

**City of San Bernardino/Redevelopment Agency of the City of San Bernardino
DISTRIBUTION, USE AND REPORTING
OF TICKETS AND PASSES POLICY**

A. Purpose

This policy is to establish a City/Agency-wide procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose (hereinafter the “Event”) in compliance with Section 18944.1 of the Fair Political Practices Commission Regulations (hereinafter “FPPC Regulations”).

The FPPC Regulations set 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 Regulations will not be considered as gifts to the City of San Bernardino (“City”) or the Redevelopment Agency of the City of San Bernardino (“Agency”) officials and employees who make use of such tickets and passes. The public and governmental purpose in distributing tickets and passes to Events is to enable City or Agency officials and employees to promote City businesses, resources, programs and facilities, to monitor and evaluate City venues and City-sponsored events, to promote cultural, recreational and educational facilities, services and programs available to the public within the City of San Bernardino, and to enhance employee morale.

This policy is subject to all applicable FPPC Regulations and the Political Reform Act. Nothing in this policy is intended to alter, amend or otherwise affect the obligations of City or Agency officials and employees under the Political Reform Act and implementing regulations.

B. Policy

1. Definitions.

- a. “City” means the City of San Bernardino and the Redevelopment Agency of the City of San Bernardino.
- b. “City Manager” means the City Manager or his/her designee.
- c. “Agency Director” means the Director of the Redevelopment Agency of the City of San Bernardino or his/her designee.
- d. “City official” means every member, officer, employee or consultant of the City of San Bernardino or the Redevelopment Agency, as the term “public official” is defined in Government Code Section 82048 and FPPC Regulations Section 18701. Such 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).
- e. “Immediate Family” means spouse and dependent children.
- f. “Ticket” means “ticket or pass” as that term is defined in FPPC Regulations Section 18944.1, as amended from time to time, but which currently defines “ticket or pass” as admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

2. Applicability.

This policy applies to tickets and passes that are: (i) gratuitously provided to the City by an outside source; or (ii) acquired by the City by purchase; or (iii) received by the City as consideration pursuant to the terms of a contract or because the City owns or controls the facility or venue at which the Event occurs or sponsors the Event.

3. Public Purpose.

Any distribution of tickets or passes in accordance with this policy to a City official, or to an individual or organization outside the City at the request of a City official, must be in furtherance of a governmental and/or public purpose and be reported as provided in this policy.

C. Procedure for Distribution and Reporting

1. Distribution. The City has sole discretion to determine who shall receive the tickets or passes received or acquired by the City.

a. Tickets or passes that are donated or provided by an outside source and are earmarked for use by a specific City official are considered gifts to the City official and are subject to the disclosure and reporting requirements applicable to gifts, unless one of the exemptions listed below apply.

1. Ceremonial Role or Function. Tickets or passes provided to a City official to carry out his or her job duties or where the City official will perform a ceremonial role or function on behalf of the City at the Event are not considered gifts to the City official and are exempt from the disclosure and reporting requirements of this policy.

2. Income. The City official treats the tickets or passes as income consistent with federal and state income tax laws and the City reports distribution of the tickets or passes as income to the City official on the FPPC Form 802.

3. Reimbursement. The City official purchases or reimburses the City for the face value of the tickets or passes.

b. Tickets or passes received by the City from an outside source without designation as to the specific City official who may use the tickets or passes shall be forwarded to the City Manager or Agency Director who shall determine the face value of the tickets or passes, the City official who may use them, and report their distribution as provided in Section C.2 below.

c. For tickets or passes received by the City pursuant to the terms of a contract or because the City owns or controls the facility or venue at which the Event occurs or the City sponsors the Event, a City official may request use of these tickets or passes, or for distribution to an individual or organization outside the City, by completing Parts 3 and 4 of FPPC Form 802 (Attachment A) and submitting the request to the City Manager or Agency Director.

d. Elected City Officials. For tickets or passes purchased or acquired by the City for use by an elected City official, or for distribution to an individual or organization outside the City at the request of an elected City official, the office of the elected City official shall be responsible for reporting the distribution of the tickets or passes as provided in Section C.2. below.

e. If the tickets or passes do not have a stated face value or state something to the effect of “complimentary” or “promotional,” the City Manager or Agency Director shall determine the value of the tickets or passes based on the reasonable cost for attendance at such an Event.

f. The City Manager or Agency Director shall establish an internal procedure set forth in writing for the distribution of tickets or passes in accordance with this policy.

2. Reporting Requirement. Tickets or passes distributed by the City to a City official, or to an individual or organization outside the City at the behest of a City official, pursuant to this policy, shall be documented in a completed FPPC Form 802 (see Attachment A) or such other form(s) as the FPPC may designate. The completed Form 802 shall be filed with the City Clerk and posted on the City’s website in a prominent fashion within 30 days after distribution of the tickets or passes.

3. Transfer Prohibition. A City official who receives tickets or passes distributed by the City according to this policy is prohibited from transferring or giving the tickets or passes to any other person except to members of the 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.

4. Policy Limited to ticket or pass. If other benefits, such as food, beverages or other items, are provided to the City official at the Event and they are not included as part of the admission to the Event, those benefits shall be accounted for as gifts to the City official.

D. Effective Date

This policy shall be effective upon City Council and Community Development Commission approval and shall be posted on the City website in a prominent fashion.