



# COUNCIL REPORT

**DATE:** December 10, 2024  
**CATEGORY:** Consent  
**DEPT.:** Community Services  
**TITLE:** **Updates to Council Policy A-15—Ticket Distribution Policy**

## **RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Mountain View Amending City Council Policy A-15, City of Mountain View Ticket Distribution Policy for Shoreline Amphitheatre and Other Tickets, to be read in title only, further reading waived (Attachment 1 to the Council report).

## **BACKGROUND**

Under the Political Reform Act (PRA), elected officers, public employees, and other designated public officials must disclose gifts from a single source valued at \$50 or more on their Statement of Economic Interests (also known as a Form 700). Generally, an event ticket valued at \$50 or more is considered a disclosable gift unless the ticket is distributed and used in accordance with a policy adopted by a local agency in accordance with the Fair Political Practices Commission (FPPC) regulations, specifically California Code of Regulations (CCR) Section 18944.1.

In 1991, the City of Mountain View adopted City Council Policy A-15 (“Policy A-15” or “Policy”) governing the distribution of event tickets to City Officials in accordance with CCR Section 18944.1 for the purpose of allowing City Officials to receive tickets to Shoreline Amphitheatre concerts and other events without having to disclose the ticket as a gift on their Form 700. The definition of City Officials included in the Policy is relatively broad. The Policy was last amended in 2021.

Tickets distributed under Policy A-15 have primarily been for Shoreline Amphitheatre events received under the City’s lease agreement with Live Nation. However, this Policy applies to other types of tickets the City may receive and distribute to City officials as well.

## **ANALYSIS**

Staff reviewed the Policy with the requirements of CCR Section 18944.1 and determined that additional edits were necessary to comply with state law and to facilitate ease of administration. The following constitutes a summary of the recommended amendments to Council Policy A-15:

- Eliminate provisions allowing receiving tickets as income and reimbursing the City for the price of a ticket (or, in other words, purchase tickets at face value from the City).
- Revise provisions governing distribution priority order to allow for equal access to available tickets for all eligible City officials.
- Include additional “public purposes” for use by City officials when receiving tickets under the Policy.
- Other clarifying and grammatical edits, such as:
  - Placing definitions in alphabetical order; and
  - Clarifying categories of employees and officials not considered eligible for tickets under the Policy.

Edits to the Policy are shown in Attachment 2 of this report, with additions shown in underline font and deletions shown by ~~striketrough~~ font.

This amended Council Policy A-15 did not go to the Council Policy and Procedures Committee (CPPC) as the primary purpose of these amendments is to comply with state law without room for additional policy-making discussions that would benefit from the CPPC’s review at this time. Bringing it directly to Council also ensures that the Policy will be updated in time for the next event season at Shoreline Amphitheatre.

**FISCAL IMPACT**—None.

## **LEVINE ACT**

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a

license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the “X” in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

**SUBJECT TO THE LEVINE ACT**

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

**EXEMPT FROM THE LEVINE ACT**

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: [www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html](http://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html).

**ALTERNATIVES**

1. Do not adopt the resolution amending Council Policy A-15.
2. Provide other direction.

**PUBLIC NOTICING**—Agenda posting.

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- Attachments:
1. Resolution with Exhibit A
  2. Council Policy A-15 (marked)