



COUNTY OF SAN MATEO

Inter-Departmental Correspondence

County Manager



DATE: April 27, 2011

BOARD MEETING DATE: May 10, 2011

SPECIAL NOTICE/HEARING: None

VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors
FROM: David S. Boesch, County Manager
SUBJECT: County policy for distribution of tickets or passes received by County officers and employees

RECOMMENDATION:

Adopt a Resolution adopting a County policy for distribution of tickets or passes received by County of San Mateo officers and employees.

BACKGROUND:

Tickets and passes to events received by County officers and employees who have not paid consideration of equal value constitute a gift under the Political Reform Act and regulations adopted by the Fair Political Practices Commission ("FPPC"). Officers and employees, by virtue of his or her position, may receive tickets which are then distributed to other County employees or members of the public. If this occurs, the officer or employee who originally received the ticket is required to report the full value of all the ticket on his or her Fair Political Practices Commission State of Economic Interests (FPPC Form 700).

DISCUSSION:

A regulation of the FPPC specifies a process for distribution of such tickets or passes which, if followed, will not result in a gift to the public official or employee. In accordance with the FPPC regulation, a "Ticket Administrator" should be designated. The Ticket Administrator shall determine the face value of the tickets or passes, the individuals who may use them, and report their distribution. In order to ensure that tickets or passes received by County officers and employees are distributed in accordance with the FPPC regulation, it is recommended that the Board adopt a policy addressing the distribution of such tickets. The ticket policy should contain the following:

1. A provision setting forth the governmental purposes of the County to be accomplished by the distribution of event passes or tickets; and
2. A provision requiring that the distribution of any ticket or pass by the County to, or at the behest of, a County official will accomplish a public purpose of the County; and

3. A provision prohibiting the transfer by any County official of any ticket or pass distributed to such official pursuant to the County policy to any other person, other than members of the official's immediate family solely for their personal use.

The attached policy presented for your consideration and adoption designates the Clerk of the Board, or his designee, as the Ticket Administrator and contains all three of the provisions listed above. This policy applies to tickets that are: (i) gratuitously provided to the County by an outside source; (ii) purchased by the County; (iii) received by the County pursuant to the terms of a contract for use of public property or because the County controls the event; or (iv) received and distributed by the County in any other manner. Key provisions of the proposed policy are:

Earmarked tickets – Tickets for which one or more County officer or employee is identified as an intended recipient are subject to the disclosure and reporting requirements applicable to gifts, unless one of the listed exemptions applies.

Tickets without a designation – Tickets that are received by the County without an individual being identified as a intended recipient shall be forwarded to the Clerk of the Board who shall act as the Ticket Administrator. The Ticket Administrator shall determine the face value of the tickets or passes, the individuals who may use them, and report their distribution on Form 802 and posted on the County website.

Public Purpose- The public purpose in distributing tickets and passes to events is to promote County resources, programs and facilities, to monitor and evaluate County venues and County-sponsored events, and to promote cultural, recreational and educational facilities, services and programs available to the public within the County. If the tickets do not accomplish a public purpose, then the recipient must treat them as a gift for reporting and disclosure purposes.

Transfer /Sale Prohibition- If an employee or officer receives tickets under the policy, they are prohibited from transferring or giving the tickets or passes to any other person except to members of the County official's immediate family for their personal use. No person receiving a ticket or pass pursuant to this policy shall sell or receive reimbursement for the value of the ticket or pass.

Policy Limited to Tickets or Passes. If other benefits, such as food, beverages or other items are provided to the County official at the event and they are not included as part of the admission to the event those benefits are not covered by this policy (i.e. they may be considered reportable gifts by the FPPC).

FISCAL IMPACT:

The fiscal implication of the policy will be the additional staff time necessary to implement the policy, but this cost will be absorbed in the existing budget.