

# REGIONAL TRANSIT ISSUE PAPER

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Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
8	08/10/15	Open	Action	07/31/15

Subject: Approving a Ticket and Pass Distribution Policy

## ISSUE

Whether or not to adopt a Ticket and Pass Distribution Policy

## RECOMMENDED ACTION

Adopt Resolution 15-08-\_\_\_\_, Adopting a Ticket and Pass Distribution Policy Pursuant to Title 2 of the California Code of Regulations, Section 18944.1.

## FISCAL IMPACT

None.

## DISCUSSION

In connection with marketing activities and charitable events, RT occasionally receives tickets and passes to special events, sporting events, concerts and other community events and activities. In some instances, depending on the value and circumstances, a distribution of these tickets to an employee or RT Board member would constitute a disclosable “gift” under Fair Political Practices Commission regulations, creating uncertainty for RT Staff as to whether and to whom the tickets could be distributed.

FPPC Regulation Section 18944.1(d) provides a solution to this issue. The regulation generally provides that distribution of a ticket or pass will not be a reportable gift if RT distributes these tickets and passes in accordance with a duly-adopted written policy. The proposed policy would identify the public purposes, including employee morale and retention that could be served by distribution of tickets and passes. The General Manager/CEO or his or her designee would be charged with implementing the policy, including identifying the specific public purpose served by each ticket or pass distribution and determining the recipient(s) of the ticket(s) or pass(es). The General Manager/CEO or his or her designee would also be charged with reporting all ticket or pass distributions on the FPPC-required Form 802.

Staff recommends that the Board adopt the Ticket and Pass Distribution Policy.

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Approved:

Presented:

Final 08/03/15

General Manager/CEO

Alane Masui, AGM of Marketing and Communications

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RESOLUTION NO. 15-08-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

August 10, 2015

**ADOPTING A TICKET AND PASS DISTRIBUTION POLICY PURSUANT TO TITLE 2  
OF THE CALIFORNIA CODE OF REGULATIONS, SECTION 18944.1**

**WHEREAS**, the Fair Political Practices Commission ("FPPC") has adopted regulations defining the circumstances under which the receipt of tickets and passes by a public official must be disclosed by the agency and the recipient public official; and

**WHEREAS**, under Title 2 of the California Code of Regulations, Section 18944.1, tickets and passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

**WHEREAS**, RT finds that tickets and passes distributed by RT pursuant to this policy are most appropriately treated as public resources and not as providing an individualized benefit to the recipient; and

**WHEREAS**, RT desires to use these public resources in a manner that furthers RT's governmental and public purposes as described herein; and

**WHEREAS**, according to Section 18944.1, tickets and passes are not reportable gifts to public officials if RT distributes these tickets and passes in accordance with a duly-adopted written policy; and

**WHEREAS**, the FPPC recognizes the discretion of the Board of Directors to determine the circumstances under which the distribution of tickets and passes serves a purpose of RT, in contrast to situations when only private interests are served such that the receipt of a ticket or pass should be viewed as a reportable gift to the public official who receives it.

**BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE  
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:**

THAT, the Ticket and Pass Distribution Policy set forth in the attached Exhibit A is hereby adopted; and

THAT, the General Manager/CEO, or his/her designee, is hereby authorized and directed to implement and manage the attached Policy.

\_\_\_\_\_  
JAY SCHENIRER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary

## **TICKET AND PASS DISTRIBUTION POLICY**

### **Section 1: Purpose**

The purpose of this policy is to establish an RT-wide procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance for entertainment, amusement, recreation or similar purposes in compliance with section 18944.1 of the FPPC Regulation, which sets out the circumstances under which a public agency's distribution of tickets or passes for which no consideration of equal or greater value is provided by the public official or employee does not result in a gift to the public official or employee. Tickets or passes to an event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to the RT officials and employees who make use of such tickets and passes.

### **Section 2: Definitions**

For purposes of this policy, the following definitions apply:

- a. "FPPC" means the California Fair Political Practices Commission.
- b. "Gift" means any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received. The term gift does not include limitations set forth in California Government Code section 82028(c).
- c. "Pass" means a Ticket that provides repeated access, entry, or admission to a facility or series of events, shows or performance and for which similar passes are sold to the public.
- d. "Policy" means and refers to this Ticket and Pass Distribution Policy.
- e. "RT" means the Sacramento Regional Transit District.
- f. "RT Official" means every member, officer, employee, or consultant of RT.
- g. "Ticket" means anything that provides admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

### **Section 3: Tickets and Passes Covered By This Policy**

Tickets and Passes covered by this Policy include those:

- a. Gratuitously provided to RT by an outside source and not earmarked by the outside source for use by a particular RT Official;
- b. Acquired by RT purchase or as consideration pursuant to the terms of a contract for the use of an RT venue, equipment, or services;

- c. Available to RT because RT controls the event; and
- d. Purchased by RT at fair market value.

#### Section 4: Limitations

This Policy does not apply to:

- a. Tickets provided to RT Officials by an outside source to an event at which the RT Official performs a ceremonial role or function on behalf of RT;
- b. Tickets for which the RT Official pays RT the face value of the ticket;
- c. Tickets for which the RT Official treats the ticket or pass as income consistent with applicable state and federal income tax laws, and RT reports the distribution of the ticket or pass as income to the RT Official in complying with FPPC Regulation section 18944.1(d); or
- d. Other benefits, such as food, beverages or other items, that are provided to the RT Official at the event, if such benefits are not included as part of the admission to the event.

#### Section 5: Provisions

RT may distribute Tickets or Passes under the following provisions:

- a. The General Manager/CEO, or his or her designee, must establish procedures for the distribution of Tickets and Passes in accordance with this Policy. All requests for Tickets or Passes fall within the scope of this Policy must be made in accordance with the procedures established by the General Manager/CEO. The public purpose to be accomplished must be identified with specificity and must not be a pretext to accomplish some other purpose.
  - i. Promotion of public exposure to, and awareness of: new, upcoming, or existing RT services or facilities;
  - ii. Promotion of special events to which RT is a party;
  - iii. Promotion of RT-sponsored events;
  - iv. Promoting business activity, growth, or development that helps RT increase revenue;
  - v. Promotion of RT brand recognition, visibility, or profile on a local, state, national, or worldwide scale;
  - vi. Meeting and greeting residents and visitors to gain feedback on and make observations of the quality and awareness of RT services or to gain insight into what RT services and facilities that residents and visitors would like to

see RT make available;

- vii. Promotion of open, visible, and accessible government by RT Official participation and/or availability at an event;
  - viii. Attracting and retaining highly qualified employees for RT service;
  - ix. Attracting or rewarding volunteer public service;
  - x. Promoting enhanced RT employee performance or morale; or
  - xi. For the purpose of networking with other community and civic leaders at charitable events.
- b. Tickets or Passes distributed to an RT Official pursuant to this policy must not be transferred to any other person except to members of such RT Official's immediate family (spouse, registered domestic partner, and dependent children) solely for their personal use, which personal use may include no more than one guest accompanying the RT Official or his or her immediate family member;
- c. No person who receives a Ticket or Pass pursuant to this policy may sell or receive reimbursement for the value of such Ticket;

## **Section 6. Reporting Requirements**

The following disclosure requirements must be met: a Form 802 report must be filled out for any Tickets or Passes distributed under this policy and sent to the FPPC for posting on its website. The Form 802 report or other report must contain the following information:

- a. The name of the person receiving the Ticket or Pass, except if the Ticket or Pass is distributed to an organization outside of RT, then RT may 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;
- 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. 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 RT Official.