

WAR MEMORIAL BOARD OF TRUSTEES

Resolution No. 09-39

September 10, 2009

Ticket Distribution Policy

WHEREAS, The War Memorial is a Charitable Trust Department under Article V of the San Francisco Charter governed by the War Memorial Board of Trustees ("Trustees");

WHEREAS, the Trustees serve as charitable trustees of the War Memorial and Performing Arts Center facilities, which include the War Memorial Opera House, the War Memorial Veterans Building (including Herbst Theatre), and Louise M. Davies Symphony Hall ("War Memorial Facilities");

WHEREAS, The War Memorial Board of Trustees, under lease agreements with various organizations for use of the War Memorial Facilities requires that tickets for certain seats for each performance in the War Memorial Facilities be set aside for use by the War Memorial for distribution in furtherance of the War Memorial's public charitable trust purposes and in fulfillment of other legitimate governmental and public purposes, and thus the War Memorial obtains such tickets under the terms of contracts for use of public property;

WHEREAS, Public officials and employees involved in the governance, funding, advising, management or administration of the War Memorial are more effectively able to understand and appreciate the offerings and operations of the War Memorial and execute their responsibilities by attending events and performances in the War Memorial Facilities;

WHEREAS, Because the performances and events at the War Memorial form an essential and core part of the operations and public purposes of the War Memorial, the War Memorial Board of Trustees also expects and encourages its members to attend several performances and events at the War Memorial Facilities each year in furtherance of their public and fiduciary duties as charitable trustees of the War Memorial Trust;

WHEREAS, the updated California Fair Political Practices Commission ("FPPC") Regulation 18944.1, addresses the distribution of tickets and passes to public officials, and provides that the distribution of a ticket or pass by an agency to a public official constitutes a gift to the public official unless such distribution meets specific criteria and is made in accordance with a written policy adopted by the governing body of the agency setting forth specific requirements;

WHEREAS, Under Regulation 18944.1, the War Memorial must adopt a written policy that contains, at a minimum, (1) a provision setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes; (2) a provision requiring that the distribution of any ticket or pass by the agency to, or at the behest of, an official accomplish a public purpose of the agency; and (3) a provision prohibiting the transfer by any official of any ticket or pass, distributed to such official pursuant to the agency policy, to any other person, except to members of the official's immediate family solely for their personal use.

WHEREAS, FPPC Regulation 18944.1, as amended as of February 7, 2009, is on file with the Secretary of the War Memorial Board of Trustees and is hereby declared to be a part of this policy; now, therefore, be it

RESOLVED, That the Trustees hereby adopt the following ticket distribution policy:

War Memorial Policy Regarding Distribution of Tickets and Passes

1. Public Purposes of Distribution of Tickets or Passes.

The distribution of any ticket or pass by the War Memorial to, or at the behest of, a public official shall accomplish one or more of the following types of public purposes ("War Memorial Charitable Trust and Public Purposes"):

- a. Furthering the charitable purposes of the War Memorial under the War Memorial Trust Agreement and the San Francisco Charter.
- b. Facilitating public officials' familiarity with, or ability to carry out their services or fiduciary duties with respect to, the management, administration, and/or care of the War Memorial.
- c. Increasing the understanding and appreciation of the offerings and operations of the War Memorial by City officers and employees involved in the governance, funding, advising, management or administration of the War Memorial.
- d. Promotion of cultural, artistic, educational, recreational, and community activities in the City.
- e. Promotion of events, activities, programs, and resources available at the War Memorial Facilities.
- f. Information gathering and education regarding matters of local, regional and state-wide concern that affect the City including enhancing intergovernmental relations through including attendance at events with or by elected and appointed officials, and immediate family members, from other jurisdictions.
- g. Promoting or showing City appreciation for programs and services rendered by community and other non-profit resources for the benefit of the community including artistic and cultural organizations and institutions.
- h. Monitoring and evaluation of operation and maintenance of public facilities available for City resident and visitor use.
- i. Increasing public exposure to, and appreciation of, the recreational, cultural, and educational facilities and programs available to the public within the City.
- j. Increasing public familiarity with public resources, programs, and performances, available to City residents and visitors.
- k. Promotion of economic development and employment in the City and surrounding areas.
- l. Supporting local businesses, including charitable organizations.
- m. Increasing City tourism, including conferences, conventions, and special events.
- n. Awareness of resources available to City residents, including charitable and nonprofit organization resources.
- o. Increasing use or appreciation of City-run, sponsored or supported community programs or public programs or performances held in City facilities.
- p. Highlighting community programs within the City, including programs supported by charitable and nonprofit organizations.
- q. Promoting public and private facilities, services, events and programs available for City resident and visitor use or enjoyment, including charitable and nonprofit organization facilities, services and programs.
- r. Participation in exchange programs with foreign officials and representatives.
- s. Providing increased exposure to, or gathering public input, on City services, facilities and spaces.
- t. Assessing tenant, licensee and customer service needs and satisfaction.

- u. Identifying or evaluating procedural and physical deficiencies in programs and facilities.
- v. Facilitating increased direct contact, input from, and communication with, tenants, licensees, and event representatives.
- w. Furthering any other public purpose that a department or commission is required or authorized by law to pursue.
- x. Any public purpose similar to those listed herein or any public purpose identified in any City contract or as may be determined by resolution of the War Memorial Board of Trustees.

2. Prohibition on Transfer.

A public official who has received a ticket or pass distributed under this policy shall not transfer such ticket or pass to any other person, except to the public official's immediate family, solely for their personal use.

3. Disclosure.

As required by the FPPC Regulation 18944.1, the War Memorial shall prominently post the following information regarding the distribution of any tickets or passes under this policy on the War Memorial's website, on a form provided by the FPPC within 30 days after the ticket/pass distribution:

- The name of the person receiving the ticket or pass, or if the ticket or pass is distributed to a non-City organization, the name, address, description of the organization, and the number of tickets or passes provided to the organization;
- A description of the event;
- The date of the event;
- The face value of the ticket or pass;
- The number of tickets or passes provided to each person;
- If the ticket or pass is distributed at the behest of a public official, the name of the official who requested the distribution of the ticket or pass; and
- A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official.

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

4. Distribution of Tickets.

The Managing Director of the War Memorial is the department official authorized to exercise discretion in the distribution of tickets provided under contracts for use of the facilities under the jurisdiction of the War Memorial Board of Trustees. The Managing Director of the War Memorial, or his or her designee, shall have the authority to determine whether the distribution of tickets and/or passes to a particular recipient furthers one or more of the public purposes specified under this policy.

5. Effective Date.

This policy supersedes and replaces any prior ticket distribution policy and shall be effective as of September 10, 2009, the date this policy was adopted by resolution of the War Memorial Board of Trustees.