

## MEMORANDUM

March 3, 2009

**TO:** MEMBERS, PORT COMMISSION  
Hon. Rodney Fong, President  
Hon. Stephanie Shakofsky, Vice President  
Hon. Kimberly Brandon  
Hon. Michael Hardeman  
Hon. Ann Lazarus

**FROM:** Monique Moyer  
Executive Director

**SUBJECT:** Request approval, pursuant to California Fair Political Practices Commission Regulation 18944.1(c), of a policy for distribution of tickets and passes gifted to the Port of San Francisco

**DIRECTOR'S RECOMMENDATION:** Approve attached resolution

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### Background

The Port of San Francisco periodically receives tickets and passes to various events and excursions at no cost to the Port that are subsequently distributed to Port staff and Commissioners for their use. The California Fair Political Practices Commission Regulation 18944.1, subdivision (c) was recently amended to require that any distribution of tickets or passes by a government agency to, or at the behest of, its employees and officials must be made pursuant to a duly adopted written policy by a governing body. Such policy shall (1) require that the distribution of tickets or passes by the agency to or at the behest of an official is to accomplish a public purpose of the agency, (2) set forth the public purposes of the agency to be accomplished by the distribution of tickets or passes, and (3) prohibit the transfer of any ticket or pass from an official to any other person, except to members of the official's immediate family solely for their personal use. To be in compliance with this regulation, Port staff are requesting the Port Commission to adopt the attached resolution, the substance of which is described in more detail below.

### Proposed Port Policy Regarding Distribution of Gifted Tickets and Passes

The following is a description of the proposed policy regarding distribution of gifted tickets and passes that complies with State law.

1. Public Purposes of Distribution of Gifted Tickets or Passes. The distribution of any gifted ticket or pass by the Port of San Francisco ("Port") to, or at the behest of, a Port employee or officer shall promote one of the following public purposes:

- Maritime commerce, navigation, fisheries, or public recreation within the Port's jurisdiction.
- Economic development or employment.
- Local businesses.
- City tourism, including conferences, conventions, and special events.
- City-run, sponsored or supported community programs.
- Community programs within San Francisco, including programs supported by charitable and nonprofit organizations.
- Exchange programs with foreign officials and representatives.
- Public exposure to, and awareness of, the recreational, cultural, and educational facilities available to the public within the City and the Port's jurisdiction.
- Any purpose similar to the above included in any City or Port contract.

The Port Commission and the Executive Director shall each have independent authority to determine whether a public purpose exists and to distribute gifted tickets and/or passes in accordance with this policy.

2. Prohibition on Transfer

A Port employee or officer who has received a gifted ticket or pass distributed under this policy shall not transfer such gifted ticket or pass to any other person, except to the employee or officer's spouse, domestic partner recognized by State law, or dependent children, solely for their personal use.

3. Disclosure

The Port shall report the distribution of any gifted tickets or passes under this policy by posting such distribution on its website in a prominent fashion within 30 days after distributing the ticket as required by State law. The Port may comply with this requirement by posting Fair Political Practices Commission Form 802, as amended from time to time by the Fair Political Practices Commission.

The Port shall post this policy on its website in a prominent fashion.

## **Conclusion**

Port staff recommend that the Port Commission adopt the attached resolution outlining the Port's policy regarding distribution of gifted tickets and passes by the Port of San Francisco.

Prepared by: Tina Olson, Deputy Director  
Finance and Administration

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 09-11**

- WHEREAS, The Port of San Francisco periodically receives gifted tickets and passes to events and excursions at no cost to the Port; and
- WHEREAS, The California Fair Political Practices Commission Regulation 18944.1 subdivision (c) was recently amended to require that any distribution of tickets or passes by a government agency to, or at the behest of, its employees and officials must be made pursuant to a duly adopted written policy by a governing body; and
- WHEREAS, The San Francisco Port Commission is the Port of San Francisco's governing body; and
- WHEREAS, The San Francisco Port Commission sets forth that gifted tickets or passes may be distributed to its employees and officials provided that such distribution meets a public purpose; now, therefore be it
- RESOLVED, That the San Francisco Port Commission hereby adopts the attached policy regarding the distribution of gifted tickets and passes by the Port of San Francisco as required by Section 18944.1(c) of the California Fair Political Practices Commission Regulation.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 10, 2009.***

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Secretary

**POLICY REGARDING DISTRIBUTION OF GIFTED TICKETS AND PASSES**  
**BY THE PORT OF SAN FRANCISCO**  
**Policy Date: March 2009**

Fair Political Practices Commission Regulation 18944.1, subdivision (c), requires that any distribution of gifted tickets or passes by a government agency to, or at the behest of, its employees and officials must be made pursuant to a duly adopted written policy.

Such policy shall (1) require that the distribution of gifted tickets or passes by the agency to, or at the behest of, an official accomplish a public purpose of the agency, (2) set forth the public purposes of the agency to be accomplished by the distribution of gifted tickets or passes, and (3) prohibit the transfer of any gifted ticket or pass from an official to any other person, except to members of the official's immediate family solely for their personal use.

1. **Public Purposes of Distribution of Gifted Tickets or Passes.** The distribution of any gifted ticket or pass by the Port of San Francisco ("Port") to, or at the behest of, a Port employee or officer shall promote one of the following public purposes:

Maritime commerce, navigation, fisheries, or public recreation within the Port's jurisdiction.

Economic development or employment.

Local businesses.

Tourism in San Francisco, including conferences, conventions, and special events.

City-run, sponsored or supported community programs.

Community programs within San Francisco, including programs supported by charitable and nonprofit organizations.

Exchange programs with foreign officials and representatives.

Public exposure to, and awareness of, the recreational, cultural, and educational facilities available to the public within the City and the Port's jurisdiction.

Any purpose similar to the above included in any City or Port contract.

The Port Commission and the Executive Director shall each have the independent authority to determine whether a public purpose exists and to distribute gifted tickets and/or passes in accordance with this policy.

2. **Prohibition on Transfer.** A Port employee or officer who has received a gifted ticket or pass distributed under this policy shall not transfer such ticket or pass to any other person, except to the employee or officer's spouse, domestic partner recognized by state law, or dependent children, solely for their personal use.

3. **Disclosure.** The Port shall report the distribution of any gifted tickets or passes under this policy by posting on its website in a prominent fashion within 30 days after the ticket distribution all information required by State law. The Port may comply with this requirement by posting Fair Political Practices Commission Form 802, as amended from time to time by the Fair Political Practices Commission.

The Port shall post this policy on its website in a prominent fashion.