

CITY COUNCIL POLICY

SUBJECT: CITY OF MOUNTAIN VIEW TICKET DISTRIBUTION
POLICY FOR SHORELINE AMPHITHEATRE AND
OTHER TICKETS

NO.: A-15

PURPOSE:

To establish a policy governing the distribution of tickets received by the City and for the disclosure of the distribution of same on the City's web-site. This Policy is drafted consistent with 2 California: Code of Regulations, Section 18944.1.

I. DEFINITIONS

~~"Fair value" – Shall mean the price of the ticket or pass. The "fair value" of the a ticket or pass that does not have been sold a face value indicated, or has a face value that is not available to the general public, is the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator of the venue or host of the event who offers the ticket for public sale. Where the price indicated on the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite, exclusive of fees and surcharges.~~

~~"Ticket or pass" – Anything that provides access, entry, or admission to a facility specific future, event or function and 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 and includes any benefits that the ticket provides. , show or performance for an entertainment, amusement, recreational or similar purpose.~~

~~"Pass" – A ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public. For purposes of this pPolicy, the term "ticket" shall include "pass" as defined herein.~~

~~"Ticket Distribution Coordinator" or "TDC" – Shall mean the~~The City Manager of the City of Mountain View or designee(s).

~~"Immediate family" – TShall mean the spouse , domestic partner and/or dependent children of the City Oemployee or official. The term "spouse" includes registered domestic partners recognized by State law. The term "dependent children" shall mean a child, including an adoptive child or stepchild, of a City Official who is under eighteen~~

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(18) years old and who the City Official is entitled to claim as a dependent on that City Official's Federal tax returns.

"Certificate" – A certificate issued by the City of Mountain View to a Certificate Recipient at the behest of a City Councilmember. Each Certificate is valid for two (2) individual tickets to a single Shoreline Amphitheatre event.

"Certificate Recipient" – A nonprofit organization that serves the Mountain View community.

"Certificate Tickets" – Individual tickets issued in exchange for a Certificate.

"Premium tickets" – ~~Refers to~~ the twenty (20) premium tickets received by the City for each event pursuant to the City's Shoreline Amphitheatre Lease. Premium tickets include the eight (8) tickets to the City box for each event.

"Pool tickets" – ~~Refers to all other~~ tickets received by the City (excluding premium tickets) pursuant to the City's Shoreline Amphitheatre Lease.

"City Official – Every member, officer, or full-time employee of the City of Mountain View, as defined in Government Code Section 82048 and 2 California Code of Regulations Section 18700. Such term shall include, but is not limited to, any City Councilmember or other appointed official or employee required to file a Statement of Economic Interests (FPPC Form 700).

II. TICKET DISTRIBUTION POLICY

Unless otherwise provided herein, words and terms used shall have the same meaning as such words and terms in the California Political Reform Act of 1974 and the regulations of the Fair Political Practices Commission (FPPC) as same may be amended from time to time.

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A. Purpose

This Ticket Distribution Policy is provided to ensure that the City of Mountain View's distribution of tickets to entertainment, amusement, recreational, or similar events furthers a public purpose in accordance with 2 California Code of Regulations Section 18944.1. Tickets that are distributed and meet the requirements as provided in this Policy will not result in a gift to the City Official who receives the tickets.

B. Application of Policy

1. The following qualify as tickets subject to the requirements of this Policy:

- a. Gratuitously provided to the City by an outside source;
- b. Acquired by the City by purchase or by sponsorship;
- c. Acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; and
- d. Acquired and distributed by the City in any other manner.

2. The following tickets are not subject to the requirements of this Policy:

- a. **Ceremonial Functions** – A ticket(s) provided by a source other than the City to a City Official for admission to an event at which the City Official performs a ceremonial role or function, as defined by 2 California Code of Regulations Section 18942.3, on behalf of the City.
- b. **Official Treats Ticket as Income** – A City Official receiving a ticket(s) pursuant to this Policy may treat the ticket(s) as income consistent with State and Federal income tax laws. Should the City Official make this election, the City will report the distribution of the ticket(s) on the City's website and official records in complying with the provisions of the reporting requirements of this Policy. Unless otherwise required by law,

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the City does not have an obligation to report the ticket(s) as income to the City Official as part of IRS or State Franchise Tax Board reporting requirements.

- c. City Official Reimburses the City—Payment/reimbursement shall be made at the time the ticket(s) is/are distributed to the City Official.

C. General Provisions

All tickets subject to this Policy shall be subject to the following provisions:

- 1. No Right to Tickets**—~~The use of complimentary tickets~~It is a privilege ~~extended by the City to use tickets distributed under this Policy~~ and not the right of any person ~~to which the privilege may from time to time be extended.~~ No ticket shall be distributed to any person without the person complying with this Policy and completing and signing the appropriate ~~ticket distribution~~ form(s) required by this Policy.
- 2. Limitation on Transfer of Tickets**—Except as otherwise provided in this Policy, tickets distributed to a City ~~employee or City O~~Official pursuant to this Policy shall not be transferred to any ~~other~~ person except to ~~a no more than one (1) member of the employee or City O official's immediate family solely for their personal use. If the City employee or official receiving the tickets does not have immediate family, the recipient may take or no more than one (1) guest solely for their attendance at the event. The City Official must, provided the guest accompanies the immediate family member or recipient guest to the event whom the ticket(s) wasere transferred.~~ Tickets distributed to a City OOfficial may not be sold or bartered, and any tickets that are not planned for use shall be returned to the TDC as soon as possible before the event.
- 3. Eligibility**—The City Official receiving the ticket(s) must be currently serving the City at the time of the event.
- 4. Ticket Administration**—The TDC shall have the authority, in ~~his or her~~the TDC's sole discretion, to establish procedures for distribution of the tickets in

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accordance with this ~~p~~Policy. All requests for tickets which fall within the scope of this ~~p~~Policy shall be made in accordance with the procedures established by the TDC.

~~The TDC shall determine the face value of tickets distributed by the City for purposes of Sections II(A)(7) and II(A)(9) of this policy. If requests for one event exceed the available tickets in any category(ies), the TDC shall distribute tickets evenly among those requesting tickets.~~

~~=====~~
~~5. Findings: Public Purpose – for Distribution of Shoreline Tickets~~
~~=====~~

~~a. — Any dDistribution of tickets in accordance with this pursuant to the public Policy, excluding those set forth in Section B.2. of this Policy, to a City Official or to an individual or organization outside the City at the behest of a City Official, must be in furtherance of a public purpose and be reported as provided in this Policy. Public purposes under this Policy include, but are not limited to, the following:~~

~~a. Facilitating the attendance of a City Official at an event where the job duties of the City Official require attendance at the event.~~

~~b. Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members, and their guests.~~

~~c. Oversight for inspection purposes, if a City Official submits a written inspection report of findings and recommendations after attending the event.~~

~~d. Official welcoming of foreign officials and dignitaries.~~

~~e. Promotion of City resources and/or facilities available to the public.~~

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- f. Promotion of City-run, -sponsored, or -supported community programs or events.
- g. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- h. Promoting, supporting, and/or showing appreciation for programs or services rendered by nonprofit organizations benefiting City residents.
- i. Attracting or rewarding volunteer service.
- j. Attracting and retaining highly qualified employees in City service; recognizing or rewarding public service by a City Official, and/or supporting general morale.
- A: (1) Not applicable to Councilmembers, City Manager, appointed officials, or department heads (2 California Code of Regulations Section 18944.1(e)).
- B: k. Promoting cultural, artistic, educational, recreational, or community activities or events in the City.

6. **Prohibition Against Disproportionate Use** – The TDC is responsible for ensuring that tickets under this Policy are available to all City Officials, regardless of status, and that tickets are not used disproportionately by City Councilmembers, City Manager, appointed City Officials, or department heads. ~~policy/oversight function is based on the findings that the City has had over 20 years experience with events at Shoreline Amphitheatre and the significance of those events to the residents of Mountain View and neighboring communities. The significance is often in the terms of noise and sound traveling, as well as traffic and public safety. City employees participate in the staffing of both the security and traffic management around the Amphitheatre and are regularly called on to assist with implementing the events at the~~

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- ~~facility. With the exception of the performance area itself, the majority of the property used to facilitate performances (parking lots, etc.) are owned and controlled by the City and not the facility operator. The City Council has determined that in the sound discharge of its oversight responsibilities, while the Ticket Distribution Policy will change dramatically from what it has been in the past, there remains an important need for City Councilmembers and other City employees and officials to continue their oversight of events at the Amphitheatre.~~
- ~~7. The Council also finds that the provision of the minimum amount of tickets to employees, volunteers and unpaid members of City boards, commissions and committees is a proper public purpose in rewarding service and encouraging volunteerism. Therefore, this Ticket Distribution Policy is drafted consistent with that purpose and with the applicable State regulations.~~
- ~~4. **Suspension of Privileges**—The TDC, in his or herthe TDC's sole discretion, may revoke or suspend the ticket privileges for the remainder of the calendar year of any person who violates any provision of this Policy or the procedures established by the TDC for the distribution of tickets in accordance with this Policy. Violation of this policy, including the unauthorized transfer of tickets, shall result in the suspension of privileges for the remainder of the concert season.~~
- ~~5. **Ceremonial Functions**—A ticket or pass provided by a source other than the City to an official for his or her admission to an event at which the official performs a ceremonial role or function on behalf of the City is not a gift or income to the official.~~
- ~~8. **6. Surplus Tickets** **Compliance with FPPC Ticket Distribution Requirements**—If the City receives tickets to an event, e.g., where the promoter or event operator seeks to “paper the house” which are free and/or surplus tickets for an event held in or around the City, the tickets are not a gift to the individual recipients, provided: (1) they are distributed on a first-come, first-served or lottery basis to City officials and employees without regard to official status; and (2) the TDC confirms, prior to distribution, that other businesses and entities within the City were also offered tickets to the event.~~

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When the City provides a ticket or pass to a public City Official that otherwise meets the definition of gift under Government Code Section 82028 and is not exempt under applicable Commission FPPC regulations, the City Official will meet the burden under Section 82028 that equal or greater value has been provided in exchange therefor, provided that all of the following requirements are met:

a. A.—Tickets from an Outside Source:

1.—The ticket or pass is not earmarked by the source of the ticket for a specific agency City Official or class of officials.

b. 2.—The ticket administrator TDC, in his or her sole discretion, determines which City Official may use the ticket or pass.

c. _____

3.—The distribution of the ticket or pass by the agency by the City is made in accordance with this Policy, adopted by the agency in accordance with Section IV, below:

~~7.—Official Treats Ticket or Pass as Income—An official receiving a ticket or pass pursuant to this policy may treat the ticket or pass as income consistent with applicable State and Federal income tax laws and the City will report the distribution of the ticket or pass on its web site and official records in complying with the provisions of the reporting requirements of Section IV, below. Prior to receiving the tickets, the official shall sign the ticket distribution form indicating they wish to take the tickets as income and indicating their understanding that they must treat the ticket or pass as income. Unless otherwise required by law, the City does not have an obligation to report the ticket or pass as income to the official as part of its IRS or State Franchise Tax Board reporting requirements.~~

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~~9.~~ 8.—**Benefits of Admission**—The provisions of this Policy apply only to the benefits the City Official receives by the admission and are not applicable to any other benefits the City Official may receive (such as food, beverages, souvenirs, or parking) unless those benefits are part of the admission privileges of the ticket ~~or pass~~. Parking passes and access to the VIP entrance and ~~/or Shoreline Amphitheatre~~ lounges which ~~have may~~ be included as part of the admission privileges attached to some tickets, are ~~not~~ considered ~~“other benefits” for the purpose of this policy.~~ part of the admission privileges of the ticket.

BD. Distribution of Shoreline Amphitheatre Tickets

1. Councilmember Tickets—In addition to the above General Provisions which apply to all City Officials, the following provisions apply to City Councilmembers for tickets received by the City pursuant to the Shoreline Amphitheatre lease only:

~~a.~~ Findings: Public Purpose for Distribution of Shoreline Tickets

~~a.~~ Distribution pursuant to the public policy/oversight function is based on the findings that the City has had over 20 years experience with events at Shoreline Amphitheatre and the significance of those events to the residents of Mountain View and neighboring communities. The significance is often in the terms of noise and sound traveling, as well as traffic and public safety. City employees participate in the staffing of both the security and traffic management around the Amphitheatre and are regularly called on to assist with implementing the events at the facility. With the exception of the performance area itself, the majority of the property used to facilitate performances (parking lots, etc.) are owned and controlled by the City and not the facility operator. The City Council has determined that in the sound discharge of its oversight responsibilities, while the Ticket Distribution Policy will change dramatically from what it has been in the past, there remains an important need for City

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~~Councilmembers and other City employees and officials to continue their oversight of events at the Amphitheatre.~~

~~The Council also finds that the provision of the minimum amount of tickets to employees, volunteers and unpaid members of City boards, commissions and committees is a proper public purpose in rewarding service and encouraging volunteerism. Therefore, this Ticket Distribution Policy is drafted consistent with that purpose and with the applicable State regulations.~~

~~2. City Councilmembers may draw tickets from the following categories for any event at Shoreline Amphitheatre. The TDC will set aside tickets subject to the following priorities and if the demand for any event exceeds the available tickets, Councilmembers' requests shall be filled per the priorities set forth in this section (e.g., two each) until the tickets are exhausted.~~

~~a. For public policy/oversight functions as follows:~~

~~(i) Each Councilmember shall have the privilege to draw may receive up to two fourteen (14) premium tickets for each of five (5) events at the Shoreline Amphitheatre per season for a stated public purpose pursuant to this Policy.~~

~~(ii) A Councilmember may also draw two (2) pool tickets for any two (2) other events at the Amphitheatre~~

~~b. Each :~~

~~(iii) In addition to using tickets for themselves or their immediate family, Councilmembers may also designate up to two (2) tickets Certificates to no more than two (2) events to a Mountain View serving 501(c)(3) a qualifying Certificate Recipient per season nonprofit.~~

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~~b. Up to two (2) premium tickets when the Councilmember performs a ceremonial role or function on behalf of the City; or~~

~~e. Ac. Each Councilmember may receive up to two ten (210) premium tickets to up to five (5) for events at the Shoreline Amphitheatre per season provided they treat that the ticket(s) are treated as income pursuant to Section II(A)(7) of this pPolicy. Depending on availability, a Councilmember may aggregate their draw to one or more events (e.g., three, four or five tickets to one event), provided that the draw under this section (premium or pool) does not exceed ten (10) tickets per season. If premium tickets are not available, the Councilmember may opt for pool tickets, if available; or and 2 California Code of Regulations Section 18944.1(g).~~

~~d. d. EachA Councilmember may receive up to two ten (210) pool tickets for up to five (5) events at the Shoreline Amphitheatre per season if they Councilmember reimburses the City for the face valuefair value of the ticket(s), as defined in 2 California Code of Regulations Section 18946(d)(1), of the ticket(s) pursuant to this pPolicy and 2 California Code of Regulations Section 18944.1(h). Depending on availability, a Councilmember may aggregate their draw to one (1) or more events (e.g., three, four or five tickets to one event), provided that the draw under this section does not exceed ten (10) tickets per season.~~

2. Distribution Priority – The TDC shall establish procedures to receive requests for tickets for events at Shoreline Amphitheatre, including a deadline for such requests. Timely requests will be fulfilled by the TDC in the following order of priority for each event:

a. City Council.

(1) Councilmembers requesting more than one (1) pair of tickets for an event shall receive one (1) pair of premium tickets initially.

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- b. Recipients of Certificate Tickets, limited to one (1) pair of tickets per recipient.
 - c. Employees, department heads, and appointed officials.
 - d. Any additional tickets left after the initial fulfillment of timely requests shall continue to be filled in the order of priority pursuant to this Policy.
 - e. The TDC shall establish procedures to distribute remaining tickets once all timely requests have been fulfilled.
3. ~~3.—~~Management of City Box—The Shoreline Amphitheatre lease reserves the City box for use by the City. Tickets to the City box are limited to City employees, officials, City volunteers, and authorized guests of same. Nonprofit Certificate Recipients shall not receive tickets to the City box.
- ~~—~~Limitation on Transfer—All tickets drawn under Subsections (B)(2)(a) and (B)(2)(b) shall be used only by the Councilmember and members of his or her immediate family, or per the limited exception of Section II(A)(2), except a Councilmember may designate up to two (2) non-City box tickets to no more than two (2) events to Mountain View serving 501(c)(3) nonprofits. Tickets drawn under Subsections (B)(2)(c) and (B)(2)(d) may be transferred but may not be sold, traded or bartered.

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~~4. City Distribution of Shoreline Tickets: Nonelected Officials~~

- ~~a. The TDC may designate up to four (4) premium tickets in order to use events at the Amphitheatre to showcase the City as an attractive place to live, work, locate a business or for intergovernmental relations.~~
- ~~b. Premium tickets may be distributed by the TDC to officials whose job duties require his or her attendance at an event or to accompany individuals who qualify for tickets under Subsections 2(b) or 4(a), above.~~
- ~~c. Twelve (12) premium tickets each season are designated for any designee(s) of the TDC charged with administering this policy.~~
- ~~d. If, three (3) days before any scheduled event, the TDC determines that surplus tickets exist for any scheduled event, the TDC may release those surplus tickets to Mountain View serving nonprofits.~~

III.V. DISCLOSURE REQUIREMENTS

~~A. **Ticket Distribution Form:** Prior to receiving any ticket(s), the intended recipient shall complete and sign the City's Ticket Distribution Form and other required documents indicating: (1) an understanding of the rules and requirements of the policy; and (2) the manner in which they are receiving the tickets (e.g., income, oversight, purchase, etc.).~~

~~AB. Tickets distributed by the City to any City Official under this policy shall be in conformance with the regulations of, and posted on a form provided d by by the FPPC and any required City form in a prominent fashion on the City's web-site within thirty forty-five (3045) days after distribution. Such posting shall include the following information:~~

- ~~1. The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of tickets provided to the organization in lieu of posting the names of each recipient;~~

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- ~~2. A description of the event;~~
- ~~3. The date of the event;~~
- ~~4. The face value of the tickets;~~
- ~~5. The number of tickets provided to each person;~~
- ~~6. If the ticket was distributed at the behest of a City official, the name of the City official who made such behest;~~
- ~~7. A description of the public purpose(s) under which the distribution was made, or, alternatively, that the City official is treating the ticket as income; and~~
- ~~8. The name of any official who requested or behested tickets on behalf of the ultimate recipient.~~

Revised: April 28, 2009, Resolution No. 17399

Effective Date: September 3, 1991, Resolution No. 15308

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