

BOARD OF SUPERVISORS  
Yolo County, California

To: Co. Counsel ✓

CONSENT CALENDAR

Excerpt of Minute Order No. 22-81: Item No. 21, of the Board of Supervisors' meeting of July 26, 2022.

MOTION: Saylor. SECOND: Villegas. AYES: Villegas, Saylor, Sandy, Provenza, Barajas.

21.

Adopt updated County ticket distribution and disclosure policy in accordance with Fair Political Practices Commission requirements. (No general fund impact) (Pogledich)

Approved recommended action on Consent.



## County of Yolo

www.yolocounty.org

To: The Chair and Members of the Board of Supervisors

### Consent-General Government 21. County Counsel

#### Board of Supervisors

Meeting Date: 07/26/2022

Brief Title: Adopt Ticket Policy

From: Philip J. Pogledich, County Counsel

Staff Contact: Megan Callaway, Deputy County Counsel, x8172

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#### Subject

Adopt updated County ticket distribution and disclosure policy in accordance with Fair Political Practices Commission requirements. (No general fund impact) (Pogledich)

#### Recommended Action

Adopt updated County ticket distribution and disclosure policy in accordance with Fair Political Practices Commission (FPPC) requirements.

#### Strategic Plan Goal(s)

Not applicable. Policy adoption is required by state law and FPPC regulations.

#### Reason for Recommended Action/Background

State law requires local agencies that receive and distribute or use event tickets to adopt an agency ticket policy. The policy must conform to certain requirements set forth in FPPC regulations, including section 18944.1 (Attachment A). In practice, most policies adopted by local agencies are very similar, as the FPPC regulations dictate most of what is required. Consistent with FPPC regulations, the attached proposed policy (Attachment C) updates the County's previous policy (adopted on June 27, 2000) in the following principal ways:

- It broadens the policy to apply to all event tickets, rather than just tickets provided for River Cats games pursuant to an August 1, 1999 stadium financing agreement;
- It expressly describes the circumstances under which tickets are (or are not) reportable gifts;
- It includes references to FPPC Form 802, a reporting form filed with the FPPC as tickets are distributed for public purposes in accordance with the policy; and
- It expands upon the prior policy's statement of recognized "public purposes" for ticket distribution, aligning it with FPPC regulations.

Board members and staff may distribute tickets under the policy (for example, complimentary Sacramento River Cats tickets received each year) in essentially the same manner as in the past, and must ensure simply that administrative staff complete the Form 802 with appropriate information (i.e., ticket recipients, number of tickets provided, public purpose(s)). Information from the FPPC webpage on local ticket policy requirements, including a sample Form 802, is included in Attachment B.

Once adopted, the policy will be posted on the County's website and submitted to the FPPC to comply with FPPC requirements.

#### Collaborations (including Board advisory groups and external partner agencies)

Clerk of the Board.

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#### Fiscal Information

No Fiscal Impact

Fiscal Impact of this Expenditure

Total cost of recommended action  
Amount budgeted for expenditure  
Additional expenditure authority needed \$0  
On-going commitment (annual cost)

Source of Funds for this Expenditure

General Fund \$0

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**Attachments**

Att. A. FPPC Regulation 18944.1  
Att. B. FPPC Information and Sample Form 802  
Att. C. Ticket Distribution and Disclosure Policy

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Phil Pogledich	Phil Pogledich	07/14/2022 11:32 AM
Joanne Van Hoosear	Joanne Van Hoosear	07/14/2022 12:22 PM
Form Started By: Phil Pogledich		Started On: 06/22/2022 12:17 PM
Final Approval Date: 07/14/2022		

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

**§ 18944.1. Gifts: Agency Provided Tickets or Passes.**

(a) Gift Exemption. 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 of the following criteria are met:

(1) The distribution of the ticket or pass by the agency is made in accordance with a policy adopted by the agency that incorporates all of the provisions of subdivision (b) and is maintained as a public record as required in subdivision (c).

(2) The distribution of the ticket or pass is reported pursuant to subdivision (d).

(3) The ticket or pass is not earmarked by an outside source for use by a specific agency official.

(4) The agency determines, in its sole discretion, who uses the ticket or pass.

(b) Agency Ticket/Pass Distribution Policy. Any distribution of a ticket or pass under this regulation to, or at the behest of, an agency official must be made pursuant to a written agency ticket distribution policy, duly adopted by the legislative or governing body of the agency or, if none, the agency head that contains, at a minimum, all of the following:

(1) A provision setting forth the public purposes of the agency for which tickets or passes may be distributed.

(2) A provision requiring that the distribution of any ticket or pass to, or at the behest of, an agency official accomplishes a stated public purpose of the agency.

(3) A provision prohibiting the transfer of any ticket received by an agency official pursuant to the distribution policy except to members of the official's immediate family or no more than one guest solely for their attendance at the event.

(4) A provision prohibiting the disproportionate use of tickets or passes by a member of the governing body, chief administrative officer of the agency, political appointee, or department head.

(c) Public Record. The policy must be maintained as a public record and is subject to inspection and copying under Section 81008. The agency must post the policy on its website within 30 days of adoption or amendment and send to the Commission by e-mail the agency's website link that displays the policy so that the Commission may post the link.

(d) Reporting. Within 45 days of distribution of a ticket or pass, the distribution must be reported on a form provided by the Commission.

(1) Except as provided in subdivision (d)(2), the information must include the following:

(A) The name of the official receiving the ticket or pass;

(B) A description of the event;

(C) The date of the event;

(D) The fair value of the ticket or pass as that term is defined in Regulation 18946, subdivision (d)(1);

(E) The number of tickets or passes provided to each person;

(F) If the ticket or pass is behested, the name of the official who behested the ticket;

(G) If the ticket was transferred to a person meeting the requirements of paragraph (b)(3), the relationship of the transferee;

(1) A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities.

(2) If the ticket or pass is distributed to a department or other unit of the agency, and not used by a member of the governing body, the chief administrative officer of the agency, political appointee, or department head, the agency may report the name of the department or other unit of the agency receiving the ticket or pass and the number of tickets or passes provided to the department or unit in lieu of reporting the name of the individual employee as otherwise required in subdivision (d)(1).

(3) The forms must be maintained as public records and are subject to inspection and copying under Section 81008(a). The agency must post the form, or a summary of the information on the form, on its website and send to the Commission by e-mail the agency's website link that displays the form so that the Commission may post the website link.

(e) Public Purpose. For purposes of subdivision (b)(2), the agency determines whether the distribution of tickets or passes serves a legitimate public purpose of the agency, consistent with state law. However, a ticket or pass distributed to an official for the official's personal use, other than a member of the governing body, the chief administrative officer of the agency, political appointee, or department head, to support general employee morale, retention, or to reward public service is deemed to serve a public purpose. For purposes of this paragraph, "personal use" is limited to the official and the official's family, or no more than one guest.

(f) Application. This regulation applies solely to a ticket or pass, as those terms are defined in Regulation 18946, to an event or function provided by an agency to an official of the agency, or at the behest of an official of that agency. The provisions of this regulation apply only

to the benefits the official receives from the ticket or pass that are provided to all members of the public with the same class of ticket or pass. This regulation does not apply to the following:

(1) An admission provided to a school, college, or university district official, coach, athletic director, or employee to attend an amateur event performed by students, which are neither gifts nor income.

(2) An admission identified in Regulation 18942(a)(13) relating to an official performing a ceremonial role.

(g) Ticket or Pass Received as Income. A ticket or pass is not subject to the provisions of this regulation, and not a gift for purposes of the Act, if it is taxable income to the official.

(h) Reimbursement. A ticket or pass is not subject to the provisions of this regulation, and not a gift for purposes of the Act, if the official reimburses the agency for the ticket within 30 days of receipt.

Note: Authority cited: Section 83112, Government Code. Reference: Section 82028, Government Code.

## **HISTORY**

1. Renumbering of former section 18726.7 to section 18944.1 with amendment of section heading filed 6-22-94; operative 6-22-94 (Register 94, No. 25).
2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
3. Amendment of first paragraph and subsections (a)-(b) and (d)-(e) filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).
4. Repealer and new section filed 1-8-2009; operative 2-7-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil

C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2009, No. 2).

5. Repealer of subsection (a), subsection relettering and amendment of newly designated subsections (a)(1), (a)(2)(A)(iii)-(b), (c) and (e) filed 9-27-2010; operative 10-27-2010.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2010, No. 40).

6. Amendment of section heading and section filed 1-23-2012. Pursuant to California Code of Regulations, title 2, section 18313(e), FPPC has designated an effective date of 1-1-2012.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 4).

7. Amendment filed 1-14-2016; operative 2-13-2016, pursuant to title 2, section 18312(e) of the California Code of Regulations. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 3).



8. Amendment of section heading and repealer and new section filed 6-20-2019; operative 7-20-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2019, No. 25).

9. Amendment of subsections (a) and (e) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).



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| [Reporting Ceremonial Role Events and Ticket/Admission Distribution - Form 802](#)

## Reporting Ceremonial Role Events and Ticket/Admission Distribution - Form 802

Under specific circumstances, an agency's distribution of tickets to entertainment events, sporting events, etc., does not result in a gift to the individuals who attend. The agency must adopt a written policy that identifies the public purpose served in distributing the tickets. Admission to certain events for an individual who performs a ceremonial role (e.g., ribbon cutting) also does not result in a gift to the individual if the required information is disclosed.

The Form 802 is used by state and local government agencies to disclose detailed information about the distribution of tickets and passes, including the identity of persons who receive the tickets and passes and the public purpose of each ticket distribution. The Form 802 is also used to disclose information about ceremonial role events.

The FPPC posts on its website links to the completed [Form 802s and the ticket distribution policies](#) adopted by agencies.

To complete the Form 802, use the PDF or Excel format below. You may also access [Regulation 18944.1](#), which outlines the rules for an agency's distribution of tickets and passes.

- [Form 802 - PDF Format](#)
- [Form 802 - Excel Format](#)
- [Regulation 18944.1](#)

Submit website links to completed Form 802s and ticket policies to [Form802@fppc.ca.gov](mailto:Form802@fppc.ca.gov).

### Example

The City of Sandy Beach received 24 tickets from California Cycle Association, an organization sponsoring a major bicycling event. The tickets

are for seats at the awards ceremony on March 15 and are valued at \$50 each. The City Manager distributed the tickets as follows: two tickets to the employees in the Parks and Recreation Division; 10 tickets to the Boy Scouts Club; 10 tickets to the Girl Scouts Club; and two tickets to an elected official who will present the winner's trophy on behalf of the agency.

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

A Public Document

<b>1. Agency Name</b> City of Sandy Beach Division, Department, or Region (If Applicable)		Date Stamp	<b>California Form 802</b> For Official Use Only
Designated Agency Contact (Name, Title) Charlotte Mason, City Manager			
Area Code/Phone Number 310-555-1234	E-mail cmason@sandybeach.gov	<input type="checkbox"/> 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 \$ 50

Event Description CA Cycle awards ceremony Date(s) 3 / 15 / XX  
Provide Title/Explanation

Ticket(s)/Pass(es) provided by agency? Yes  No  If no: CA Cycle Association  
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
Parks and Recreation	2	Ticket Policy Section Number 16
<b>B. Name of Individual (Last, First)</b>		
Linn, Sandra	2	Ceremonial Role <input checked="" type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> If checking "Ceremonial Role" or "Other" describe below: Present trophy at bicycling event
	2	Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> If checking "Ceremonial Role" or "Other" describe below:
<b>C. Name of Outside Organization (include address and description)</b>		
Boy Scouts Club www.boyscouts.org	10	Ticket Policy Section Number 14
Girl Scouts Club www.girlscouts.org	10	Ticket Policy Section Number 14

**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.

_____	Charlotte Mason	City Manager	3/15/XX
<small>Signature of Agency Head or Designee</small>	<small>Print Name</small>	<small>Title</small>	<small>(Month, Day, Year)</small>

Comment: \_\_\_\_\_

FPPC Form 802 (4/12)  
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-7772)

The image shows that the agency named "City of Sandy Beach" had a function or event which had a ticket policy costing \$50/ ticket on 3/15. Tickets

*were not provided by the agency, but by CA cycle association. Tickets were not made at the behest of the agency. Recipients included 2 tickets for Parks and Recreation (because of the Ticket Policy Section Number 16), 2 tickets for Sandra Linn (who presented a trophy at a bicycling event), 10 tickets for the Boy Scouts Club (because of the Ticket Policy Section Number 14), and finally 10 tickets for the Girl Scouts Club (because of the Ticket Policy Section Number 14). Charlotte Mason, the City Manager, signed the verification portion on 3/15.*

## Frequently Asked Questions about Completing the Form 802

**Q.** If an agency's elected official takes a staff member to a ceremonial event, does the staff member's name need to be disclosed on the Form 802?

**A.** No. The staff member's name is not required. The official's name is required in Part 3, Section B, and two tickets would be listed.

**Q.** An organization gives 10 concert tickets to an agency. The agency distributes the tickets to its employees. The agency does not have a ticket policy. Does this need to be disclosed on the Form 802?

**A.** No. Since the agency does not have a ticket policy, the individuals receiving the tickets would report the value of the tickets on their Form 700 if the organization is a reportable source and the value of the ticket(s) to each individual is \$50 or more. In order for tickets not to result in reportable gifts to its employees, the agency must adopt a policy identifying the public purpose of distributing tickets.

**Q.** An agency adopts a ticket policy. A local minor league baseball team donates 10 tickets to the city and the city distributes the tickets in accordance with the agency's ticket policy to employees in its parks department. Does this need to be disclosed on the Form 802?

**A.** Yes. In Part 3, Section A, the department must be listed, but the individuals' names are not required.

**Q.** Our agency has provided FPPC a link to our ticket policy and to our posted 802 forms. Are we required to notify you each time we post new forms?

**A.** No. You are only required to notify FPPC if the location on your website where the forms are posted changes. If this happens, send an e-mail to [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov) to provide the new location.

**Q.** The county fair board members received tickets to the county fair. Does the agency complete Part 3, Section A or Section B?

A. Section B. When tickets are used by governing board members, the individuals' names must be listed.

## Reporting Ceremonial Role Events and Ticket/Admission Distribution - Form 802

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- ▶ [Behested Payment Report - Form 803](#)
- ▶ [Agency Report of Public Official Appointments - Form 806](#)

### How to Request Advice

If you have questions about your obligations under the Act you can request advice directly from FPPC staff

[Request Advice](#)

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## County of Yolo Administrative Policies and Procedures Manual

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**TITLE:** Ticket Distribution and Disclosure Policy

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**Department:** Office of the County Counsel

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**TYPE:** Policy

**DATE:** July 26, 2022

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### **Policy**

This policy applies to tickets that are (a) gratuitously provided to the County by an outside source; (b) purchased by the County; (c) received by the County pursuant to the terms of a contract for use of public property or because the County controls the event; or (d) received and distributed by the County in any other manner.

This policy is adopted in accordance with section 18944.1 of Title 2 of the California Code of Regulations (promulgated by the Fair Political Practices Commission (“FPPC”) and establishes a protocol for the distribution, use, and disclosure of tickets to events, shows, facilities, or performances for the purpose of entertainment, amusement, or any other recreational enjoyment. The receipt or distribution of tickets to any event will not be a gift if it occurs in compliance with this policy. Except as otherwise stated herein, this policy shall supersede any prior guidelines or policies regarding distribution or use of tickets to events, shows, facilities, or performances for entertainment, amusement, or recreational enjoyment.

### **Definitions**

**“Ticket”** means anything that provides access to a show, event, performance, sports game, or facility for the purpose of entertainment, amusement, or enjoyment.

**“County Official”** means every member, officer, employee or consultant of the County of Yolo, as defined in Government Code Section 82048 and Section 18701 of Title 2 of the California Code of Regulations. This includes any County board or commission member or other appointed or elected official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

**“Ticket Administrator”** means the County Administrative Officer “CAO” or his or her designee(s) and each Supervisor or his or her designee(s). The Ticket Administrator distributes tickets at his or her sole discretion.

## County of Yolo Administrative Policies and Procedures Manual

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“Face value” means the price indicated on the ticket, or if no price is indicated, the price at which a similar ticket may be purchased by the general public from the host or operator of the event, performance, show, or facility.

### Application

A ticket is not a gift to a County Official, or to an individual or organization outside of the County at the behest of a County Official in any of the following scenarios:

- (1) Income – If the County Official intends the ticket as income consistent with federal and state income tax laws and the County reports distribution of the tickets as income to the County Official on FPPC Form 802.
- (2) Reimbursement – If the County Official reimburses the County for the face value of the ticket within thirty (30) days of receipt or acceptance of the tickets as defined in Section 18942 of Title 2 of the California Code of Regulations.
- (3) Public Purpose – If distribution to a County Official or to an individual or organization outside of the County at the behest of a County Official is in furtherance of a public purpose. A public purpose includes, but is not limited to, the following:
  - a. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting County residents.
  - b. Attracting or rewarding volunteer service.
  - c. Recognizing the meritorious service of current or former County employees, officials, or volunteers.
  - d. Attracting or retaining highly qualified county employees, officials, or volunteers.
  - e. Encouraging or recognizing significant academic, athletic, or public achievements.
  - f. Promotion of County resources, organizations and/or facilities available to the public.
  - g. Promoting industry, employment, tourism, or economic development in the County.
  - h. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the County.
  - i. Facilitating the attendance of a County Official at an event where the job duties of the official require their attendance, including but not limited to situations where the official is invited to perform a ceremonial role.

### Transfer Prohibition

Policy Name

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Date



## County of Yolo Administrative Policies and Procedures Manual

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Any County Official may receive tickets from a Ticket Administrator for a public purpose pursuant to this policy may not later transfer or give the tickets to any other person except to members of the County Official's immediate family or no more than one guest solely for the attendance at the event. The ticket is not to be sold or exchanged with any individual or organization.

### **Disclosure Requirement**

The Ticket Administrator shall document distribution of tickets on FPPC Form 802. The completed FPPC Form 802 shall be maintained as a public record and posted on the County's website within 45 days of distribution and remain available thereon for a period of at least one year.

### **Sacramento River Cats Vouchers**

Consistent with stadium financing documents and a related County policy adopted on June 27, 2000, each Supervisor and CAO shall annually have 125 vouchers for tickets to Sacramento River Cats games. Those vouchers must be distributed consistent with this policy and the additional limitations set forth in the June 27, 2000 policy, specifically that such vouchers may be distributed only to "...deserving participants in Yolo County's Community Service and Educational Programs, as well as Yolo County's public and private Charitable Organizations."

### **General**

A ticket is a gift, and must be reported as such, if the ticket is earmarked by an outside source for use by a specific County official unless it is treated as income or the face value of the ticket is reimbursed.

The disproportionate distribution of tickets for use to a specific Supervisor, political appointee, or department head is prohibited.

This policy will be maintained as a public record and is subject to inspection and copying.