In accepting the ticket or tickets, the City Official acknowledges that the value of the tickets will be treated as income in a manner consistent with applicable federal and state income tax laws, or

5.3 The City Official expressly acknowledges to the Ticket Administrator that such ticket(s) will be used for one or more of the following public purposes:

- a. in connection with the Official's performance of a ceremonial role or function representing the City at the event - for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- b. the job duties of the City Official require his or her attendance at an event which has been financially sponsored or supported by the City (whether in whole or in part) and the Official will provide a report to the City Administrator or City Council on whether the City's goals in sponsoring the event appear to have been fulfilled - for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- c. for the purposes of fostering positive intergovernmental relations, 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.
- d. rewarding volunteer public service by a City employee.
- e. supporting or showing appreciation for programs or services rendered to the community by non-profit organizations which programs or services have benefited Santa Barbara residents.
- f. encouraging or rewarding significant academic, athletic, or public service achievements by Santa Barbara students, residents, or businesses.
- g. as special recognition for meritorious service by a City employee - for which such employee may receive no more than four (4) tickets per event.

h. for use in connection with a City employee competition or drawing, for which there shall be made available no more than (4) tickets per event.

6.0 Tickets or Passes Received by a City Official or City Employee other than Through the City Ticket Administrator.

6.1 Only the City Administrator/Ticket Administrator shall have authority to receive and accept a gift of tickets given or donated to the City.

6.2 Any City employee who receives an offer to donate or an offer to give tickets to the City shall refer the donor making such an offer to the City Administrator's Office.

7.0 Public Disclosure Requirements.

7.1 Tickets distributed by the Ticket Administrator to any City Official under either of the following circumstances:

a. which the City Official treats as income pursuant to Section 5.2 above and the City reports the distribution of the tickets or passes as income to the Official;

b. for a public purpose described in Section 5.3 above;

shall be posted on the disclosure form provided for this disclosure by the FPPC (FPPC Form 802) in a prominent fashion on the City's website within thirty (30) days after distribution.

Such posting shall include the following information:

- a. The name of the recipient, except that if the recipient is an organization, the City 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;
- b. a description of the event;
- c. the date of the event;
- d. the face value of the ticket;
- e. the number of tickets provided to each person;
- f. if the tickets was distributed to another person at the request of a City Official, the name of the City official who made such request and;

- g. a description of the public purpose(s) (as described in Section 5.3 above) under which the distribution was made, or, alternatively, that the City Official is treating the ticket as income.

7.2 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above are not subject to the disclosure provisions of Section 7.1.