

RESOLUTION NO. 2010-618

Adopted by the Sacramento City Council

October 26, 2010

ESTABLISHING A POLICY FOR THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY (SHRA) REGARDING GIFTS TO SHRA AND THE DISTRIBUTION, USE AND REPORTING OF TICKETS AND PASSES

BACKGROUND

- A. The Fair Political Practices Commission (FPPC) amended Regulation 18944.1 and 18944.2 pertaining to tickets and passes received by public agencies and gifts to public agencies.
- B. The Regulations require that a written policy be established for the distribution of any gifts or tickets received by the public agencies. The written policy must comply with Regulations 18944.1 and 18944.2.
- C. Gifts to the Agency must be recorded on FPPC Form 801 and gifts of tickets or passes must be recorded on FPPC Form 802. The written policies and forms are required to be posted on the SHRA web site.
- D. The proposed action to adopt a Gift and Ticket Policy is considered general policy and procedure making, and is not considered a project pursuant to CEQA Guidelines Section 15378 (b)(2). No further environmental review is required. There is no federal funding or other federal involvement associated with the proposed action; therefore the National Environmental Policy Act (NEPA) does not apply.

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

- Section 1. All evidence presented having been duly considered, the findings, including environmental findings regarding this action as stated above, are approved.
- Section 2. The Policy on Gifts to the Agency as attached hereto as Exhibit A is hereby adopted.

Section 3. The Policy on Distribution, Use and Reporting of Tickets and Passes attached hereto as Exhibit B is hereby adopted.

Section 4. The Executive Director, or her designee, is authorized to amend the Policy on Gifts to the Agency and the Policy on Distribution, Use and Reporting of Tickets and passes to comply with any future changes made by the Fair Political Practices Commission to Regulations 18944.1 and 18944.2.

Table of Contents:

Exhibit A: Gift Policy

Exhibit B: Ticket Policy

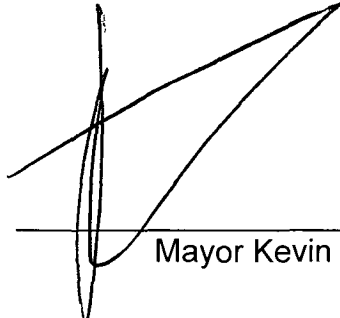
Adopted by the City of Sacramento City Council on October 26, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Sacramento Housing and Redevelopment Agency**POLICY/PROCEDURE INSTRUCTION**

TO: All Agency Employees

FROM: La Shelle Dozier, Executive Director

POLICY SUBJECT: Gifts to SHRA (Form 801)

EFFECTIVE: November 1, 2010

A. Scope and Purpose

The purpose of this policy is to establish procedures pertaining to gifts to the Sacramento Housing and Redevelopment Agency (SHRA) to implement the provisions of Section 18944.2 of Title 2 of the California Code of Regulations (hereinafter the "Regulations"). The Political Reform Act and Section 18944.2 of the Regulations permit payments which constitute gifts under the Political Reform Act to be made to SHRA and thereafter used by officials or employees without these payments being considered "gifts" which must be reported on the official or employee's annual conflict of interest statement.

Except as provided in Section 18944.2, payments that are gifts within the meaning of the Political Reform Act (including but not limited to payments for travel and travel expenses) and that are utilized by SHRA officials or employees are generally considered gifts to those SHRA officials and employees and generally must be reported on the annual conflict of interest statements filed by officials and employees. Such gifts may give rise to conflict of interest issues and are covered under the gift limitation provision that an official or employee may receive from a single source. The current gift limitation is \$420 per year and is subject to change annually based on changing Fair Political Practices Committee (FPPC) requirements.

Section 18944.2 requires that, for a payment to be a gift to SHRA, the following requirements must be met:

1. SHRA must receive and control the payment;
2. The payment must be used for official SHRA business;
3. The SHRA Executive Director, at their sole discretion, must determine the specific official(s) or employee(s) who shall use the payment; provided that the donor may identify a specific purpose for SHRA's use of the payment, so long as the donor does not designate the specific official or officials who may use the payment;
4. The gift of travel does not exceed SHRA's reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. To the extent that the amount of the gift of travel exceeds the amounts stated above, the difference shall be considered a reportable gift.

5. SHRA must memorialize the payment in a written public record which embodies the requirements set forth in 1) through 3) above.

The purpose of the procedure set forth in the following sections of this policy is to implement the provisions of Section 18944.2. Nothing in this policy is intended to alter, amend, or otherwise affect the obligations of SHRA officials and employees under the Political Reform Act and implementing regulations or under SHRA's Conflict of Interest Code.

B. Policy

1. Pursuant to Section 18944.2 of the California Code of Regulations and, except as otherwise provided in the Political Reform Act and applicable FPPC regulations, SHRA shall not accept and process any gifts pursuant to this policy if the donor designates the specific official(s) or employee(s) who may use the gift. The donor of the gift may identify a specific purpose for SHRA's use of the gift so long as he or she does not designate the specific official(s) or employee(s) who may use the gift.
2. Under Section 18944.2, gifts of travel to SHRA may not be utilized by the SHRA Executive Director, the SHRA Deputy Executive Director, the SHRA Director of Administration, the SHRA Director of Finance/Treasurer, members of the SHRA Commission, or the SHRA General Counsel. The SHRA Executive Director's designee may not designate himself or herself as the official to use the gift of travel. Gifts of travel to the individuals listed above are considered a gift to that specific person and must be declared on their annual conflict of interest statement.
3. Gifts of travel, meals, and lodging, and other actual and necessary expenses associated with travel, shall be limited to the rates that SHRA officials and employees are reimbursed under SHRA's reimbursement policy, as it may be amended from time to time. Pursuant to Section 18944.2, to the extent that the value of the gift of travel and related expenses exceeds SHRA's standard reimbursement rate, the difference shall be considered a reportable gift to the employee or official utilizing such gift.

C. Procedure

The following procedures pertaining to gifts shall apply to all SHRA officials and employees:

1. Any gifts that are given to SHRA as a whole with no direction as to the specific official(s) or employee(s) who may use the gift, shall be forwarded to the SHRA Executive Director or the SHRA Executive Director's designee.
2. The SHRA Executive Director or their designee shall review each gift and

determine the specific official(s) or employee(s) who shall use the gift. The gift shall be used solely for official SHRA business.

3. The SHRA Executive Director or their designee shall memorialize the gift in a written public record in the form of a completed FPPC Form 801 or such other form(s) as the FPPC may designate. Within the 30 days of receipt of the gift, the Form 801 shall be filed with, and thereafter maintained by, the Agency Clerk or the Agency Clerk's designee.

The public record shall contain the following:

- a. The identity of the donor and the official(s) and/or employee(s) or class of official(s) or employee(s) receiving or using the gift.
- b. A description of SHRA's use and the nature and amount of the gift.
- c. A copy of this policy.

D. Process

1. Human Resources shall:
Disseminate this policy to all staff upon hire and on an annual basis thereafter.
2. Executive Director (or designee) shall:
Review each gift and determine the official or employee who shall use the gift.
3. Agency Clerk (or designee) shall:
Complete Form 801 and keep on file.

E. Non-compliance

Failure to comply with this Policy may result in disciplinary action up to and including termination.

Sacramento Housing and Redevelopment Agency**POLICY/PROCEDURE INSTRUCTION**

TO: All Agency Employees

POLICY SUBJECT: Distribution, use and reporting of tickets and passes (Form 802)

EFFECTIVE: November 1, 2010

A. Purpose

This policy is to establish a procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purposes- (hereinafter the "Event") in compliance with section 18944.1 of the Fair Political Practices Commission Regulation (hereinafter "FPPC Regulation"). FPPC Regulation 18944.1 sets out the circumstances under which a public agency's distribution of tickets or passes for which no consideration of equal or greater value is provided by the public official or employee does not result in a gift to the public official or employee.

Tickets or passes to an Event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to the SHRA officials and employees who make use of such tickets and passes. The public and governmental purpose in distributing tickets and passes to enable SHRA officials and employees to promote SHRA resources, programs, and facilities, to monitor and evaluate SHRA venues and SHRA-sponsored events, to promote cultural, recreational and educational facilities, services and programs available to the public within the jurisdiction, and to enhance employee morale.

This policy is subject to all applicable FPPC Regulations and the Political Reform Act. Nothing in this policy is intended to alter, amend, or otherwise affect the obligations of SHRA officials and employees under the Political Reform Act and implementing regulations or under SHRA's Conflict of Interest Code.

B. Policy**1. Definitions**

- a. "SHRA Executive Director" means SHRA Executive Director or his/her designee.
- b. "SHRA official" means every member, officer, employee or consultant of SHRA, as defined in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any SHRA Commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

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- c. "Immediate Family" means spouse, registered domestic partner and dependent children.
- d. "Ticket" means "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines "ticket or pass" as admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

2. **Applicability.** This policy applies to tickets and passes that are: (i) gratuitously provided to SHRA by an outside source; or (ii) acquired by SHRA by purchase; or (iii) received by SHRA as consideration pursuant to the terms of a contract or because SHRA owns or controls the facility or venue at which the Event occurs or sponsors the Event.

3. **Public Purpose.** Any distribution of tickets or passes in accordance with this policy to an SHRA official, or to an individual or organization outside SHRA at the request of an SHRA official, must be in furtherance of a governmental and/or public purpose and be reported as provided in this policy.

C. Exemptions to Policy

1. **Ceremonial Role or Function.** Tickets or passes provided to an SHRA official to carry out his or her job duties or where the SHRA official will perform a ceremonial role or function on behalf of SHRA at the Event are not considered gifts to the SHRA official and are exempt from the disclosure and reporting requirements of this policy.

2. **Income.** The SHRA official treats the tickets or passes as income consistent with federal and state income tax laws and SHRA reports distribution of the tickets or passes as income to the SHRA official on the FPPC Form 802.

3. **Reimbursement.** The SHRA official purchases or reimburses SHRA for the face value of the tickets or passes.

D. Procedure

1. **Distribution.** The SHRA Executive Director, or their designee, has sole discretion to determine who shall receive the tickets or passes received or acquired by SHRA.

a. Tickets or passes that are donated or provided by an outside source and are earmarked for use by a specific SHRA official are considered gifts to the SHRA official and are subject to the disclosure and reporting requirements applicable to gifts, unless one of the exemptions listed above apply.

b. Tickets or passes received by SHRA from an outside source without designation as to the specific SHRA official who may use the tickets or passes shall be forwarded to the SHRA Executive Director. The Executive Director (or designee) shall determine the face value of the tickets or passes, the SHRA official who may use them, and report their distribution as provided in Section D.2 below.

c. For tickets or passes received by SHRA pursuant to the terms of a contract or because the SHRA owns or controls the facility or venue at which the Event occurs or SHRA sponsors the Event, an SHRA official may request use of these tickets or passes, or for distribution to an individual or organization outside SHRA, by completing Parts 3 and 4 of FPPC Form 802 and submitting the request to the SHRA Executive Director.

d. If the tickets or passes do not have a face value stated or state something to the effect of "complimentary" or "promotional," the SHRA Executive Director will determine the value of the tickets or passes based on the reasonable cost for attendance at such an Event.

e. The SHRA Executive Director may establish an internal procedure for distribution of tickets or passes in accordance with this policy.

f. Any tickets or passes not distributed pursuant to this policy may be sold by SHRA to the public.

2. **Reporting Requirement.** Tickets or passes distributed by SHRA to an SHRA official, or to an individual or organization outside SHRA at the behest of a SHRA official, pursuant to this policy shall be documented in a completed FPPC Form 802 or such other form(s) as the FPPC may designate. The completed Form 802 shall be filed with the Agency Clerk and posted on the SHRA's website in a prominent fashion within 30 days after distribution of the tickets or passes. The document shall remain on the web site for four years.

3. **Transfer Prohibition.** A SHRA official who receives tickets or passes distributed by SHRA according to this policy is prohibited from transferring or giving the tickets or passes to any other person except to members of the official's immediate family for their personal use. No person receiving a ticket or pass pursuant to this policy shall sell or receive reimbursement for the value of the ticket or pass.

4. **Policy Limited to Just Tickets or Passes.** If other benefits, such as food, beverages or other items, are provided to the SHRA official at the Event and they are not included as part of the admission to the Event, those benefits will need to be accounted for as gifts to the SHRA official.

E. Process

1. Human Resources shall:
Disseminate this policy to all staff upon hire and on an annual basis thereafter.
2. Executive Director (or designee) shall:
Review each gift and determine the official or employee who shall use the gift.
3. Agency Clerk (or designee) shall:

Complete Form 802, keep on file and post to the web site with 30 days of distribution of tickets.

F. Non-compliance

Failure to comply with this Policy may result in disciplinary action up to and including termination.