

RESOLUTION 2018-041

ADOPTING A POLICY FOR THE DISTRIBUTION OF TICKETS AND PASSES TO CITY OFFICIALS PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION REGULATIONS

WHEREAS, Section 18944.1 of Title 2, Division 6 of the California Code of Regulations ("Section 18944.1") was adopted by the Fair Political Practices Commission to regulate the distribution of tickets and/or passes to public officials providing admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose ("Tickets"), and

WHEREAS, From time to time, the City of Tracy ("City") purchases or receives Tickets from third party sources, both public and private, and

WHEREAS, City desires to distribute Tickets in a manner that furthers the City's governmental and public purposes, including the promotion of City businesses, resources, programs, facilities, etc., and

WHEREAS, Pursuant to Section 18944.1, Tickets are not considered gifts to public officials if the City distributes Tickets in accordance with a duly adopted written policy consistent with Section 18944.1;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tracy as follows:

1. The City Council hereby adopts the "Tickets and Passes Distribution Policy" attached hereto as Exhibit "A."
2. Consistent with Section 18944.1, the City Clerk shall post the "Tickets and Passes Distribution Policy" in a prominent fashion on the City's website within 30 days of its adoption and send an e-mail to the Fair Political Practices Commission, which will contain the City's website link that displays the "Tickets and Passes Distribution Policy."

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The foregoing Resolution 2018-041 was adopted by the Tracy City Council on the 6<sup>th</sup> day of March, 2018 by the following vote:


AYES: COUNCIL MEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

  
MAYOR

ATTEST:  
  
CITY CLERK

**TICKETS AND PASSES DISTRIBUTION POLICY**  
(Exhibit "A" to Resolution No. 2018-041)

I. PURPOSE

To establish a Tickets and Passes Distribution Policy (Policy) in conformance with Fair Political Practices Commission (FPPC) Regulation Section 18944.1 of Title 2, Division 6 of the California Code of Regulations. This Policy guides the City of Tracy (City) in the distribution, use, and reporting of tickets and/or passes provided to the City for a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose. This Policy is subject to all applicable FPPC regulations and the California Political Reform Act, as either may be amended from time to time.

II. DEFINITIONS

Unless otherwise provided in this Policy, words and terms used in this Policy have the same meaning as defined in the California Political Reform Act (Government Code section 81000 et seq.) and the FPPC Regulations (Title 2, Division 6, Section 18110 et seq. of the California Code of Regulations), as either may be amended from time to time.

"City" or "City of Tracy" means and includes the City of Tracy, any other affiliated agency created or activated by the Tracy City Council, and any departments, boards and commissions thereof.

"City official" means every member, officer, employee or consultant of the City of Tracy, as defined in Government Code section 82048 and FPPC Regulation 18700. Such term includes, without limitation, any City board or commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700, or such other form(s) as the FPPC may designate).

"City venue" means any facility owned, controlled or operated by the City of Tracy.

"Family" or "Immediate family" means a person's spouse or dependent child as defined in FPPC Regulation section 18943(b).

"Ticket" or "Pass" means and includes any form of admission privilege to a facility, event, show, or performance for which similar tickets or passes are sold to the public.

III. APPLICABILITY

- A. This Policy applies to a ticket or pass which provides admission to a facility, event, show or performance for entertainment, amusement, recreational or similar purpose and is either:
1. gratuitously provided to the City by an outside source;
  2. acquired by the City by purchase;
  3. acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue or sponsorship of an event; or
  4. acquired and distributed by the City in any other manner.
- B. This Policy does not apply to a ticket or pass if:
1. the City official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the City reports the distribution of the ticket or pass as income to the official in compliance with the reporting requirements in this Section VII of this Policy;
  2. the City official purchases or reimburses the City for the ticket or pass;
  3. the ticket or pass is for a City official to perform a ceremonial role on behalf of the City; or
  4. the ticket or pass is received from an outside source and the ticket is earmarked by the outside source for use by the particular City official who uses the ticket.
- C. This Policy applies only to the benefits that the City official receives from the ticket or pass that are provided to all members of the public with the same class ticket or pass. If the City official receives benefits, such as food or beverages, or any other item presented to the City official at the facility, event, show or performance, that are not provided to all members of the public with the same class ticket or pass, then the City official shall treat those benefits as gifts unless the City official provides consideration of equal or greater value for the benefits.

IV. DISTRIBUTION OF TICKETS AND/OR PASSES

- A. Any ticket or pass received by the City from an outside source, without designation as to the specific City official who may use the ticket or pass, shall be forwarded to the City Manager or his or her designee. The City Manager or his or her designee shall determine the face value of the ticket or pass, the individuals who may use the ticket or pass, and report the distribution of the ticket or pass as provided in Section VII.
- B. The City Manager may establish procedures for the distribution of any ticket or pass in accordance with this Policy and requests for tickets or passes which fall within the scope of this Policy will be made in accordance with those procedures.

V. PUBLIC PURPOSE

Tickets or passes may only be distributed to, or at the behest of, a City official for one or more of the following public purposes:

- A. to promote economic development, community programs, and tourism within the City;
- B. to promote City business, resources, programs, activities, and City-sponsored events;
- C. to promote public and private facilities available for City resident use;
- D. to promote cultural, recreational, and educational facilities, services, and programs available to the public within the City;
- E. to promote intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed officials from other jurisdictions, their staff members and their guests;
- F. to support and/or show appreciation for community and/or non-profit programs or services benefiting City residents;
- G. to encourage or reward significant academic athletic or public service achievement by City students, residents or businesses;

- H. to promote City recognition, visibility, and/or profile on a local, state, national or worldwide scale;
- I. to promote open and accessible government by appearances or participation of City officials at business and community events;
- J. to comply with all written contracts where the City, as a form of consideration has required that a certain number of tickets or suites are made available for City use;
- K. to support general employee morale or retention; or
- L. to recognize or reward meritorious public service.

VI. PROHIBITION ON TRANSFER

A City official who has received a ticket or pass under this Policy may not transfer the ticket or pass to any other person except to the City official's immediate family or one guest solely for their attendance at the event.

VII. REPORTING AND DISCLOSURE REQUIREMENTS

The City must report any tickets or passes distributed under this Policy on the FPPC Form 802 (or such other form(s) as the FPPC may designate) within 45 days of distribution. The City Clerk shall report the FPPC Form 802s to the FPPC. The report must include, at a minimum, the following:

- A. the name of the person receiving the ticket or pass;
- 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, alternatively, that the ticket or pass was distributed as income to the City official.

The City may post 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 reporting the name of the individual employee as otherwise provided in subdivision A of Section VII.

If the ticket or pass is distributed to an organization outside the City, the City must report 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 as required in subdivision A of Section VII.

VIII. WEBSITE POSTING

The City shall post all completed FPPC Form 802s (or such other form(s) as the FPPC may designate), or a summary of the information on the Form 802s, on its website. The City Clerk shall post the completed FPPC Form 802s on the website.

IX. TICKET, PASSES, AND/OR OTHER BENEFITS NOT COVERED BY THIS POLICY

Tickets, passes, and/or other benefits not covered by this Policy may be subject to separate disclosure requirements and the annual gift limit under the California Political Reform Act and related regulations. A City official who receives or behests tickets not covered by this Policy is solely responsible for determining, and complying with, all reporting requirements and the annual gift limit applicable to such tickets, passes, and/or benefits.