

**AGENDA ITEM 6(c)**  
**Treasure Island Development Authority**  
**City and County of San Francisco**  
**Meeting of August 8, 2012**

**Subject:** Resolution Approving and Authorizing Amendment to the Policy for Distribution of Tickets and Passes through Incorporating Exceptions from the CCSF Policy

**Contact:** Robert Im, Legal Intern

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**BACKGROUND**

On June 10, 2009, the Treasure Island Development Authority Board adopted Resolution #09-37-06/10 Policy for Distribution of Tickets and Passes. On June 22, 2012, the Office of the City Attorney issued a memorandum describing exceptions that are not present in the current TIDA Policy for Distribution of Tickets and Passes.

Furthermore, upon review of the Policy, the Office of the City Attorney highlighted several areas that could be amended to bring the Policy in accordance with changes in State regulations and procedures.

To incorporate these amendments, Project Staff requests that the Board approve and authorize amendment to the Policy, the substance of which is described in more detail below.

**REPORT AS INCOME EXCEPTION**

A ticket from a City department is not a gift if the department is informed that the recipient will report the ticket as income on tax returns and the department reports that ticket distribution to the Fair Political Practices Commission.

**CEREMONIAL ROLE EXCEPTION**

A ticket from a City department is not a gift if recipient, an elected official, is playing a ceremonial role or function, at the event for which the ticket was received, on behalf of the City. The department must still report the ticket distribution to the FPPC. A “ceremonial role” is an act performed at an event by the official as a representative of the official’s agency at the request of the event holder where, for a length of time, the focus of the event is on the official’s act. Examples include: throwing out the first pitch at a baseball game; cutting a ribbon at an opening.

**RETURN, PAY OR DONATE EXCEPTION**

A ticket from a City department is not a gift if, prior to the event and within 30 days of receiving the ticket, recipient returns it unused, pays for it, or donates it to a 501(c)(3) nonprofit organization or government agency without taking a tax deduction.

**ADDITION TO PUBLIC PURPOSE EXCEPTION**

To reflect a recent change to state regulations, “improving employee morale and/or retention” will be added to the list of public purpose exceptions in the Policy for Distribution of Tickets and Passes.

**PROCEDURAL CHANGES**

The procedure for submitting Form 802 has been updated and is now in accordance with FPPC requirements.

**RECOMMENDATION**

Project Staff recommends approval and authorization of amendment to the Policy for Distribution of Tickets and Passes.

**EXHIBITS**

- Exhibit A: Amended Policy for Distribution of Tickets and Passes
- Exhibit B: June 22, 2012 Memorandum from Office of the City Attorney Regarding Gift Rules Regarding the City’s Distribution of Tickets and Passes
- Exhibit C: Revised Form 802
- Exhibit D: Fair Political Practices Commission Regulation 18944.1

Prepared by: Robert Im, Legal Intern  
For: Mirian Saez, Director of Island Operations

CITY & COUNTY OF SAN FRANCISCO

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EDWIN M. LEE, MAYOR

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DIRECTOR OF THE ISLAND OPERATIONS

## EXHIBIT A

### **Treasure Island Development Authority** **Policy for Distribution of Tickets and Passes** **Standard Operating Procedure**

#### **Background**

The Treasure Island Development Authority ("TIDA") through the Special Events Department periodically receives tickets and/or passes to various on-Island events and excursions at no cost that are subsequently distributed to City officials, staff and TIDA Board members for their use. Fair Political Practices Commission (FPPC) Regulation 18944.1, subdivision (c), instructs that the distribution of tickets and/or passes by a government agency to its officials may require local agencies to adopt a written policy regarding their distribution. The TIDA Board adopted Resolution #09-37-06/10 Policy for Distribution of Tickets and Passes on June 10, 2009.

The President and the Secretary of the Treasure Island Development Authority Board of Directors, as well as the Director of Island Operations, shall each have independent authority to determine whether a public purpose benefit exists by the distribution of the tickets and/or passes and to distribute the tickets and/or passes in accordance with this Policy. TIDA may not accept any tickets and/or passes that are earmarked for use by any particular City or TIDA official, employee or officer. The TIDA official distributing any tickets and/or passes in accordance with this Policy shall determine which City or TIDA official, employee or officer may use the tickets and/or passes. Under TIDA's Policy for Distribution of Tickets and Passes, a City or TIDA official, employee or officer who has received tickets and/or passes shall not transfer such tickets and/or passes to any other person, except to the official, employee or officer's spouse, domestic partner recognized by state law, or dependent children, solely for their personal use. Tickets and/or passes may also be distributed to persons who are not City officials, staff and TIDA Board Members if the President, Secretary of the Treasure Island Development Authority Board of Directors, or the Director of Island Operations, determine that a public purpose benefit exists.

Under the TIDA Policy for Distribution of Tickets and Passes, the distribution of any tickets and/or passes by TIDA to, or at the behest of, any TIDA official, employee or officer, including officials, employees and officers of the City who perform services for TIDA, shall accomplish one or more of the following public purposes.

- Promotion of economic development and employment in the City, including the City's mainland and the Base.
- Promotion of local businesses.

- Promotion of City tourism, including conferences, conventions, and special events on the City's mainland and on the Base.
- Promotion of public and private resources available to City residents, including charitable and nonprofit organization resources on the City's mainland and on the Base.
- Promotion of TIDA or City-run, sponsored or supported community programs.
- Promotion of community programs, including programs supported by charitable and nonprofit organizations on the City's mainland and on the Base.
- Promotion of public facilities available for City resident use, including facilities on the City's mainland and on the Base.
- Promotion of private facilities available for City resident use, including charitable and nonprofit organization facilities on the City's mainland and on the Base.
- Promotion of exchange programs with foreign officials and representatives.
- Increasing public exposure to, and awareness of, the recreational, cultural, and educational facilities available to the public within the City, including facilities on the City's mainland and on the Base.
- Promotion of the public trust for commerce, navigation and fisheries within the TIDA's jurisdiction as the Tidelands Trustee.
- Improving employee morale and/or retention.
- Any purpose similar to the above identified in any City or TIDA contract.

In addition to the aforementioned public purposes, there are more exceptions to the limits and reporting requirements of tickets as gifts.

- Report as Income: A ticket from a City department would not be a gift if you inform the department that you will report the ticket as income on your federal and state tax returns, and the department reports that ticket distribution to the FPPC.
- Ceremonial Role: A ticket may not be a gift for events at which an elected official performs a ceremonial role or function on behalf of the City. A "ceremonial role" is an act performed at an event by the official as a representative of the official's agency at the request of the holder of the event or function, where for a period of time, the focus of the event is on the act performed by the official. In addition to the official performing the ceremonial role, any other City employee assisting that official in performing the ceremonial role may receive a ticket – without considering the ticket as either a gift or income, although any employee's receipt and use of the ticket does not have to be separately reported on Form 802.
- Return, Pay or Donate: The limits and restrictions on receiving gift do not apply if you take any of the following three steps within 30 days of receiving the tickets or passes
  - 1) Return the tickets or passes unused before the event; or
  - 2) Pay fair market value for the tickets or passes; or

- 3) Donate the tickets or passes to a 501(c)(3) nonprofit organization or a government agency and do not take a tax deduction for the donation.

### **Procedure for Acceptance and Distribution of Tickets and Passes**

1. The Director of Island Operations receives the tickets and/or passes from the Event Producer.
2. The Director of Island Operations, the President or Secretary of the TIDA Board distribute the tickets and/or passes in a manner consistent with the Policy for Distribution of Tickets and Passes in consultation with the Project Administrator.
3. Questions regarding consistency with the TIDA Policy for Distribution of Tickets and Passes will be brought to the attention of the City Attorney's Office.
4. The Summary of the Policy for Distribution of Tickets and Passes is provided along with tickets and/or passes to recipients.
5. A list of names of all City or TIDA official, employee or officer who receive tickets and/or passes will be maintained by the Project Administrator for TIDA records.
6. A list of names of all persons who are not City officials, staff and TIDA Board members will also be maintained separately by the Project Administrator for TIDA records
7. The Project Administrator downloads Form 802 from the FPPC's website. <http://www.fppc.ca.gov/forms/802.pdf> Sample Form.
8. The Project Administrator prepares Form 802 and Donor Gift Form.
9. City Attorney reviews completed Form 802 and Donor Gift Form.
10. The Director of Island Operations signs Form 802.
11. A copy of the completed Form 802 is forward to the FPPC for posting on its website within 45 days of the ticket/passes distribution.
12. The Project Administrator ensures Donor Gift Forms are posted on TIDA's website within 30 days after the ticket distribution.
13. Hard copies of the completed Form 802 and Donor Gift Form are maintained by the Project Administrator for TIDA records in the file Distribution of Tickets and Passes.
14. Donor Gift Forms will remain on TIDA's website for a period of four (4) years after the distribution date.



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## MEMORANDUM

TO: ALL CITY ELECTED OFFICERS

FROM: Jon Givner  
Andrew Shen  
Deputy City Attorneys

DATE: June 22, 2012

RE: Gift Rules Regarding the City's Distribution of Tickets and Passes

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In, this memorandum we reiterate and expand upon our prior advice about the rules that apply when City departments distribute tickets and passes for events to City employees and officials. Over the past several years, we have often advised City departments and many of your offices about the application of these rules. Also, this Office's Good Government Guide — publicly available through the "Resources" page on [www.sfcityattorney.org](http://www.sfcityattorney.org) — summarizes the applicable rules in this area.

This memorandum incorporates that past advice and includes information about amended rules recently adopted by the Fair Political Practices Commission ("FPPC").

### Summary

Generally, a ticket that you receive from a City department — even to an event held on City property, or that the City acquires under a lease — is a gift to you. You should always *presume* that such tickets are gifts subject to limits and reporting requirements, *unless* a specific exception applies. If you are using the ticket under an exception, you ultimately bear the burden of demonstrating that the exception properly applies and that the department and you follow the requirements for that exception.

There are four important exceptions most relevant here:

- Public Purpose Exception. Tickets from a City department are not gifts if: (a) the department has adopted a written ticket distribution policy, (b) the official responsible for distributing the tickets has determined that the distribution serves one of the "public purposes" listed in the department's policy, (c) the department timely reports the names of all ticket recipients (including the public purpose served by each ticket distributed) to the FPPC for its review, and (d) you use the tickets only for yourself and your immediate family (namely, your spouse or domestic partner and dependent children) or one accompanying guest who is not an immediate family member, if permitted by the department's policy.

If you accept and use a ticket under this exception, you should ensure that an appropriate public purpose applies in *every* instance in which it is invoked, *e.g.*, each game, if you are offered tickets to a series of games. If you delegate another City employee, official or agency to make that determination on your behalf, and the

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FPPC later deems the public purpose to be invalid, you alone would be subject to penalties for violating any gift limits or reporting requirements.

- Report as Income Exception. A ticket from a City department would not be a gift if you inform the department that you will report the ticket as income on your tax returns, and the department reports that ticket distribution to the FPPC.
- Ceremonial Role Exception. A ticket from a City department would not be a gift if you are playing a ceremonial role — such as throwing out the first pitch at a baseball game — at the event for which you received the ticket. The department still must report the ticket distribution to the FPPC.
- Return, Pay or Donate Exception. A ticket from a City department is not a gift if, before the event and within 30 days after receiving the ticket, you return it unused, pay for it or donate it to a 501(c)(3) nonprofit organization or government agency without taking a tax deduction.

Finally, none of these exceptions allow you to give away tickets to friends, coworkers or family members for their personal use, without treating the tickets as gifts. If you receive a ticket and give it away (except to a 501(c)(3) nonprofit organization or government agency without taking a tax deduction as mentioned above), then the ticket is a gift subject to applicable gift limits and reporting requirements.

**DISCUSSION**

The FPPC defines a "ticket or pass" as "admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose." 2 C.C.R. § 18944.1. For example, tickets and passes to a professional football or baseball game, golf tournament, concert, ballet performance or music festival would fall within the scope of this regulation, but a luncheon or dinner would not. Scott Adv. Ltr., CA FPPC Adv. I-09-104, 2009 WL 1395619 at \*4 (May 11, 2009).

Apart from the exceptions discussed below, you may be able to accept a ticket from a City department as a gift to you, subject to the limits, prohibitions, and Form 700 reporting requirements that normally apply to an individual's acceptance of gifts. Those rules are further explained in the City Attorney's Good Government Guide.

1. *Public Purpose Exception*

A ticket received from an outside source, including a ticket obtained by a City department under the terms of a contract for use of public property, is not a gift to you if each of the following applies:

- The department determines, in its sole discretion, who uses the ticket or pass, and the outside source does not earmark it for any particular official;
- The distribution of the ticket or pass complies with a written ticket distribution policy adopted by the department's governing body. Importantly, under all such policies, each ticket must fulfill a "public purpose," rather than personal entertainment. The ticket distribution policy must, at a minimum:

(i) list the public purposes for which tickets or passes may be distributed;

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(ii) require that the distribution of any ticket or pass accomplish a stated public purpose; and

(iii) prohibit the transfer of any ticket or pass, distributed under the policy, to any other person, except to members of the recipient's immediate family or no more than one guest.

- The department reports the use of those tickets to the FPPC, using FPPC Form 802, within 45 days of the ticket's distribution. The Form 802 requires the disclosure of the name of the recipient of the ticket, a description of the event, the date of the event, the value of the ticket, the number of tickets provided to each person, and the public purpose that the distribution of the ticket or pass fulfills.

2 C.C.R. § 18944.1(b)-(d). As stated above, to qualify for this exception, each ticket you receive must serve one of the public purposes listed in the applicable ticket distribution policy. Departments *cannot* distribute tickets to elected officials for the purpose of supporting morale or rewarding public service. *Id.* § 18944.1(a)(2).

We are currently aware of ticket distribution policies adopted by the Arts Commission, Asian Art Museum, Fine Arts Museums, Port Commission, Recreation and Park Commission, War Memorial Board of Trustees, and Treasure Island Development Authority. If you choose to use this exception, you should confirm with representatives of those departments that these policies are still in effect and comply with the requirements listed above.

2. *Report as Income Exception*

A ticket or pass is not a gift if you treat the ticket or pass as income on your federal and state tax returns, and the department reports the ticket or pass on the FPPC Form 802 as income to you. *Id.* § 18944.1(a)(1). If you elect to accept tickets or passes as income, we recommend that you consult your own legal counsel to address any resulting tax reporting obligations.

3. *Ceremonial Role Exception*

A ticket may not constitute a gift under a narrow exception for events at which an elected official performs a ceremonial role or function on behalf of the City. *Id.* § 18942(a)(12).

A "ceremonial role" is an act performed at an event by the official as a representative of the official's agency at the request of the holder of the event or function where, for a period of time, the focus of the event is on the act performed by the official. *Id.* § 18942.3. Examples of a ceremonial role include: throwing out the first pitch at a baseball game; cutting a ribbon at an opening; making a presentation of a certificate, proclamation, award, or other item, such as the key to the city. *Id.* Tickets distributed for this purpose must be disclosed on the Form 802. *Id.* § 18942(a)(12). In addition to the official performing the ceremonial role, any other City employee assisting that official in performing the ceremonial role may receive a ticket — without considering the ticket as either a gift or income, although that employee's receipt and use of the ticket does not have to be separately reported on the Form 802. *Id.*

4. *Return, Pay or Donate Exception*

The limits and prohibitions on receipt of gifts do not apply if you take any of the following three steps within 30 days of receiving the tickets or passes:

- Return the tickets or passes unused before the event;



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- Pay fair market value for the tickets or passes; or
- Donate the tickets or passes to a 501(c)(3) nonprofit organization or a government agency and do not take a tax deduction for the donation.

*Id.* § 18941(c); Givner Adv. Ltr. CA FPPC Adv. 1-09-223, 2009 WL 5453038 (Nov. 5, 2009). If you take the third option and donate the tickets to a 501(c)(3) nonprofit organization, you should ensure that the department that provided the tickets reports the donation on the Form 802 within 45 days of when you received them. *See* 2 C.C.R. § 18944.1(d)(2). In any event, if you choose any of the three options under this exception, you should appropriately document your actions.

**Additional Information**

The FPPC has revised its Form 802 to reflect the recent changes to its policy. The current form is available at: [www.fppc.ca.gov/forms/802.pdf](http://www.fppc.ca.gov/forms/802.pdf). The FPPC also continues to issue guidance on the application of its regulations to the distribution of tickets and passes. We will review the FPPC's guidance and inform you of any changes in the law as appropriate.

# Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions

A Public Document

<b>1. Agency Name</b>		Date Stamp	<b>California Form 802</b> <small>For Official Use Only</small>
Division, Department, or Region <i>(If Applicable)</i>			
Designated Agency Contact <i>(Name, Title)</i>			
Area Code/Phone Number	E-mail	<input type="checkbox"/> <b>Amendment</b> <i>(Must provide explanation in Part 3.)</i>  Date of Original Filing: _____ <small><i>(Month, Day, Year)</i></small>	

## 2. Function or Event Information

Does the agency have a ticket policy?    Yes     No     Face Value of Each Ticket/Pass \$ \_\_\_\_\_

Event Description \_\_\_\_\_    Date(s) \_\_\_\_/\_\_\_\_/\_\_\_\_    \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Provide Title/Explanation*

Ticket(s)/Pass(es) provided by agency?    Yes     No     If no: \_\_\_\_\_  
*Name of Source*

Was ticket distribution made at the behest of agency official?    No     Yes     If yes: \_\_\_\_\_  
*Official's Name (Last, First)*

## 3. Recipients

• Use Section A to identify the agency's department or unit.    • Use Section B to identify an individual.    • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/Pass(es)	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual <small><i>(Last, First)</i></small>	Number of Ticket(s)/Pass(es)	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <small><i>If checking "Ceremonial Role" or "Other" describe below:</i></small>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <small><i>If checking "Ceremonial Role" or "Other" describe below:</i></small>
C. Name of Outside Organization <small><i>(include address and description)</i></small>	Number of Ticket(s)/Pass(es)	Describe the public purpose made pursuant to the agency's policy

## 4. Verification

I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution set forth above, is in accordance with the requirements.

\_\_\_\_\_  
*Signature of Agency Head or Designee*                      *Print Name*                      *Title*                      *(Month, Day, Year)*

Comment: \_\_\_\_\_

# Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions

California **802**  
Form

A Public Document

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events, and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions. The Form 802 serves to detail each event and the public purpose of each ticket distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons, organizations, or agencies who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or to specific individuals.

## Exception

This form is not required for admission provided to a school or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school or university.

## Public Posting

This form must be maintained as a public document. A copy of all forms must be forwarded to the FPPC for posting on its website. E-mail delivery is preferred. E-mail: [Form802@fppc.ca.gov](mailto:Form802@fppc.ca.gov); Fax: 916.322.0886; 428 J Street, Suite 620, Sacramento, CA 95814.

Forms must be sent to the FPPC as soon as possible. General business practice is no later than 45 days from the distribution.

A local agency may also post the forms on its website, but it is not required to do so.

## Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide

information may be a violation subject to administrative, criminal, or civil penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel.

## Instructions

### Part 1. Agency Identification:

List the agency's name. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

### Part 2. Function or Event Information:

Confirm that your agency has a policy for ticket distribution. Unless the ceremonial role or income box in Part 3, Section B, is marked, this form is only applicable if your agency has a policy.

Complete all of the other required fields that identify the ticket value, description of event, date(s) and whether the ticket was provided by the agency or an outside source. If an agency official behests the tickets, the official's name is also required. Use the comment field or an attachment to explain in full.

### Part 3. Ticket Recipients:

This part identifies who uses the tickets. The identification requirements vary depending upon who received the tickets and are categorized into three sections. Each section must list the number of tickets received. Use the comment field or an attachment to explain in full.

**Section A.** Report tickets distributed to agency staff, other than an elected official or governing board member, pursuant to the agency's policy. It is not necessary to list each employee's name, but identify the unit/department for which the employee works. The agency must describe the public purpose associated with the ticket distribution. A reference to the policy is permissible.

**Section B.** Report: 1) any agency official who performs a ceremonial role; 2) any agency official who reports the value as income; or 3) tickets used by elected officials and governing board members (including those distributed pursuant to the agency's policy).

**Section C.** Report tickets provided to an organization. The organization's name, an address (website url is permissible), and a brief description of the public purpose are required.

**Agency Report of:  
Ceremonial Role Events and Ticket/Pass Distributions  
Continuation Sheet**

Agency Name \_\_\_\_\_

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Pass(es)	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual <small>(Last, First)</small>	Number of Ticket(s)/ Pass(es)	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C. Name of Outside Organization <small>(include address and description)</small>	Number of Ticket(s)/ Pass(es)	Describe the public purpose made pursuant to the agency's policy

**2 CCR 18944.1**

This document is current through Register 2012, No. 27, July 6, 2012

[Barclays Official California Code of Regulations](#) > [TITLE 2.](#) > [DIVISION 6.](#) > [CHAPTER 9.5.](#)

**§ 18944.1. Gifts: Agency Provided Tickets or Passes**

For purposes of this regulation the terms "ticket" and "pass," as defined in Regulation 18946, apply solely to an admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose provided by an agency to, or at the behest of, an official of that agency, other than an admission provided to a school, college or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school, college, or university district or an admission identified in Regulation 18942(a)(12).

(a)

- (1) A ticket or pass is not subject to the provisions of this regulation, if the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the agency reports the distribution of the ticket or pass as income to the official in compliance with the reporting provisions of subdivision (d) below.
  - (2) Any ticket or pass acquired by the agency under subdivision (b)(2) and distributed to an official, other than an elected official or member of the legislative or governing body of the agency, for the official's personal use, to support general employee morale, retention, or to reward public service is deemed to serve a public purpose, and any tickets distributed to an official for such purpose shall be reported as described under subdivision (d)(3). For purposes of this paragraph, "personal use" means use by the official, his or her family, or no more than one guest.
- (b) The official will meet the burden under Section 82028 that equal or greater value has been provided in exchange for the ticket or pass if the official reimburses the agency for the ticket or if all of the following requirements are met:
- (1) For a ticket or pass the agency receives from an outside source, other than as provided in subdivision (b)(2):
    - (A) The ticket or pass is not earmarked by the outside source for use by the agency official who uses the ticket or pass;
    - (B) The agency determines, in its sole discretion, who uses the ticket or pass.
    - (C) The distribution of the ticket or pass by the agency is made in accordance with a policy adopted by the agency that incorporates all of the provisions of subdivision (c) below.
  - (2) For a ticket or pass the agency obtains (i) pursuant to the terms of a contract for use of public property, (ii) because the agency controls the event (such as a state or county fair), or (iii) by purchase at fair market value, the distribution of the ticket

or pass is made in accordance with a policy adopted by the agency that incorporates all of the provisions of subdivision (c) below.

- (c) Agency Ticket/Pass Distribution Policy. Any distribution of a ticket or pass under this regulation to, or at the behest of, an agency official must be made pursuant to a written agency ticket distribution policy, duly adopted by the legislative or governing body of the agency or, if none, the agency head that contains, at a minimum, all of the following:
- (1) A provision setting forth the public purposes of the agency for which tickets or passes may be distributed.
  - (2) A provision requiring that the distribution of any ticket or pass to, or at the behest of, an agency official accomplish a stated public purpose of the agency.
  - (3) A provision prohibiting the transfer of any ticket received by an agency official pursuant to the distribution policy except to members of the official's immediate family or no more than one guest solely for their attendance at the event.
- (d) Public Posting. A record of a ticket or pass distributed pursuant to this regulation, must be completed, on a form provided by the Commission. The form must be maintained as a public record, be subject to inspection and copying under Section 81008(a), and be forwarded to the Commission for posting on its website.
- (1) Except as provided in paragraphs (2) and (3) below, the information must include the following:
    - (A) The name of the person receiving the ticket or pass;
    - (B) A description of the event;
    - (C) The date of the event;
    - (D) The face value of the ticket or pass;
    - (E) The number of tickets or passes provided to each person;
    - (F) If the ticket or pass is behested, the name of the official who behested the ticket; and
    - (G) A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official.
  - (2) If the ticket or pass is distributed to an organization outside the agency, the agency shall post the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization as otherwise required in paragraph (1) above;
  - (3) If the ticket or pass is distributed pursuant to subdivision (b) the agency may post the name of the department or other unit of the agency and the number of tickets or passes provided to the department or other unit in lieu of posting the name of the individual employee as otherwise required in paragraph (1) above;
- (e) The Commission recognizes the discretion of the legislative or governing body of an agency or, if none, the agency head to determine whether the distribution of a ticket or pass serves a legitimate public purpose of the agency, provided the determination is consistent with state law.

- (f) The provisions of this regulation apply only to the benefits the official receives that are provided to all members of the public with the same class of ticket.

### Statutory Authority

#### AUTHORITY:

Note: Authority cited: [Section 83112, Government Code](#). Reference: [Section 82028, Government Code](#).

### History

#### HISTORY:

1. Renumbering of former section 18726.7 to section 18944.1 with amendment of section heading filed 6-22-94; operative 6-22-94 (Register 94, No. 25).
2. Change without regulatory effect relocating section filed 11-17-94 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 94, No. 46).
3. Amendment of first paragraph and subsections (a)-(b) and (d)-(e) filed 7-25-95; operative 7-25-95 pursuant to [Government Code section 11343.4\(d\)](#) (Register 95, No. 30).
4. Repealer and new section filed 1-8-2009; operative 2-7-2009. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2009, No. 2).
5. Repealer of subsection (a), subsection relettering and amendment of newly designated subsections (a)(1), (a)(2)(A)(iii)-(b), (c) and (e) filed 9-27-2010; operative 10-27-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2010, No. 40).
6. Amendment of section heading and section filed 1-23-2012. Pursuant to [California Code of Regulations, title 2, section 18313\(e\)](#), FPPC has designated an effective date of 1-1-2012. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 4).

1 [POLICY FOR DISTRIBUTION OF TICKETS AND PASSES AMENDMENT]  
2 **RESOLUTION APPROVING AND AUTHORIZING AMENDMENT TO THE POLICY FOR**  
3 **DISTRIBUTION OF TICKETS AND PASSES THROUGH INCORPORATING EXCEPTIONS**  
4 **FROM THE CCSF POLICY.**

5 WHEREAS, Former Naval Station Treasure Island is a military base located on  
6 Treasure Island and Yerba Buena Island (together, the "Base"), which is currently owned by  
7 the United States of America (the "Navy"); and,

8 WHEREAS, The Base was selected for closure and disposition by the Base  
9 Realignment and Closure Commission in 1993, acting under Public Law 101-510, and its  
10 subsequent amendments; and,

11 WHEREAS, On May 2, 1997, the Board of Supervisors passed Resolution No. 380-97,  
12 authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit  
13 corporation known as the Treasure Island Development Authority (the "Authority") to act as a  
14 single entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and  
15 conversion of the Base for the public interest, convenience, welfare and common benefit of  
16 the inhabitants of the City and County of San Francisco; and,

17 WHEREAS, The Board of Supervisors rescinded designation of the Authority as the  
18 redevelopment agency for Treasure Island under California Community Redevelopment Law  
19 in Resolution No. 11-12; and that such rescission does not affect Authority's status as the  
20 Local Redevelopment Authority for Treasure Island or the tidelands trust trustee for the  
21 portions of Treasure Island subject to the tidelands trust, or any of the other powers or  
22 authority; and,

23 WHEREAS, Under the Act and the Authority's Articles of Incorporation and Bylaws, the  
24 Authority, acting by and through its Board of Directors (the "Board"), has the power, subject to  
25



1 applicable laws, to enter into agreements or contracts for the procurement of goods and  
2 services related to the activities and purposes of the Authority; and,

3 WHEREAS, The Authority periodically receives tickets and passes from third parties to  
4 events; and,

5 WHEREAS, On June 10, 2009, the TIDA Board adopted Resolution No. 09-37-06/10  
6 Policy for Distribution of Tickets and Passes; and,

7 WHEREAS, On June 22, 2012, a memorandum was issued to all city elected officers  
8 disclosing that the Fair Political Practices Commission ("FPPC") further amended Regulation  
9 18944.1, a copy of which is attached to this resolution as Exhibit D and hereby declared a part  
10 of this resolution as if set forth fully herein; now, therefore, be it

11 RESOLVED, That the Authority hereby authorizes the amendment to the Policy  
12 Regarding Distribution of Tickets and Passes in the form attached hereto as Exhibit A.

13

14

#### CERTIFICATE OF SECRETARY

15 I hereby certify that I am the duly elected Secretary of the Treasure Island  
16 Development Authority, a California nonprofit public benefit corporation, and that the  
17 above Resolution was duly adopted and approved by the Board of Directors of the  
18 Authority at a properly noticed meeting on August 8, 2012.

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Larry Mazzola, Jr., Secretary

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