RESOLUTION NO. 2014 – 02

BOARD OF DIRECTORS, SAN MATEO COUNTY TRANSPORTATION AUTHORITY
STATE OF CALIFORNIA

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AUTHORIZING ADOPTION OF TICKET POLICY GOVERNING DISTRIBUTION OF TICKETS AND PASSES RECEIVED BY THE TA TO OFFICIALS AND EMPLOYEES

WHEREAS, the California Fair Political Practices Commission (FPPC) requires that tickets and passes (Tickets) for admission to a facility, event, show or performance for entertainment, amusement, recreations or similar purpose must be distributed and reported in furtherance of a governmental and/or public purpose and in accordance with section 18944.1 of the FPPC Regulations; and

WHEREAS, the San Mateo County Transportation Authority (TA) occasionally receives Tickets that it may distribute to TA officials and San Mateo County Transit District (District) employees engaged in providing services pertaining to the TA; and

WHEREAS, staff and legal counsel have drafted the attached Ticket Policy, which complies with the applicable FPPC Regulation; and

WHEREAS, pursuant to the Ticket Policy, the Executive Director is delegated the authority to distribute Tickets in accordance with the Ticket Policy and to establish the procedures applicable to such distribution; and

WHEREAS, the Executive Director recommends that the Ticket Policy be adopted.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors (Board) of the San Mateo County Transportation Authority hereby adopts the attached Ticket Policy, which governs the distribution of tickets and passes received by the TA to TA officials and District employees engaged in providing services pertaining to the TA; and

BE IT FURTHER RESOLVED that, in accordance with the terms of the Ticket Policy, the Board authorizes the Executive Director to distribute tickets and passes in accordance with the Ticket Policy and to establish the procedures applicable to such distribution.

Regularly passed and adopted this 9th day of January, 2014 by the following vote:

AYES: CANEPA, FOUST, HORSLEY, NAGEL, PATRIDGE, MATSUMOTO

NOES: NONE

ABSENT: GROOM

Chair, San Mateo County Transportation Authority

ATTEST:

Authority Secretary

SAN MATEO COUNTY
Transportation Authority

POLICY FOR DISTRIBUTION OF TICKETS AND PASSES TO OFFICIALS AND EMPLOYEES

1. PURPOSE.

The purpose of this Policy is to ensure that any ticket or pass provided by the San Mateo County Transportation Authority (TA) to, or at the behest of, a TA official or San Mateo County Transit District employee engaged in providing services pertaining to the TA (employee) for admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose (Ticket), shall be distributed and reported in furtherance of a governmental and/or public purpose and in accordance with section 18944.1 of the Fair Political Practices Commission (FPPC) Regulations (Title 2, Division 6 of the California Code of Regulations, hereinafter FPPC Regulations). Tickets are not reportable as gifts by a TA official or employee who is required to file a Statement of Economic Interests (Form 700), when distributed to a TA official or employee and reported by the TA in accordance with this Policy.

2. 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 Political Reform Act of 1974 (Government Code Sections 81000 et seq.) and the FPPC Regulations, as they may be amended from time to time.

3. APPLICATION OF POLICY.

(a) This Policy governs the distribution of Tickets acquired or received, and distributed by, the TA that are:

1) Provided to the TA, at no cost to the TA, by an outside source;

2) Acquired by the TA by purchase at fair market value;

3) Acquired by the TA as consideration pursuant to the terms of a contract for the use of a TA venue, as consideration for TA sponsorship of an event, or because the TA controls or hosts an event.

(b) This Policy does not apply to:

1) A Ticket received by an official or employee from a source other than the TA.

2) A Ticket received by an official or employee from the TA where both the official or employee and the TA treat and report the value

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of the Ticket as income consistent with applicable state and federal income tax laws.

3) A Ticket for which the TA receives reimbursement from the official or employee.

4. PUBLIC PURPOSE.

The public purpose of providing the Ticket to an official or employee for admission to an event is to enable him or her to promote the TA and TA events, activities, or programs. This includes, but is not limited to the following:

(a) Promotion of special events in accordance with any TA agreement.

(b) Promotion of TA visibility, recognition, or profile on a local, state, or national scale.

(c) Promotion of TA-controlled or sponsored events, activities, or programs.

(d) Promotion of public-transportation-related activities within the TA, including conferences and conventions.

(e) Marketing promotions highlighting the achievements of the TA.

(f) Employment recruitment programs.

5. GENERAL PROVISIONS.

(a) The use of Tickets is a privilege extended by the TA and not the right of any person to whom the privilege may from time to time be extended.

(b) No person who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of such Ticket.

6. AUTHORITY OF EXECUTIVE DIRECTOR/CEO.

The TA delegates the authority to distribute any Tickets in accordance with this Policy to the Executive Director or designee.

The Executive Director shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets in accordance with this Policy. All requests for Tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the Executive Director.

7. TICKETS PROVIDED FROM AN OUTSIDE SOURCE.

A Ticket from an outside source provided to the TA official or employee by the TA is not considered a gift and will not be reportable by those TA officials and employees that are required to file a Form 700, provided all of the following requirements are met:

(a) The Ticket is not earmarked by the outside source for use by the TA official or employee who uses the Ticket;

(b) The TA determines, in its sole discretion, which TA official or employee may use the Ticket; and

(c) The distribution of the Ticket by the TA is made in accordance with this Policy.

8. TRANSFER PROHIBITION.

The transfer by any official or employee of any Tickets distributed pursuant to this policy to any other person, except to members of the official's or employee's immediate family for their personal use, is prohibited.

9. OTHER BENEFITS.

The distribution of a Ticket pursuant to this Policy shall not constitute a "gift" to the TA official or employee receiving the Ticket, to the extent that the benefits the official or employee receives are provided to all members of the public with the same class of Ticket. Other benefits, such as food or beverage or other gifts provided to the TA official or employee, but not provided to all members of the public with the same class of Ticket, will need to be accounted for as gifts by those TA officials and employees that are required to file a Form 700.

10. REPORTING REQUIREMENT.

The completed FPPC Form 802 (see attached), or such other form(s) as the FPPC may designate, shall be filed with the TA Secretary and maintained as a public record for a period of seven years, subject to inspection under California Government Code section 81008(a). The TA Secretary shall forward a copy of FPPC Form 802 to the FPPC within 30 days after distribution of the tickets.

Tickets distributed to officials are reported differently on Form 802 from Tickets distributed to other employees. Please consult current FPPC guidance for instructions on how to complete Form 802. A Form 802 Fact Sheet, including Frequently Asked Questions and a sample form showing how to report different types of Ticket distributions, can be found at the FPPC website at http://www.fppc.ca.gov/factsheets/Form802FactSheet.pdf.

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

A Public Document

1. Agency Name

Date Stamp

California Form 802

For Official Use Only

Division, Department, or Region *(If Applicable)*

Designated Agency Contact *(Name, Title)*

Area Code/Phone Number | **E-mail**

☐ **Amendment** *(Must provide explanation in Part 3.)*

Date of Original Filing: _____ *(Month, Day, Year)*

2. Function or Event Information

Does the agency have a ticket policy? Yes ☐ No ☐

Face Value of Each Ticket/Pass $ _____

Event Description _____ *Provide Title/Explanation*

Date(s) ____/____/____ ____/____/____

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 *(Last, First)*	Number of Ticket(s)/ Pass(es)	Identify one of the following:
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*

C. Name of Outside Organization (include address and description)	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 Form 802

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.

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; 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 also post the forms on its wesbite, 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 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 officals 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

California Form 802

A Public Document

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 *(Last, First)*	Number of Ticket(s)/ Pass(es)	Identify one of the following:
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*
		Ceremonial Role ☐ Other ☐ Income ☐ *If checking "Ceremonial Role" or "Other" describe below:*

C. Name of Outside Organization (include address and description)	Number of Ticket(s)/ Pass(es)	Describe the public purpose made pursuant to the agency's policy