

CITY COUNCIL RESOLUTION NO. 11-35

A RESOLUTION OF THE AVALON CITY COUNCIL
ADOPTING A DISTRIBUTION POLICY FOR TICKETS
IN THE FURTHERANCE OF THE CITY'S
REASONABLY DEFINED PUBLIC PURPOSES

WHEREAS, from time to time, the City of Avalon ("City") receives tickets or passes from third party sources, both public and private; and

WHEREAS, under Title 2 of the California Code of Regulations, Section 18944.1 ("Section 18944.1") these tickets and/or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, the City finds that the receipt of all such discounted, free or purchased tickets and/or passes are public resources; and

WHEREAS, the Fair Political Practices Commission ("FPPC") adopted new regulations that set up the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the City and the circumstances under which they would be distributed to public officials and not trigger disclosure requirements on the public official's Statement of Economic Interests ("Form 700"); and

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

WHEREAS, according to Section 18944.1 these tickets and/or passes are not gifts to "public officials" if these tickets and/or passes are disseminated in accordance with a duly adopted written policy written in compliance with Section 18944.1, subdivision (b)(2); and

WHEREAS, the FPPC has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of the City, provided that the determination is consistent with state law.

THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Policy Adoption. The City Council hereby adopts the Ticket Distribution Policy attached hereto and incorporated herein as Exhibit A.

Section 2. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED this 5th day of November, 2011.

AYES: Mayor Kennedy, Councilmembers Ponce, Rikalo, Morrow and Winslow
NAYS: None
ABSENT/ABSTAIN: None



Y, MAYOR

ATTEST:



DENISE RADDE, CITY CLERK
CITY OF AVALON

EXHIBIT A

CITY OF AVALON TICKET DISTRIBUTION POLICY

1.0 Purpose of Policy.

The purpose of this Policy is to ensure that all Tickets the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.

2.0 Application of Policy.

2.1 Types of Tickets: This Policy applies to Tickets which provide admission to or use of 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;
- 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.

2.3 Prior Ticket Policies. This Policy, together with the procedures established pursuant to Section 4.4 below, shall supersede and replace any prior City policy governing Tickets to which this Policy applies.

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 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).

3.1 “City” or “City of Avalon” shall mean and include the City of Avalon, the Avalon Redevelopment Agency, any other affiliated agency created or activated by the Avalon City Council, and any departments, boards and commissions thereof.

3.2 “City Official” shall mean and refer to the City’s “public officials,” as that term is 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 “FPPC” shall mean and refer to the California Fair Political Practices Commission).

3.4 “Immediate family” shall mean and refer to the spouse and dependent children.

3.5 “Policy” shall mean and refer to this Ticket Distribution Policy.

3.6 “Ticket” shall mean and refer to a “ticket or pass” as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines a “ticket or pass” as 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 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 City Official’s immediate family solely for their personal use.

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 such Ticket.

4.4 Implementation of Policy: The City Manager 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 the procedures established by the City Manager.

4.5 Designation of Agency Head: The City Manager or his/her designee shall be the "Agency Head" for purposes of implementing the provisions of this Policy and completing and posting the FPPC California Form 802.

4.6 No Earmarking of Ticket to City: No Ticket gratuitously provided to the City by an outside source and distributed 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 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:

5.1 Reimbursements. The City Official reimburses the City for the face value of the Ticket(s).

5.2 Income. The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.

5.3 Public Purposes. 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.
- 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 Avalon 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 Avalon 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 Avalon students, residents 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.
- r) Recognizing contributions made to the City by former City Council Members or City employees.

6.0 Disclosure Requirements.

6.1 Internet Posting. This Policy shall be posted on the City website in a prominent fashion.

6.2 Form 802. Tickets distributed by the City to any City Official either i) which the City Official treats as income pursuant to Section 5.2 above, or ii) for one or more public purposes described in Section 5.3 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 California Form 802, attached to and incorporated in this Policy as Exhibit 1, or such alternative form(s) as may from time to time be designated by the FPPC.

6.3 Exception. Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above shall not be subject to the disclosure provisions of Section 6.2.

EXHIBIT 1

CALIFORNIA FORM 802

[Attached]

Agency Report of:
 Ceremonial Role Events and
 Ticket/Admission Distributions

A Public Document

1. Agency Name		Date Stamp	California Form 802 For Official Use Only
Division, Department, or Region <i>(if applicable)</i>			
Street Address			
Designated Agency Contact <i>(Name, Title)</i>		<input type="checkbox"/> Amendment <i>(Must provide explanation in Part 3.)</i>	
Area Code/Phone Number	E-mail	Date of Original Filing: _____ <i>(month, day, year)</i>	

2. Function, Event, or Ceremonial Role Information

Title _____ Face Value of Each Admission \$ _____

Description _____ Date(s) ____/____/____ ____/____/____

Ticket(s)/Admission(s) provided by agency? Yes No If no: _____
Name of Source

Was the distribution to persons identified below made at the behest of an agency official?

Yes No If yes: _____
Official's Name (Last, First) and Title

The identity of recipient(s) and the explanation:

Name (Last, First) or Organization (Name, Address, Description)	Number of Admission(s)/ Ticket(s)	Agency Official	<ul style="list-style-type: none"> Check the income box if the agency official claims admission as taxable income. If the agency official performed a ceremonial role, also provide a description. If not income, describe the public purpose, including ceremonial roles, performed by an agency official, individual, or organization.
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>

3. Verification

I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution of admissions, set forth above, is in accordance with the provisions.

Signature of Agency Head or Designee _____ Print Name _____ Title _____ *(month, day, year)*

Comment: *(Use this space or an attachment for any additional information including amendment explanation.)*

**Agency Report of:
Ceremonial Role Events and
Ticket/Admission Distributions**



A Public Document

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at www.fppc.ca.gov.

General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions and then must post the policy on the agency's website. The Form 802 serves to detail each event and the public purpose of each agency distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or specific individuals.

Website Posting

The Form 802 must be posted on the agency's website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

Privacy Information Notice

Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any questions regarding this notice, please contact the FPPC General Counsel at Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814 (916) 322-5660.

Instructions

Part 1 Agency Identification:

List the agency's name and street address. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2 Function, Event, or Ceremonial Role Information:

Provide the title of the event, the face value (i.e., the cost to the public) of each admission, a brief description of the event, and the date(s) of the event. Check the box indicating whether the tickets or admissions were provided by the agency. If the answer is no, identify the outside source.

Check the box indicating whether the distribution was made at the behest of an agency official. If the answer is yes, provide the full name and title of the agency official.

In the table, Column 1, identify the recipient of the distributed admissions. The full name is required for individuals. If admission is provided to an organization, individual names are not required but the organization's name, address, and brief description must be identified.

In the table, Column 2, disclose the total number of tickets/admissions distributed.

In the table, Column 3, check the box indicating whether the recipient was an agency official.

In the table, Column 4, if an agency official claims admission as taxable income, mark the income box. A description of a ceremonial role conducted by an agency official must be identified even if the official will claim the ticket as income. Alternatively, provide the public purpose for the distribution that is associated with the agency's policy that is posted on the agency's website.

Part 3 Verification:

The agency head or a designee must sign this form acknowledging that he or she has read, understands, and verifies compliance with FPPC Regulations 18944.1 and 18942.