

RESOLUTION NO. 10-12

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF GROVER BEACH, CALIFORNIA, ADOPTING A
TICKET AND PASS DISTRIBUTION POLICY**

WHEREAS, under Title 2 of the California Code of Regulations, Section 18944.1 (“Section 18944.1”) 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, on December 11, 2008, the Fair Political Practices Commission (“FPPC”) adopted new regulations defining the circumstances under which the receipt of tickets and passes by a public official must be disclosed by the City and the recipient public official; and

WHEREAS, the City finds that tickets and passes distributed by the City are public resources; and

WHEREAS, the City desires to use these public resources in a manner that furthers the City’s governmental and public purposes as described herein, such as the promotion of local business activity and the development of community resources, programs, and facilities; and

WHEREAS, according to Section 18944.1(b)(2) tickets and passes are not reportable gifts to public officials if the City distributes these tickets and passes in accordance with a duly adopted written policy; and

WHEREAS, the FPPC recognizes the discretion of the City Council to determine the circumstances under which the distribution of tickets and passes serves a purpose of the City and when only private interests are served such that the receipt of a ticket or pass should be viewed as a reportable gift to the public official who receives it.

NOW THEREFORE, be it resolved by the City Council of the City of Grover Beach, California, to adopt the policy for ticket and pass distribution attached as Exhibit A to this resolution. This Resolution shall take effect and be in force on the date of its adoption.

On motion by Mayor Pro Tem Nicolls, seconded by Council Member Peterson, and on the following roll-call vote, to wit:

AYES: Council Members Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members – None.
ABSENT: Council Member Bright.
ABSTAIN: Council Members – None.

the foregoing Resolution was **PASSED, APPROVED, and ADOPTED** at a Regular meeting of the City Council of the City of Grover Beach, California this 16th day of February, 2010.

/s/ JOHN P. SHOALS, MAYOR

Attest:

/s/ DONNA L. McMAHON, CITY CLERK

Exhibit A

CITY OF GROVER BEACH TICKET AND PASS DISTRIBUTION POLICY

SECTION 1. Purpose of Policy. The purpose of this policy is to ensure that all tickets and passes distributed by the City are issued in furtherance of public purposes of the City as required under Section 18944.1 of the Rules of the FPPC. This policy applies to any tickets or passes which the City: (i) receives from a third party, (ii) controls as a sponsor of, or otherwise because it has control over, an event; or (iii) purchases.

This policy shall be applicable to every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (Form 700) under state law or the City's current Conflict of Interests Code.

SECTION 2. Limitation. This policy shall only apply to the City's distribution of tickets and passes to a public official or at the request of a public official for which no consideration of equal or greater value is provided by the public official.

Reimbursement of actual and necessary expenses of any member of the City Council or any City Commission incurred in the performance of official duties shall be governed by the City's reimbursement policy.

SECTION 3. Official Duties; Ceremonial Roles. 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 are exempt from any disclosure or reporting requirements under Section 18944.1 and this Policy.

SECTION 4. Public Purposes. The City may provide a ticket or pass to a person subject to this policy for any of the following City purposes providing that the City Manager or his designee determines that providing the ticket or pass actually benefits the City by accomplishing one or more of the following:

- a. Promotion of local and regional businesses and economic activities within the City, including conventions and conferences.
- b. Promotion of City-controlled or sponsored events, activities, or programs.
- c. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- d. Highlighting the achievements of local residents and businesses.
- e. Promotion of private facilities available to City residents, including charitable and nonprofit facilities.
- f. Promotion of public facilities available to City residents.
- g. Promotion of City growth and development, including economic development and job creation opportunities.
- h. Promotion of City landmarks and community events.

- i. Promotion of special events conducted pursuant to a contract to which the City is party.
- j. Promotion of the City on a local, regional, state, or national scale.
- k. Promotion of open government by participation of public officials at business or community events.
- l. Sponsorship agreements involving private events by which the City seeks to enhance the City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- m. Implementation of written contracts under which tickets or passes are required to 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. Any similar purpose stated in any City contract.

SECTION 5. Return of Tickets and Passes. Any public official may refrain from using or return any ticket and pass to the City. Under no circumstances may either the public official or a member of his or her immediate family sell any ticket and pass provided under this policy. If a public official transfers a ticket he or she has received from the City to another person, as opposed to returning the ticket to the City for redistribution, then the value of the ticket or tickets he or she transfers shall constitute a gift to him or her and shall be reportable as provided by the regulations of the FPPC.

SECTION 6. City Manager. The City Council delegates the authority to distribute any ticket and pass in accordance with this policy to the City Manager or his/her designee and such authority includes the power to distribute such a ticket to the City Manager provided that doing so is otherwise consistent with this Policy.

SECTION 7. Website Posting. This policy and Form 802 reports required by Section 18944.1 of the FPPC Rules shall be posted on the City's website as required by that Section.

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