

RESOLUTION NO. 18-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, ADOPTING A TICKETS AND PASSES DISTRIBUTION POLICY IN ACCORDANCE WITH FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1

WHEREAS, the City of Tustin (the "City") occasionally receives event tickets and/or passes from public and private entities and individuals or purchases event tickets and/or passes for events involving the City; and

WHEREAS, such tickets and/or passes purchased or received by the City are public resources; and

WHEREAS, the City desires to use such tickets and/or passes to further governmental and public purposes, such as promotion of City businesses, resources and programs; and

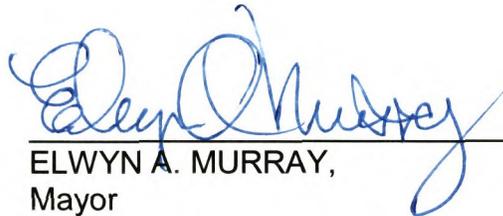
WHEREAS, the Fair Political Practices Commission (FPPC) regulates tickets or passes distributed to government officials and employees by their agency; and

WHEREAS, FPPC Regulation 18944.1 requires the City Council to adopt a written policy governing the distribution of tickets and passes that includes a statement describing the public purpose to be accomplished by such policy; and

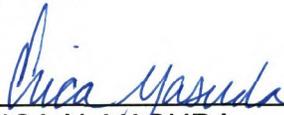
WHEREAS, the proposed tickets and passes distribution policy establishes a fair and equitable process for the distribution to City Officials of tickets and passes received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes, in compliance with the requirements of the FPPC Regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tustin hereby approves the Ticket and Passes Distribution Policy (Exhibit A) and authorizes staff to implement the provisions of said policy.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tustin held on the 6th day of November 2018.


ELWYN A. MURRAY,
Mayor

ATTEST:



ERICA N. YASUDA,
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF TUSTIN)

I, Erica N. Yasuda, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, do hereby certify that the whole number of the members of the City Council of the City of Tustin is five; that the above and foregoing Resolution No. 18-77 was duly passed and adopted at a regular meeting of the Tustin City Council, held on the 6th day of November 2018, by the following vote:

COUNCILMEMBER AYES:	<u>Murray, Gomez, Bernstein, Puckett, Clark</u>	(5)
COUNCILMEMBER NOES:	_____	(0)
COUNCILMEMBER ABSTAINED:	_____	(0)
COUNCILMEMBER ABSENT:	_____	(0)



ERICA N. YASUDA,
City Clerk

TICKETS AND PASSESS DISTRIBUTION POLICY

1.0 Purpose of Policy

The purpose of this Policy is to ensure that any ticket or pass provided to the City by any third party or purchased or obtained directly by the City shall be distributed to City Officials in a manner that serves or promotes a public purpose of the City in accordance with Section 18944.1 of the Fair Political Practices Commission (FPPC) Regulations.

2.0 Definitions

Unless otherwise expressly provided herein, the words and terms used in this Policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Section 81000 *et seq.*, as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Section 18110 *et seq.*, as the same may from time to time be amended).

- 2.1 "City" shall mean and include the City of Tustin, and any departments, legislative body, boards, commissions and committees thereof.
- 2.2 "City Official" shall mean and refer to the City's "public officials", including every member, officer, employee, or consultant of the City, as that term is defined by Government Code section 82048 and FPPC Regulation 18701, as may from time to time be amended. Such term shall include, without limitation, any City Council, commission or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).
- 2.3 "Ticket" or "pass" shall mean any ticket, pass, etc. that provides admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose.

3.0 Application of Policy

- 3.1 This Policy applies to tickets or passes that are:
 - a. Gratuitously provided to the City by an outside source;
 - b. Acquired by the City by purchase;
 - c. Acquired by the City as consideration pursuant to the terms of a contract for the use of a City-owned venue; or
 - d. Acquired and distributed by the City in any other manner.

3.2 This Policy does not apply to:

- a. A ticket or pass provided to an City Official for his or her admission to an event at which the official performs a ceremonial role or function on behalf of City;
- b. A ticket or pass received by an City Official where the official treats the ticket or pass as income consistent with the applicable state and federal income tax laws and the ticket is reported in accordance with the FPPC Regulations; or
- c. A ticket or pass for which the City Official reimburses the City for the face value of the ticket.

4.0 General Provisions

4.1 *No Right to Tickets:* The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.

4.2 *Limitation on Transfer of Tickets:* Tickets distributed to a City Official pursuant to this Policy shall not be transferred to any other person, except to members of such official's immediate family (i.e., spouse and dependent children) or no more than one guest solely for their attendance at the event.

4.3 *Prohibition Against Sale of or Receiving Reimbursement for Tickets:* No person who receives a ticket pursuant to this Policy shall sell or receive reimbursement for the value of the ticket.

4.4 *Implementation of Policy:* The City Manager shall have the authority, in his/her sole discretion, to distribute tickets or passes in accordance with this Policy and to establish related procedures.

4.5 *No Earmarking of Ticket:* No ticket or pass gratuitously provided to the City by an outside source and distributed pursuant to this Policy shall be earmarked by the original source for use by a particular City Official.

5.0 Ticket Distribution Must Accomplish Public Purpose

5.1 The distribution of the tickets or passes to, or at the behest of, a City Official must accomplish a governmental and/or public purpose. The following list of governmental and/or public purposes the City may accomplish through the distribution of tickets is illustrative rather than exhaustive:

- a. Facilitating public recognition, support, or award-giving on behalf of the City at an event.

- b. Facilitating the attendance of a City Official at an event where the job duties of the official require his or her attendance at the event.
- c. 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 or appointed public officials from other jurisdictions, their staff members, and their guests.
- d. Promotion of City resources and/or facilities available to the public.
- e. Promotion of City-run, sponsored, or supported community programs or events.
- f. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting the public.
- g. Recognizing or rewarding meritorious service by a City employee or volunteer.
- h. Promoting enhanced City employee performance, morale, or retention.

6.0 Public Disclosure

- 6.1 A record of any ticket or pass distributed pursuant to this Policy must be completed on FPPC Form 802, or such alternative form(s) as from time to time may be designated by the FPPC ("Form 802"). The completed Form 802 must be maintained by the City Clerk, or his/her designee, as a public record and is subject to inspection and copying under California Government Code Section 81008(a).
- 6.2 Within 45 days of distributing any ticket or pass pursuant to this Policy, the City Clerk, or his/her designee, shall complete and cause to be forwarded to the FPPC, for posting on the FPPC's website, the completed Form 802. The completed Form 802 must contain the following information:
 - a. The name of the person receiving the ticket or pass, except:
 - (1) If the tickets or passes are distributed to an outside organization, the City must post the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization.

(2) If the tickets or passes are distributed pursuant to FPPC Regulation section 18944.1 subsection (d), the City Clerk may report the name of the department or other unit of the City and the number of tickets or passes provided to the department or other unit in lieu of posting the name(s) of the individual employee(s).

- b. A description of the event;
- c. The date of the event;
- d. The face value of the ticket or pass;
- e. The number of tickets or passes provided to each person;
- f. If the ticket or pass is behested, the name of the official who behested the ticket; and
- g. A description of the public purpose under which the distribution was made or, alternative, that the ticket or pass was distributed as income to the official.