

RESOLUTION NO. 6183

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
CALIFORNIA, ESTABLISHING A RECEIPT AND DISTRIBUTION POLICY
REGARDING TICKETS AND/OR PASSES IN CONFORMANCE WITH THE
CALIFORNIA CODE OF REGULATIONS § 18944.1, AS AMENDED BY
THE FAIR POLITICAL PRACTICES COMMISSION.

WHEREAS, every California city by and through its governing body and other public officials is empowered to exercise all powers necessary or appropriate to a municipal corporation for the general welfare of its inhabitants which are not prohibited by the California Constitution; and

WHEREAS, the City of Cypress must compete with surrounding cities for scarce consumer spending and business investment in order to generate revenue to provide services for Cypress residents, reinvest in the community infrastructure, promote the local economy, as well as maintain a safe and clean community; and

WHEREAS, as part of the City's economic development it is necessary to create programs and forums that showcase the City's unique assets and attributes, including but not limited to, the City's desirable location in Orange County, quality residential neighborhoods, highly trained workforce, responsive and open government, and its diverse array of local attractions, cultural and civic events, and cultural diversity; and

WHEREAS, one established and recognized method of promoting a community's unique assets and to encourage economic investment is to initiate a marketing strategy that includes promotions, invitations to City and community events, City-sponsored business outreach and similar efforts; and

WHEREAS, from time to time, the City receives "tickets or passes" from third party sources, both public and private, which the City distributes to various persons including City employees and officials; and

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

WHEREAS, the Fair Political Practices Commission ("FPPC") has 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 they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interests ("Form 700"); and

WHEREAS, the City finds the receipt of all such tickets and passes are public resources; and

WHEREAS, the City desires to distribute those public resources in a manner that furthers the City's governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs, and facilities; and

WHEREAS, according to Section 18944.1, those tickets and passes are not gifts to "public officials" if those tickets and passes are disseminated in accordance with a duly adopted written policy and if such distribution is made under Section 18944.1, subdivision (b)(2); and

WHEREAS, the FPPC has clearly stated it recognizes the discretion of the City Council to determine whether the distribution of tickets and passes serves a legitimate public purpose of the City, as long as that the determination is consistent with State law.

NOW, THEREFORE, be it RESOLVED by the CITY COUNCIL of the CITY OF CYPRESS, CALIFORNIA, as follows:

SECTION 1. Purpose of Policy. The purpose of this Policy is to ensure all tickets and passes provided to the City shall be distributed in furtherance of governmental and public purposes in accordance with Section 18944.1.

SECTION 2. Limitation. This Policy shall only apply to the City's distribution of tickets and passes to, or at the behest of, a public official for which no consideration of equal or greater value is provided by that public official. Consideration of equal or greater value shall be presumed if the tickets or passes are distributed pursuant to this Policy.

SECTION 3. Official Duties; Ceremonial Roles. Tickets provided to public officials as part of their official duties, or tickets provided so the public official may perform a ceremonial role or function on behalf of the City shall not be subject to this Policy. Those tickets are exempt from any disclosure or reporting requirements.

SECTION 4. Public Purpose. The City Council hereby finds and determines, in its sound discretion the City will accomplish one or more of the following public purposes through distribution of tickets or passes to a public official, or provided to third persons at the behest of a public official. The list is intended to be illustrative rather than exhaustive of the public purposes that may be served:

- a. Promotion of City-controlled or sponsored events, activities, or programs.
- b. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- c. Marketing promotions highlighting the achievements of local residents and businesses.
- d. Promotion and marketing of private facilities available for use by City resident(s), including charitable and nonprofit facilities
- e. Promotion of public facilities available for use by City resident(s).
- f. Promotion of City growth and development, including economic development and job creation opportunities.
- g. Promotion of specific City community events: provided by or sponsored by the City.
- h. Promotion of any City-owned site, such as parks
- i. Exchange programs with foreign officials and dignitaries.
- j. Promotion of City recognition, visibility, or profile on a local, State, or national scale.
- k. Promotion of open government by public official(s)' appearances, participation, and/or availability at business or community events.
- l. Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation locally and regionally by serving as hosts and providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- m. All written contracts where the City as a form of consideration has required that a certain number of tickets or suites be made available for City use.
- n. Employment retention programs.
- o. Special outreach programs for veterans, teachers, emergency services, medical personnel, and other civil service occupations.
- p. Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- q. Promotion of and participation in intergovernmental relations and activities.
- r. Information gathering and education regarding matters of local, regional, or statewide concern that affect the City including enhancing intergovernmental relations through including attendance at events with or by elected and appointed officials, and their families, from other jurisdictions
- s. Appreciation for programs or services rendered by community and other non-profit resources for the benefit of the community, including artistic and cultural organizations and institutions.
- t. Attraction and retention of highly qualified employees in City service.
- u. Special or meritorious service by a City employee or for use in a City employee competition or drawing.
- v. Spouses/registered domestic partners of public officials 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/agreement.

SECTION 5. Return of Tickets. Any public official or any member of the public official's immediate family may return any ticket unused to the City for redistribution pursuant to this Policy. Government Code § 82029 and 2 C.C.R. § 18229 have defined immediate family to mean spouse, registered domestic partner and dependent children. Under no reasons may either the public official or a member of his or her immediate family sell or further transfer any ticket or pass provided under this Policy.

SECTION 6. City Manager. The City Council hereby delegates the authority to distribute any tickets and passes in accordance with this Policy to the City Manager, or his or her designee. In such case where the City Manager desires to obtain a ticket or pass, the City Council authorizes the Mayor to exercise the City's sole discretion in determining whether the City Manager's use or behest of tickets or passes is in accordance with the terms of this Policy.

SECTION 7. Transfer Prohibition. The transfer by any public official of any ticket or pass distributed pursuant to this Policy to any other person, except to members of the public official's immediate family for their personal use, is prohibited.

SECTION 8. Website Posting. This Policy shall be posted on the City's website in a prominent fashion.

SECTION 9. Website Disclosure. The distribution of a ticket or pass pursuant to this Policy shall be posted on the City's website in a prominent fashion within thirty days after the ticket or pass is distributed; and such posting shall include all of the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time.

PASSED AND ADOPTED by the City Council of _____ regular meeting held on the 8th day of March, 2010.

M _____ SS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS

I, DENISE BASHAM, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the 8th day of March, 2010, by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Luebben, Mills, Seymore, Bailey, and Narain
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

CITY CLERK OF THE CITY OF CYPRESS