

## **RESOLUTION NO 2011-008**

### **A RESOLUTION OF THE ATASCADERO CITY COUNCIL ESTABLISHING A POLICY GOVERNING THE RECEIPT AND DISTRIBUTION OF TICKETS AND/OR PASSES**

**WHEREAS**, Title 2, Section 18944.1 of the California Code of Regulations defines tickets and passes as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose, and,

**WHEREAS**, the City of Atascadero receives tickets or passes for events from third party sources, both public and private, and,

**WHEREAS**, the City occasionally purchases tickets or passes to events of local significance for distribution to City Officials, and,

**WHEREAS**, the City desires to distribute these tickets or passes in a manner that furthers the City's governmental and public purposes, such as the promotion of City events affecting or involving the City; and,

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

**WHEREAS**, the FPPC has amended Section 18944.1 of the California Code of Regulations, in order to establish whether or not a ticket or pass that provides admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose constitutes a gift under Government Code Section 82028 when the ticket or pass is given by the City to a City employee or official, and,

**WHEREAS**, the California Code of Regulations Section 18944.1 now requires City Councils to adopt a written policy governing the distribution of complimentary tickets and passes that includes a statement describing the public purpose to be accomplished by such policy

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Atascadero, California, does hereby adopt this Resolution establishing a Ticket Distribution Policy. This Resolution shall take effect and be in force on the date of its adoption.

**The City of Atascadero hereby finds, determines and declares as follows**

#### **A. Purpose of Policy**

The purpose of this Policy is to ensure that all tickets or passes (Tickets) provided to the City shall be distributed in furtherance of governmental and/or public purposes, in accordance with the California Fair Political Practices Committee (FPPC) Regulation 18944.1

## B. General Policy

This Policy governs the receipt and distribution of complimentary Tickets received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes. Tickets may be acquired by the City as follows.

- Graciously provided to the City by an outside source,
- Purchased,
- As consideration pursuant to the terms of a contract, or
- Any other manner

This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as they now exist or hereafter may be added or amended, including definitions.

### Provisions.

- 1 Definitions Unless otherwise expressly provided herein, 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 and the California Fair Political Practices Commission Regulations, as the same may from time to time be amended.
2. 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.
- 3 Limitations.
  - a. This Policy shall only apply to the City's distribution of Tickets to a Designated Official. A Designated Official is any officer or employee who is designated in a Conflict of Interest Code because their position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest within the City. Designated Officials also are required to file FPPC Form 700's annually
  - b. Tickets provided as part of an Official's duties, or tickets provided so that the Official may perform a ceremonial role or function on behalf of the City, shall not be subject to this Policy
  - c. No Official who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of the Ticket.
  - d. No Official receiving a Ticket pursuant to this Policy shall transfer the Ticket to any other person, except to members of the Official's immediate family solely for their personal use
  - e. No Ticket provided to the City by an outside source, and distributed to a City Official pursuant to this Policy, shall be earmarked by the original source for provision to a particular City Official

- 4 Implementation of Policy The City Manager, or his/her designee, shall have the authority to establish procedures for the distribution of Tickets, distribute Tickets, and complete and post the FPPC Form 802, in accordance with this Policy
  
- 5 Distribution of Tickets. Complimentary Tickets may be distributed to City Officials under the following conditions.
  - a. The City Official reimburses the City for the face value of the Ticket.
  - b. The City Official treats the Ticket as income consistent with applicable federal and state income tax laws
  - c. The distribution of the Ticket to the City Official accomplishes 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
    - i Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event.
    - ii Facilitating the attendance of a City Official at an event where the job duties of the City Official require his or her attendance at the event.
    - iii 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
    - iv Promotion of City resources and/or facilities available to Atascadero residents
    - v Promotion of City sponsored or supported community programs or events.
    - vi Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefitting Atascadero residents
    - vii Economic, employment and business development on behalf of the City and businesses within the City, including conventions and conferences
    - viii Promotion of business activity, development, and/or redevelopment within the City
    - ix Information gathering and education regarding matters of local, regional and statewide concerns that affect the City, including enhancing intergovernmental relations through attendance at events with or by elected and appointed officials from other jurisdictions.
    - x Promotion of City-owned businesses.
    - xi Promotion of tourism within the City and the surrounding region
    - xii Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
    - xiii Promotion of open government by City official appearances, participation and/or availability at business and/or community events.
    - xiv Promotion of special events in accordance with any City contract, including those contracts where the City as a form of consideration has required that a certain number of Tickets be made available for City use
    - xv Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City
    - xvi Attracting or rewarding volunteer public service
    - xvii Encouraging or rewarding significant academic, athletic, or public service achievements by Atascadero students, residents or businesses
    - xviii Attracting and retaining highly qualified employees in the City service

- xix Recognizing or rewarding meritorious service by a City employee
- xx Promoting enhanced City employee performance or morale
- xxi Recognizing contributions made to the City by former City Council Members or City employees.
- xxii Events sponsored by the City where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts by providing the necessary opportunities to meet and greet visitors, dignitaries, public officials from neighboring jurisdictions, residents of the City, and their guests

6 Disclosure Requirements

- a. This Policy shall be posted on the City website in a prominent fashion
- b. Tickets distributed by the City to a City Official which the City Official treats as income for one or more public purposes described in 5c above shall be posted on the City website in a prominent fashion, within thirty (30) days after distribution. Such posting shall incorporate the use of FPPC Form 802, attached to this Policy as Exhibit 1, or such alternative form(s) as may from time to time be designated by the FPPC
- c. Tickets distributed by the City for which the City receives reimbursement from the City Official shall not be subject to the disclosure provisions in 6b

On motion by Council Member Kelley and seconded by Council Member Fonzi, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote

AYES Council Member Clay, Fonzi, Kelley and Mayor O'Malley

NOES None


ABSENT Council Member Sturtevant

ADOPTED February 8, 2011

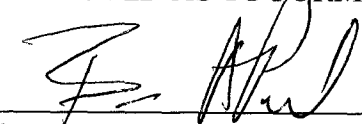
CITY OF ATASCADERO

By:   
Tom O' Malley, Mayor

ATTEST

  
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM.

  
Brian A. Pierik, City Attorney