

WAR MEMORIAL BOARD OF TRUSTEES
TICKET DISTRIBUTION POLICY

Resolution No. 22-17

October 13, 2022

WHEREAS, The War Memorial and Performing Arts Center is a “charitable trust department” under Article V of the San Francisco Charter governed by the War Memorial Board of Trustees ("WMBT");

WHEREAS, Under Section 5.101 of the Charter and the War Memorial Trust Agreement of 1921, as amended, (the “Trust”), the WMBT has exclusive charge of the trust and all other assets under its jurisdiction including the War Memorial Opera House, the War Memorial Veterans Building (including Herbst Theatre), and Louise M. Davies Symphony Hall (collectively, the "War Memorial Facilities");

WHEREAS, The WMBT, 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 and Performing Arts Center for distribution for the War Memorial’s charitable trust purposes and for other legitimate governmental and public purposes, and thus the War Memorial and Performing Arts Center 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 and Performing Arts Center are more effectively able to understand and appreciate the offerings and operations of the War Memorial and Performing Arts Center and execute their responsibilities by attending events and performances in the War Memorial Facilities;

WHEREAS, Because the performances and events at the War Memorial Facilities form an essential and core part of the operations and public purposes of the War Memorial and Performing Arts Center, the WMBT also expects and encourages trustees 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 Trust;

WHEREAS, The 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 certain requirements;

WHEREAS, Under Regulation 18944.1, the WMBT 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 or no more than one guest, solely for use by the guest or immediate family member.

WHEREAS, FPPC Regulation 18944.1, as amended, 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, IT IS RESOLVED THAT:

The WMBT hereby adopts the following ticket distribution policy:

War Memorial Policy Governing 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 and Performing Arts Center (the “War Memorial”) to, or at the behest of, a public official shall accomplish one or more of the following 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 the performance of a ceremonial role or function by a City Official on behalf of the City at an event.
- c. 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.
- d. Monitoring and evaluation of operation and maintenance of public facilities available for City resident and visitor use by City employees.
- e. Promotion of economic development and employment in the City and surrounding areas.
- f. Promotion of City tourism on a local, state, national, or worldwide scale.
- g. 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 officials, appointed public officials, or dignitaries from other jurisdictions, and their immediate family members or no more than one guest, solely for their personal use.
- h. Promotion of cultural exchange amongst other artistic and cultural organizations, including, but not limited to, attendance at an event with or by organization officials, staff, and guests.
- i. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable, non-profit, or educational organizations benefitting San Francisco residents.
- j. Facilitating increased direct contact, input from, and communication with, tenants, licensees, and event representatives.
- k. Facilitating familiarity of War Memorial staff and employees with the function of the venues during use by the public so they may better carry out their duties with respect to the maintenance, administration, and/or care of the War Memorial.
- l. Furthering any other public purpose that a department or commission is required or authorized by law to pursue.

If the public purpose justifying the ticket distribution is for oversight or inspection of City facilities, then there must also be a written inspection report of findings and recommendations by the official receiving the ticket or pass.

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 (spouse/partner and dependent children) or to no more than one guest, solely for use by the guest or immediate

family member. But the public official must accompany any immediate family member or guest who received a ticket or pass through a transfer to the event or performance.

3. Disclosure.

As required by the FPPC Regulation 18944.1, the War Memorial shall prominently post this policy and 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 45 days after the ticket/pass distribution and will send the FPPC an email with the War Memorial's website link that displays the form so that the FPPC may post the link.

- The name of the person receiving the ticket or pass, or if the ticket or pass is distributed to a department or other unit of the agency, and not used by a member of the governing body, political appointee, department head, or chief administrative officer of the agency, the name of the department or other unit of the agency receiving the ticket or pass and the number of tickets or passes provided to the department. 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 fair value of the ticket or pass as that term is defined in Regulation 18946, subdivision (d)(1);
- 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;
- 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; and
- A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of City facilities.

4. Distribution of Tickets.

The Managing Director of the War Memorial is the department official authorized to exercise discretion in the distribution of tickets and passes. The Managing Director, or the Managing Director's 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. Notwithstanding the above, the disproportionate use of tickets or passes by a trustee, member of the Board of Supervisors or other City elected official, City commissioner, City department head, or the City Administrator is prohibited.

5. Effective Date.

This policy supersedes and replaces any prior ticket distribution policy and shall be effective as of October 13, 2022, the date this policy was passed, approved, and adopted by resolution of the WMBT at a Regular meeting of the Board.