

RESOLUTION NO. 09-07**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY IN FURTHERANCE OF THE CITY'S REASONABLY DEFINED PUBLIC PURPOSES**

WHEREAS, the California Fair Political Practices Commission ("FPPC") recently amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to facilities or events for entertainment purposes distributed by the City to, or at the behest of, public officials to further restrict the use of event tickets and passes by City officials and employees; and

WHEREAS, from time to time the City of Duarte ("City") receives event tickets and/or passes from public and private entities and individuals; and

WHEREAS, such tickets and/or passes are public resources and the distribution and use of such tickets and/or passes by City officials and employees may serve legitimate public purposes; and

WHEREAS, the City, on occasion and from time to time, may purchase tickets and/or passes to entertainment events for its officials and employees for public purposes; and

WHEREAS, in accordance with the amended FPPC Regulation 18944.1, the City desires to use such tickets and/or passes to further public purposes, such as the promotion of City businesses, resources, programs, and facilities; and

WHEREAS, the furtherance of public purposes may require the distribution of said tickets and/or passes to "public officials," as that term is defined by Government Code section 82048 and FPPC Regulation 18701; and

WHEREAS, FPPC 18944.1, subdivision (b)(2) pertains to the City's receipt of equal or greater value in exchange for the distribution of a ticket and/or pass to its officials; and

WHEREAS, FPPC Regulation 18944.1 provides for the circumstances and procedures under which the receipt of tickets and/or passes by a public official would need to be disclosed by the City and also the circumstances under which such tickets and/or passes distributed to public officials will not trigger disclosure requirements for the purpose of the public official's Statement of Economic Interests, also known as Form 700; and

WHEREAS, FPPC Regulation 18944.1, subdivision (c) requires that any distribution of tickets and/or passes to, or at the behest of, City officials must be made pursuant to a duly adopted written policy if such distribution is made under Fair Political Practices Commission Regulation 18944.1, subdivision (b)(2); and

WHEREAS, consistent with the foregoing Recitals and according to FPPC Regulation 18944.1, such tickets and/or passes distributed in accordance with a duly adopted written policy are, when so distributed, not considered gifts to public officials; and

WHEREAS, the FPPC recognizes and has stated that the City has discretion in determining 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.

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

Section 1. The City Council hereby adopts the following Ticket Distribution Policy:

City of Duarte Ticket Distribution Policy

1. Definitions.
 - a. "City" shall mean the City of Duarte.

- b. “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, as these sections are amended from time to time.
 - c. “FPPC” shall mean the California Fair Political Practices Commission.
 - d. “FPPC Regulations” shall mean the regulations of the FPPC set forth in Title 2, Division 6, of the California Code of Regulations.
 - e. “Immediate Family” shall have the same meaning as set forth in Government Code section 82029 as the same may be amended from time to time. As of the date of adoption of this Policy, the term “Immediate Family” is defined in section 82029 as the officials spouse and dependent children.
 - f. “Policy” shall mean this Ticket Distribution Policy.
 - g. “Ticket” shall mean 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 to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.
2. 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 the public purposes as set forth in Paragraph 4.
3. Limitations and Exclusions.
- a. This Policy shall only apply to the City’s distribution of Tickets to, or at the behest of, a City Official. Consideration of equal or greater value shall be presumed if the Tickets are distributed pursuant to this Policy.
 - b. This Policy shall apply only if the Ticket is (i) not earmarked by the original source of the Ticket for use by the City Official who uses the Ticket and (ii) the City Manager or authorized designee determines, in his/her sole discretion, which official may use the Ticket.
 - c. This Policy shall not apply to any other item of value provided to the City or City Official regardless of whether received gratuitously or for which consideration is provided. For example and not by way of limitation, this Policy and the term “Ticket” do not include any other benefits the City Official receives by the admission to the event, show, or performance that are not included with the admission, such as food or beverages or any other item presented to the City Official at the event.
 - d. This Policy does not apply to any Ticket received by a City Official that:
 - (1) the City Official treats as income consistent with applicable state or federal income tax laws and regulations and the City reports the distribution of the Ticket as income to the City Official pursuant to Paragraph 10 of this Policy; or

- (2) for which the City Official pays the fair market value, or for which the City Official reimburses the original source of the Ticket in accordance with FPPC Regulations, or for which the City Official pays or reimburses the City for the fair market value; or
 - (3) is a “gift” to the City Official in accordance with FPPC Regulations whether or not the City Official reports the gift on the City Official’s Form 700.
 - e. This Policy does not apply to a Ticket provided to a City Official for his or her admission to an event at which the City Official performs a ceremonial role or function on behalf of the City. Such tickets are exempt from disclosure or reporting requirements under FPPC Regulations in effect as of the date of adoption of this Resolution.
- 4. Ticket Distribution Public Purposes. The City may accomplish one or more of the following public purposes through the distribution of Tickets to, or at the behest of, a City Official. The following list is illustrative rather than exhaustive:
 - a. Promotion of business activity within the City.
 - b. Promotion of community resources available to City residents, including charitable and nonprofit organization resources.
 - c. Promotion of City resources available to City residents.
 - d. Promotion of City-run, sponsored or supported community events and programs.
 - e. Promotion of private facilities available for City resident use, including charitable and nonprofit organization facilities.
 - f. Promotion of City facilities available for City resident use.
 - g. Promotion of City growth and development through, including but not limited to, economic development and job creation.
 - h. Promotion of City tourism on a local, state, national or worldwide scale.
 - i. Promotion of City recognition, visibility, and/or profile on a local, state, national, or international scale.
 - j. Promotion of open government by City Official appearances, participation, and/or availability at business and/or community events.
 - k. Increasing public exposure to, and awareness of, the various the public recreational, cultural, and education facilities available to the public within the City, including, but not limited to, the Community Center, Fitness Center, Senior Center, Teen Center, City parks, Duarte Unified School District facilities, and other public and private facilities within the City.
 - l. Promotion of intergovernmental relations through activities and events involving other public entities.

- m. Promotion of the City through highlighting the achievements of City residents and businesses, including but not limited to significant academic, athletic, or public service achievements of students, residents, and businesses.
 - n. Promotion of special events in accordance with any City contract.
 - o. Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally, regionally, nationally, and internationally, by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
 - p. Attraction and retention of highly qualified employees in the City service.
 - q. Recognizing or rewarding meritorious service by a City employee, promoting enhanced City employee performance or morale, and recognizing contributions made to the City by former City Council members, employees, residents, and volunteers.
5. Additional Ticket Distribution Public Purposes Related to the Tournament of Roses, Rose Parade, and Rose Bowl Game. The City, often in partnership with the City of Hope, has long participated in the annual Tournament of Roses parade held on or about New Year's Day and associated events. The ticketed events and activities hosted by the Tournament of Roses, including but not limited to the Rose Parade, as well as the Rose Bowl football game and related activities, present an important opportunity for City leaders to be involved in events that give exposure to the City that is national and international in scope. By attending activities, included ticketed activities, sponsored by the Tournament of Roses as well as other public or private entities associated with the Rose Parade and Rose Bowl football game, City Officials have the ability to meet and greet residents and visitors and to promote the City, thereby enhancing the overall visibility of the City and the economic and public impact to the City.
 6. Public Purpose Requirement. The distribution of any Ticket by the City to, or at the behest of, a City official shall accomplish a public purpose.
 7. Transfer, Sale, and Reimbursement Prohibitions. The transfer by any City Official of any Ticket, distributed to such City Official pursuant to this Policy, to any other person, except to members of the City Official's Immediate Family for their personal use, is prohibited. No person receiving a Ticket pursuant to this Policy shall be permitted to sell, receive reimbursement for the value of, or further transfer any Ticket.
 8. Return of Tickets. Any City Official or any member of the City Official's Immediate Family, or any person or entity receiving a ticket at the behest of any City Official, may return any Ticket unused to the City Manager or authorized designee for redistribution pursuant to this Policy, provided such Ticket(s) is/are returned prior to the event taking place. Any ticket returned unused but after the event has taken place shall be deemed to have been used by the recipient and reported as such on Form 802.
 9. Website Posting. This Policy shall be posted on the City website in a prominent fashion.

10. Website Disclosure. The distribution of a Ticket pursuant to this Policy shall be posted on the City website in a prominent fashion within thirty (30) days after the Ticket distribution. Such posting shall use FPPC California Form 802 or such alternate form as from time to time the FPPC may designate.

11. Designation of Agency Head. For the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the City Manager or his/her authorized designee shall be the "Agency Head." All requests for Tickets made by a City Official to the City Manager shall fall within the scope of this Policy. In such cases where the City Manager or his/her authorized designee desires to use a Ticket, the City Council hereby authorizes the City Manager and his/her authorized designee to exercise the City's sole discretion in determining whether the City Manager's use or behest of Tickets is in accordance with the terms of this Policy.

Section 2. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED this 24th day of March, 2009.



STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) ss.
 CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 09-07 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 24th day of March, 2009, by the following vote:

AYES: Councilmembers: Finlay, Gaston, Paras-Caracci, Reyes, Fasana
 NOES: Councilmembers: None
 ABSENT: Councilmembers: None



City of Duarte, California