

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING REVISIONS TO CITY COUNCIL POLICY 9-11 REGARDING DISTRIBUTION OF TICKETS TO CITY AND REDEVELOPMENT AGENCY OFFICIALS

WHEREAS, the City Council of the City of San José ("City") initially adopted City Council Policy 9-11, "Distribution of Arena Tickets" by City Council action on September 2, 1993, under which policy the Arena Authority was given administrative oversight and responsibility of a comprehensive Arena ticket distribution program; and

WHEREAS, the City Council desires to approve proposed changes to City Council Policy 9-11 to broaden its application to distribution of any tickets or passes by the City to City or Redevelopment Agency officials and employees; and

WHEREAS, the revised Council Policy will apply to: 1) tickets controlled by the City as owner or sponsor of a facility or event, (2) tickets received by the City or Redevelopment Agency from a third party who does not earmark the use of the ticket for a specific official, and (3) tickets that are purchased by the City or Agency, or received pursuant to a sponsorship or similar contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE THAT:

The revised City Council Policy 9-11, entitled "Distribution of Tickets or Passes to City/Agency Officials," which revised policy is attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, replace City Council Policy 9-11, initially approved by the City Council on September 2, 1993.

RD:PAD:ERD
9/16/09

ADOPTED this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

City of San José, California

COUNCIL POLICY

TITLE: DISTRIBUTION OF TICKETS OR PASSES TO CITY/AGENCY OFFICIALS	PAGE 1 of 4	POLICY NUMBER 9-11
EFFECTIVE DATE Sept 2, 1993, Item 9.g.	REVISED DATE	
APPROVED BY COUNCIL ACTION		

BACKGROUND

In 1993, in anticipation of the opening of San Jose Arena, the City Council adopted Council Policy 9-11 entitled "Distribution of Arena Tickets." Under this Policy, the City designated to the Arena Authority administrative oversight and responsibility of a comprehensive Arena ticket distribution program. As the program administrator, the Arena Authority was charged with the distribution of tickets to the City suite, 16 tickets in the Arena Club seating area and related parking passes for all Arena events.

On December 11, 2008, the Fair Political Practices Commission (FPPC) adopted new regulations (FPPC Regulations 18944.1) relating to the distribution of tickets to public officials. As a result, all City officials (elected, appointed or designated employees of the City of San Jose or the Redevelopment Agency of the City of San Jose) receiving complimentary tickets are now required to report their acceptance of tickets per FPPC guidelines.

While the previous version of Council Policy 9-11 complied with the new FPPC regulations for Pavilion events, there are other instances in which the City or Agency distributes tickets or passes to its officials and employees that now require an expanded ticket policy. Council Policy 9-11 is therefore revised to broaden its applications to the distribution of tickets or passes to other events.

PURPOSE

To establish a comprehensive policy relating to the distribution of complimentary tickets by the City or Redevelopment Agency to all City or Redevelopment Agency officials and designated employees established by the State of California's Fair Political Practices Commission (FPPC).

DRAFT—Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

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Application of Policy

As used in this Policy, the term "Ticket" shall mean: tickets or passes that provide admission to a facility or event for entertainment, amusement, recreation or similar purposes, and are obtained by the City through one of the following means:

1. controlled by the City or Redevelopment Agency as owner or sponsor of a facility or event;
2. received by the City or Redevelopment Agency from a third party who does not earmark the use of the ticket for a specific official; and the use of the ticket is in the sole discretion of the City, or;
3. purchased by the City or Redevelopment Agency, or received pursuant to a sponsorship or similar contract.

This Policy does not apply to:

1. tickets provided to an Official by sources other than the City;
2. tickets for which the Official pays the City the value of the ticket.

POLICY

The City of San Jose and its Redevelopment Agency may distribute complimentary tickets to appropriate recipients, including City officials, for the purpose of participating in:

1. Ceremonial occasions
2. Official welcoming of visiting dignitaries
3. Economic development outreach
4. Recognition for direct involvement in City or Agency related projects/programs

Residual Use

To the extent that the Club seats are not reserved for any event, the Arena Authority shall sell the tickets and parking passes with the goal of maximizing revenue potential. The revenue shall be used to support the Arena Authority activities in order to enable reduced support from the City General Fund.

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Ticket Transfer Limitations

Tickets received by City Officials under this Policy are for the purpose of having that Official participate in the event. No person who receives a ticket pursuant to the Policy shall transfer the ticket to anyone.

Each ticket recipient may be offered one additional ticket for his or her immediate family member. Any City or Agency official who receives a ticket for an immediate family member must disclose that ticket as a gift on their annual Form 700.

Disclosure and Reporting Requirements

The Ticket Distribution Policy set forth above shall be posted on the City website. For each event in which tickets are distributed to public officials, the names of the public official ticket recipients shall be posted on the City website within thirty (30) days following the ticketed event. Such posting shall be taken from FPPC Form 802 or another alternate Form that FPPC may designate (see attached).

Ticket Administrator

1. Each Department will designate a ticket administrator responsible for implementing this Policy. The Administrator will oversee the distribution of tickets in compliance with this Policy and will take all steps necessary to ensure the ticket recipients are aware of, and comply with, this Policy.
2. The Ticket Administrator will establish procedures for the distribution of tickets in accordance with this Policy. At a minimum, the procedures will:
 - a. Specify which of the public purposes designated in the Policy to be accomplished by the distribution of tickets or passes.
 - b. Provide a mechanism for disclosing the distribution of tickets or passes on FPPC Form 802 and posting to the City's website.
3. The Ticket Administrator will determine the face value of distributed tickets. The face value will be calculated in accordance with FPPC Regulation 18946.1.

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Arena Ticket Procedures

The Arena Authority shall develop procedures for the use of the City Box and the Club Seats. At a minimum, the procedures shall include:

1. Use of the Box shall require designation of a "Responsible Party" from the City or one of its subsidiary agencies who shall be required to supervise the use of the Box and ensure that the use does not result in charges to the City or the Arena Authority.
2. Recipients of tickets for the Box can bring additional guests at the cost of a club seat ticket to the extent space in the City Box permits.
3. Procedures with regard to the purchase of food and merchandise from the City Box.
4. Procedures to ensure compliance with the Fair Political Practices Commission limitation of gifts to state and county officials.

DEFINITIONS

"City Official" shall mean every officer, agent and employee of the City or its Redevelopment Agency who is obligated to file an Annual Statement of Economic Interests (Form 700) pursuant to State law and the City's Conflict of Interest Code.

"FPPC" shall mean the California Fair Political Practices Commission.

"Immediate family" shall mean and refer to the spouse and dependent children.

"Ticket or Pass" shall mean admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose (defined in FPPC regulation 18944.1.).

"Arena Tickets" shall mean the tickets owned by the City pursuant to the Management Agreement with the San Jose Arena Management LLC, including the use of the City's suite (16 seats), and the use of 16 seats in the "club seating" area of the Arena, with associated parking passes.

Tickets Provided by Agency Report

California
Form **802**

A Public Document

This form is for use by all state and local government agencies to disclose the distribution of tickets or passes that allow admission to facilities, events, shows, or performances for entertainment, amusement, recreational, or similar purposes. The agency must complete Form 802 identifying agency officials who receive tickets or passes from the agency as well as other individuals and organizations that receive tickets or passes at the behest of agency officials. Form 802 must be posted in a prominent fashion on the agency's website.

Gifts of Tickets or Passes to Public Officials

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets or passes to or at the behest of an official in the agency does not result in a gift to the official. (Regulation 18944.1 is available on the FPPC website at www.fppc.ca.gov.) Even though the distribution of tickets or passes to a public official under the regulation is not a gift to the official, the agency must disclose the distribution on Form 802. The official does not have to disclose tickets or passes received or distributed under the regulation on his or her Statement of Economic Interests (Form 700), but tickets or passes received or distributed by the official that do not fall under the regulation may be subject to disclosure on the official's Form 700 and subject to gift limits.

Posting Form 802

The Form 802 must be posted on the agency's website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

Part 1. Agency Identification

List the agency's name, address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Event For Which Tickets Were Distributed

Provide the date(s) of the event, a description of the event, and the face value (i.e. the cost to the public) of the ticket or pass. Check the box indicating whether the event was an "agency event" (such as a county fair, or an event for which the agency purchased tickets). If the agency received the tickets from an outside source, identify the source, the number of tickets received, and check the box to identify whether the tickets or passes were provided to the agency:

- Gratuitously; or
- Pursuant to a contract.

Part 3. Agency Official(s) Receiving Ticket(s)

Disclose the name of each agency official that received a ticket or pass and the number of tickets or passes the official received. Also state whether the distribution is income to the official or describe the public purpose for which the official received the tickets or passes.

Part 4. Individual or Organization Receiving Ticket(s)

If tickets or passes were distributed to an individual or organization outside the agency, at the behest of an official of the agency, provide the name of the official. Disclose the name(s) of the individual(s) who received the tickets or passes and the number of tickets or passes provided. If the tickets or passes were provided to an organization, the agency may post the name, address, a description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the name of each individual that received a ticket or pass. Also, describe the public purpose for the distribution to the individual or organization.

Part 5. Verification

The agency head or his or her designee must sign the form.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations Sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Act Notice, please contact the FPPC.

General Counsel
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660