

RESOLUTION NO. 6753

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARCADIA, CALIFORNIA, ADOPTING A REVISED TICKET
DISTRIBUTION POLICY; AND REPEALING RESOLUTION
NO. 6674 IN ITS ENTIRETY

WHEREAS, from time to time, the City receives complimentary or discounted tickets and/or passes to entertainment or similar events from outside sources for distribution to City officials and/or employees; and

WHEREAS, the City occasionally will also purchase tickets or passes to entertainment events for its employees or officials for governmental purposes; and

WHEREAS, on April 7, 2009, the City Council adopted a Ticket Distribution Policy relating to tickets and/or passes to facilities or events for entertainment and similar purposes distributed by the City to, or at the behest of, public officials and to further restrict the use of event tickets and passes by City officials and employees in compliance with Section 18944.1 of the California Code of Regulations; and

WHEREAS, the California Fair Political Practices Commission ("FPPC") recently amended Section 18944.1 of the California Code of Regulations to extend the retention period of Form 802 on the City's website to four (4) years, in addition to requiring that agencies disclose the names of entertainment ticket recipients on Form 802 and post the same on the City's website within thirty (30) days after the distribution of tickets; and

WHEREAS, pursuant to current FPPC regulations, as amended, the City Council desires to adopt a clear and concise amended policy regarding tickets and/or passes to facilities or events for entertainment purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby adopts that certain Ticket Distribution Policy (Administrative Policy No. II-08), as attached to this Resolution.

SECTION 2. That Resolution No. 6674 is hereby repealed in its entirety.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

Passed, approved and adopted this 15th day of February, 2011.



ATTEST:



City Clerk

APPROVED AS TO FORM:



Stephen P. Deutsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, JAMES H. BARROWS, City Clerk of the City of Arcadia, hereby certifies that the foregoing Resolution No. 6753 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 15th day of February, 2011 and that said Resolution was adopted by the following vote, to wit:

AYES: Council Members Chandler, Harbicht, Kovacic, Segal and Amundson

NOES: None

ABSENT: None

A rectangular black box with a red border, used to redact the signature of the City Clerk.

City Clerk of the City of Arcadia



ADMINISTRATIVE POLICY

SUBJECT:

TICKET DISTRIBUTION POLICY

Policy No.:	II-08
04/07/2009	04/07/2009
02/15/2011	02/15/2011

CITY MANAGER

PURPOSE

The purpose of this policy is to ensure that all Tickets and/or passes provided to the City shall be distributed in furtherance of governmental and/or public purposes as required under Fair Political Practices Commission (FPPC) Regulation 18944.1.

APPLICATION

1. This policy applies to Tickets and/or passes which provide admission to a facility or event 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 at full price or at a discount;
 - 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. 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.
3. This policy shall supersede and replace any other City policy pertaining to the distribution of Tickets and/or passes.

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 Sections 81000, *et seq.*, as the same may from time to time be amended) and the Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as the same may from time to time be amended).

1. "City" or "City of Arcadia" shall mean and include the City of Arcadia, the Arcadia Redevelopment Agency, any other affiliated agency created or activated by the Arcadia City Council, and any departments, boards and commissions thereof.



ADMINISTRATIVE POLICY

SUBJECT:

TICKET DISTRIBUTION POLICY

Policy No.: II-08

Adopted: 04/07/2009

Amended: 02/15/2011

2. "City Official" means every member, officer, employee or consultant of the City of Arcadia, as defined in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, 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).
3. "Immediate family" means spouse and dependent children.
4. "Ticket" means and includes any form of admission privilege to a facility, event, show or performance.

GENERAL PROVISIONS

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.
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 City Official's immediate family solely for their personal use.
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 such Ticket.

TICKET ADMINISTRATOR

1. The City Manager or his/her designee, shall be the Ticket Administrator for purposes of implementing the provisions of this policy. In such case where the City Manager desires to obtain a Ticket, or pass, the City Council authorizes the City Manager to exercise the City's sole discretion in determining whether the City Manager's use or behest of Tickets and/or passes is in accordance with the terms of this policy.
2. The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets in accordance with this policy. All requests for Tickets which fall within the scope of this policy shall be made in accordance with these procedures.



ADMINISTRATIVE POLICY

SUBJECT:

TICKET DISTRIBUTION POLICY

Policy No.: II-08

Adopted: 04/07/2009

Amended: 02/15/2011

3. The Ticket Administrator shall determine the face value of Tickets distributed by the City. The face value shall be calculated in accordance with FPPC Regulation 18946.1.
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 or the procedures established by the Ticket Administrator for the distribution of Tickets in accordance with this policy.
5. If available, the City Manager shall attend all events to which the City obtains control of Tickets as the City's primary representative.

CONDITIONS UNDER WHICH TICKETS MAY BE DISTRIBUTED

Subject to the provisions of this policy, complimentary Tickets may be distributed to City Officials under the following conditions:

1. The City Official reimburses the City for the face value of the Ticket(s).
 - a) reimbursement shall be made at the time the Ticket(s) is/are distributed to the City Official.
 - b) the Ticket Administrator shall, in his or her sole discretion, determine which event Tickets, if any, shall be available under this section.
2. The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws or reports the Tickets as a gift on their Conflict of Interest Statement.
3. The distribution of the Ticket(s) to, or at the behest of, 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:
 - a) Facilitating the performance of a ceremonial role or function by a City Official 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 City Official require his or her attendance at the event.



ADMINISTRATIVE POLICY

SUBJECT: **TICKET DISTRIBUTION POLICY**

Policy No.: II-08

Adopted: 04/07/2009

Amended: 02/15/2011

- 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 Arcadia residents.
- 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 Arcadia residents.
- g) Promotion of business activity, development, and/or redevelopment within the City.
- h) Promotion of City-owned businesses.
- i) Promotion of City tourism on a local, state, national or worldwide scale.
- j) Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- k) Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
- l) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- m) Attracting or rewarding volunteer public service.
- n) Encouraging or rewarding significant academic, athletic, or public service achievements by Arcadia students, resident or businesses.
- o) Attracting and retaining highly qualified employees in the City service.
- p) Recognizing or rewarding meritorious service by a City employee.
- q) Promoting enhanced City employee performance or morale.



ADMINISTRATIVE POLICY

SUBJECT: **TICKET DISTRIBUTION POLICY**

Policy No.: II-08

Adopted: 04/07/2009

Amended: 02/15/2011

- r) Recognizing contributions made to the City by former City Council members or City employees.
 - s) Sponsorship agreements involving private events where City specifically seeks to enhance City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries and residents.
 - t) All written contracts where City as a form of consideration has required that a certain number of tickets or suites be made available for its use.
 - u) Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders.
 - v) Spouses of City official in order to accompany him or her to any of the events listed above.
 - w) Any purpose similar to above included in any City contract.
4. Unless exempted otherwise under state law, any Ticket received or directed for use by a City Official not in conformance with this policy remains subject to separate disclosure requirements and the annual gift limit.
 5. This policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy.
 6. Tickets to events that primarily provide informational material and are provided to assist the City Official in the performance of his or her official duties or those of his or her elected office are also not generally subject to this policy. To the extent that any event becomes more entertainment-oriented, this policy as well as the City Attorney's office should be consulted.
 7. Tickets provided to public officials as part of their official duties, or Tickets provided so that the public official may perform a ceremonial role or function on behalf of the City shall not be subject to this Ticket Distribution Policy. These Tickets are exempt from any disclosure or reporting requirements.

DISCLOSURE REQUIREMENTS



ADMINISTRATIVE POLICY

SUBJECT:

TICKET DISTRIBUTION POLICY

Policy No.: II-08

Adopted: 04/07/2009

Amended: 02/15/2011

Tickets distributed by the City to any City Official where the City treats the Ticket as income, or the Ticket was provided pursuant to one of the aforementioned public purposes or a similar purpose, shall be posted on Form 802, or such alternative form as may be approved or amended from time to time by the FPPC, in a prominent fashion on the City's website within thirty (30) days after distribution. Form 802 must be maintained on the City's website for at least the minimum period as required by law. Such posting shall include the following information.

- 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 requested by an official, the name of the official who requested the Ticket; and
- g) a description of the public purpose under which the distribution was made or, alternatively, that the Ticket was distributed as income to the official.

Tickets distributed by the City for which the City receives reimbursement from the City official, or which are reported as a gift on FPPC Conflict of Interest Statements, shall not be subject to the disclosure provisions listed above.

///

///