

RESOLUTION NO. 2022-0378

Adopted by the Sacramento City Council

December 6, 2022

Adopting the Acceptance, Distribution, Use, and Reporting of Tickets Policy (Ticket Policy); and Rescinding Resolution No. 2016-0311

BACKGROUND

- A. Under Fair Political Practices Commission (“FPPC”) Regulation 18944.1, a ticket or pass provided to an official by the official's agency and distributed and used in accordance with a policy adopted by the agency is not a gift under the Political Reform Act if all the requirements of Regulation 18944.1 are satisfied.
- B. On September 6, 2016, the City Council adopted Resolution 2016-0311, which established a city policy on ticket distribution, use, and reporting that met the requirements of Regulation 18944.1.
- C. As a result of amendments that the FPPC made to Regulation 18944.1 in July 2019, the city's current ticket policy does not meet all of the requirements of Regulation 18944.1.
- D. The proposed ticket policy conforms to the requirements of Regulation 18944.1, and it increases the ability of the city to distribute tickets to qualifying community organizations, in line with the actual distribution of tickets. It takes into consideration best practices for ticket distribution and reporting that are consistent with the previous and ongoing distribution of tickets.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1.

Resolution 2016-0311 is hereby rescinded.

SECTION 2.

The Acceptance, Distribution, Use, and Reporting of Tickets Policy (“Ticket Policy”) attached as Exhibit A is adopted. Exhibit A is part of this resolution.

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Exhibit A – Acceptance, Distribution, Use, and Reporting of Tickets Policy (“Ticket Policy”)

Adopted by the City of Sacramento City Council on December 6, 2022, by the following vote:

Ayes: Members Guerra, Harris, Jennings, Loloee, Schenirer, Valenzuela, Vang, and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest:  12/09/2022

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Acceptance, Distribution, Use, and Reporting of Tickets (Ticket Policy)

Scope: Citywide

Policy Contact

Office of the City Clerk

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Regulatory References

California Code of Regulations Title 2 Sections 18944.1; 18942.3

City Resolution 2022-xxxx adopted ____, 2022 (attached)

Effective Date: ____, 2022

1. **Purpose**

This Ticket Policy is provided to ensure that the City of Sacramento's distribution of tickets to entertainment, amusement, recreational, or similar events and functions furthers a public purpose in accordance with title 2, section 18944.1, of the California Code of Regulations. Tickets that are distributed as provided in this policy will not result in a gift to the city official who receives the tickets.

2. **Definitions**

"Accept" means to take actual possession of a ticket or to take any action exercising direction or control over the ticket.

"Behest" means under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of a city official.

"Ceremonial Role" means "ceremonial role" as defined in title 2, section 18942.3, of the California Code of Regulations, as it now exists or as it may be amended in the future.

"City" means the City of Sacramento.

"City Clerk" means the City Clerk or their designee.

"City Official" means every member, officer, employee, or consultant of the city who is required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interests (Form 700) under state law or the city's current conflict of interest code.

"Community Groups" means recognized community groups, non-profit organizations, schools, youth groups, and similar groups and organizations.

"Fair Value" means "fair value" as defined in title 2, section 18946, of the California Code of Regulations, as it now exists or as it may be amended in the future.

"Pass" means a ticket that provides repeated access, entry, or admission to a facility or series of events for which similar passes are sold to the public.

"Significant" means sufficiently great or important; to be worthy of attention.

“Ticket” means anything that provides access, entry, or admission to a specific future event or function for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold. “Ticket” includes a “pass” as defined in this section, so that wherever this policy uses the term “ticket,” it means both tickets and passes. “Ticket” includes access to and use of the City’s suite at the Golden 1 Center City Suite. A ticket includes any benefits that the ticket provides.

3. Applicability

- a. This policy applies to a ticket only if all the following criteria are met:
 - (i) it has been accepted by the City Clerk;
 - (ii) it is for admission to a facility, event, show, or performance;
 - (iii) it is for an entertainment, amusement, recreational, or similar purpose;
 - (iv) it is either:
 - (A) provided by the City Clerk to a city official, or
 - (B) provided by the City Clerk at the behest of a city official;
 - (v) the city official does not treat the ticket as income consistent with applicable state and federal income tax laws;
 - (vi) the city official does not reimburse the city for the ticket within 30 days of receipt;
 - (vii) the ticket is not earmarked by an outside source for use by a specific city official; and
 - (viii) the ticket is not for a city official to perform a ceremonial role on behalf of the city.

- b. A ticket not covered by this policy may be subject to separate disclosure requirements and the annual gift limit under the California Political Reform Act and related regulations. A city official who receives or behests a ticket not covered by this policy is solely responsible for determining, and complying with, all reporting requirements and the annual gift limit applicable to such ticket.
- c. This policy applies only to the benefits that the city official receives from the ticket that are provided to all members of the public with the same class of ticket. If the city official receives benefits, such as food and beverages, that are not provided to all members of the public with the same class of ticket, then the city official shall treat those benefits as gifts unless the city official provides consideration of equal or greater value for the benefits.
- d. The use of tickets is a privilege extended by the City of Sacramento and not the right of any person to whom the privilege may from time to time be extended.

4. **Public Purpose**

- a. Tickets may only be distributed to, or at the behest of, a city official for one or more of the following public purposes of the city:
 - (i) to promote economic development;
 - (ii) to promote cultural, recreational, educational, and social service facilities and programs available to the public within the city;
 - (iii) to reward significant public service;
 - (iv) to promote city resources, programs, and facilities available to the public within the city if distribution of the tickets will benefit the city and its residents, encourage active participation, or promote civic engagement;
 - (v) to either:
 - (A) support general employee morale, retention, collaboration, recruitment; or

(B) reward significant public service by an employee; or

(vi) to monitor and evaluate city-sponsored events.

- b. The distribution of a ticket to a city official (other than a member of the city council, the city manager, or department head) for their personal use to support general employee morale, retention, collaboration, or recruitment, or to reward significant public service serves a public purpose of the city.

For purposes of this subsection, “personal use” means use by the city official and no more than one guest who attends the event or function in the company of the city official.

5. Distribution of Tickets

- a. The city council hereby delegates the authority to implement this policy to the City Clerk.
- b. The City Clerk shall use reasonable efforts to distribute tickets in the order listed in Section 4.a.
- c. The City Clerk shall establish written procedures for the distribution of tickets in accordance with this policy. The procedures may provide for the distribution of tickets to the City Clerk as long as the distribution is consistent with this policy. The written procedures must be posted on the city’s website in a prominent fashion.
- d. All requests for tickets under this policy must be made in accordance with the procedures established by the City Clerk.
- e. The City Clerk shall determine the face value of tickets for purposes of Section 3.b.(ii) and 3.b.(iii) of this policy.
- f. Tickets may not be disproportionately distributed for use by city officials or their guests.

6. Prohibition on Transfer

A city official who has received tickets under this policy shall not transfer any of the tickets to any other person except to one guest solely for their attendance at the event in company of the city official.

7. **Return of Tickets**

A city official, or their guest, may return an unused ticket before the event takes place in accordance with the procedures set by the City Clerk. A returned ticket may be redistributed in accordance with this policy.

8. **Reporting**

The City Clerk shall report the distribution of a ticket as required by title 2, section 18944.1, of the California Code of Regulations.

9. **Website Posting**

The city shall post all completed FPPC Form 802s, or a summary of the information on the Form 802, on its website.