

RESOLUTION NO. 14-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF
SAN BERNARDINO, CALIFORNIA, ADOPTING A POLICY FOR THE
DISTRIBUTION OF TICKETS AND/OR PASSES TO
CONFORM WITH SECTION 18944.1 OF TITLE 2 OF THE
CALIFORNIA CODE OF REGULATIONS, AS AMENDED
BY THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of Title 2 of the California Code of Regulations ("Regulation 18944.1"), which amendment became operative on February 7, 2009, that sets forth the circumstances under which the City's distribution of certain tickets and passes to a public official would need to be disclosed by the City and not trigger a disclosure requirement for the purposes of the public official's Statement of Economic Interest Form 700;

WHEREAS, tickets or passes subject to Regulation 18944.1 are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose;

WHEREAS, Regulation 18944.1 provides that tickets or passes that are distributed by the City to public officials in accordance with a duly adopted policy are not gifts to the public officials;

WHEREAS, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the City's distribution of tickets and/or passes to City officials serves a legitimate public purpose of the City, provided that the determination is consistent with state law;

WHEREAS, from time to time, the City may receive complimentary or discounted tickets or passes from outside sources or, receive tickets or passes pursuant to the City's co-sponsorship of an event, or pursuant to the terms of a contract for use of public property, or may purchase tickets or passes for both public and private events for distribution to City officials;

WHEREAS, the distribution to and use of such tickets and passes by officials frequently serve legitimate governmental and/or public purposes; and

WHEREAS, based on such practice and the amended regulations, the City Council desires to adopt a policy regarding the distribution of tickets and/or passes pursuant to Regulation 18944.1;

I, Cindy M. Herrera, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Resolution No. 14-18 was duly and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 9th day of April, 2014 be the following vote to wit:

AYES: Council Members Camargo, Valvo, Wright,
Mayor Pro Tem Baisden, and Mayor Thomas

NOES: None

ABSENT: None

ABSTAIN:None

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on the 9th day of April, 2014.



Cindy M. Herrera, City Clerk, MMC

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City of Adelanto Ticket Policy in accordance with Section 18944.1 of Title 2 of the California Code of Regulations and set forth as an exhibit to this Resolution is hereby adopted.

Section 2. The City Manager is directed to implement this policy.

PASSED, APPROVED AND ADOPTED this 9th day of April, 2014.



Cari Thomas, Mayor



Cindy M. Herrera, City Clerk, MMC

City of Adelanto Ticket Policy

Subject: Distribution of Tickets and or Passes in accordance with Fair Political Practices Commission (FPPC) Regulation 18944.1, set forth in Section 18944.1 of Title 2 of the California Code of Regulations (Regulation 18944.1)

Reference: City Council Resolution No. 14-18

1.0 Purpose:

To ensure that Tickets provided to and distributed by the City are in furtherance of a governmental and/or public purpose as required under Regulation 18944.1 and this Policy.

To ensure that Tickets distributed by the City under Regulation 18944.1 and this Policy are disclosed on FPPC Form 802 and posted to the City's website within thirty days of distribution as required by Regulation 18944.1.

2.0 Application of Policy

2.1 Types of Tickets: This Policy applies to Tickets that provide admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose, and are either:

- 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 venue; or
- d. acquired and distributed by the City in any other manner.

2.2 Policy Applicable to Tickets Only: This Policy shall only apply to the City's distribution of Tickets to, or at the behest of, a City Official. This Policy does not apply to any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided. This includes food, beverage or a gift provided to a City Official at an event that is not included in the fair market value of the Ticket.

3.0 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 (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).

3.1 "City" shall mean and include the City of Adelanto.

3.2 "City Official" shall mean and refer to every member, officer, employee or consultant of the City, as defined by Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any City board, commission, or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

3.3 "Immediate family" shall mean and refer to the spouse and dependent children.

3.4 "Policy" shall mean and refer to this Policy for the Distribution of Tickets and/or Passes.

3.5 "Ticket" shall mean and refer to a "ticket or pass" for admission privilege to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

4.0 General Provisions

4.1 No Right to Tickets: The use of 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 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.

4.3 No Earmarking of Ticket Given to City: No Ticket gratuitously provided to the City by an outside source and distributed by the City to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official.

5.0 Ticket Administrator

5.1 The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.

5.2 The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the purchase and or distribution of Tickets in accordance with this Policy. All requests for Tickets that fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.

5.3 The Ticket Administrator shall determine the face value of Tickets distributed by the City for purposes of Sections 6.1, 6.2 and 8.4 (d) of this Policy.

5.4 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket privileges of any person who violates any provision of this Policy.

6.0 Conditions Under Which Tickets May Be Distributed

Tickets may be distributed to City Officials subject to the following different provisions:

6.1 A City Official may reimburse the City for the face value of the Ticket(s). Reimbursement shall be made at the time the Ticket(s) is/are distributed to the City Official. The Ticket Administrator shall, in his or her sole discretion, determine which event Tickets, if any, shall be available under this section. If the City Official reimburses the City, the disclosure requirements in Section 8 below are not applicable.

6.2 The City Official may treat the Ticket(s) as income consistent with applicable federal and state income tax laws. If the City Official treats the Tickets(s) as income and the City reports the distribution of the Ticket(s) pursuant to the disclosure requirements in Section 8 below, then the City Official is not subject to the other requirements of this Policy.

6.3 If the City Official does not reimburse the City or treat the Ticket(s) as income, the City Official may use, or behest, Ticket(s) to accomplish a stated public purpose of the City. Tickets distributed pursuant to this provision to a City Official shall only be used by members of such City Official's immediate family or one guest solely for their personal use. The following are valid governmental and/or public purposes for which Ticket(s) may be distributed:

- a. 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.
- b. 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.
- c. Promotion of City resources and or facilities available to the public.
- d. Promotion of City-run, sponsored or supported community programs or events.
- e. Promoting, supporting and or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Adelanto residents.
- f. Promotion of business or economic activity, development and/or redevelopment within the City.
- g. Exchange programs with foreign officials and dignitaries.
- h. Promotion of City tourism, recognition, visibility, and or profile on a local, state, national or international scale.
- i. Promotion of open government by City Official appearances, participation and or availability at business and or community events.

- j. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- k. Attracting or rewarding volunteer service.
- l. Encouraging or rewarding significant academic, athletic or public service achievements by Adelanto students, residents or businesses.
- m. Attracting and retaining highly qualified employees in City service; recognizing or rewarding meritorious service by a City employee; and or promoting enhanced City employee performance or morale.
- n. Recognizing contributions made to the City by former City Council Members, City Employees, Commissioners or other appointed officials.

7.0 Tickets Distributed at the Behest of a City Official

7.1 Only the following City Officials shall have authority to behest Tickets: City Council Members and the City Manager.

7.2 Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 6.3.

8.0 Disclosure Requirements

8.1 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 6.1 shall not be subject to the disclosure provisions of Section 8.0.

8.4 Tickets distributed by the City to any City Official either 1) which the City official treats as income pursuant to Section 6.2, **or** 2) for one or more public purposes described in Section 6.3, shall be disclosed on Form 802 provided by the FPPC in a prominent fashion on the City 's website within thirty (30) days after distribution. This form shall be forwarded to the FPPC and contain the following:

- a. The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of Tickets provided to the organization in lieu of posting the names of each recipient;
- b. a description of the event;
- c. the date of the event;
- d. the face value of the Ticket;
- e. the number of Tickets provided to each person
- f. if the Ticket is distributed at the behest of a City Official, the name of the City Official who made such behest; and
- g. a description of the public purpose(s) under which the distribution was made, or, alternatively, the City Official is treating the Ticket as income.

8.5 If the ticket is distributed to an organization outside the City, the City shall state the name, address, description of the organization, and the number of Tickets provided to the organization in lieu of stating the names of each individual from the organization as otherwise required in paragraph Section 8.4 (a)-(g) above.

8.6 If the ticket is distributed pursuant to Section 6, the City may post the name of the department or other unit of the City and the number of Tickets provided in lieu of stating the names of each individual employee otherwise required in Section 8.4(a)-(g) above.