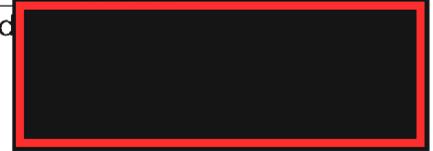




Administrative Policy Manual
Policy No.: _____
Date: 4/8/09
Approved: _____



SUBJECT: TICKET DISTRIBUTION POLICY

PURPOSE: Comply with New FPPC Regulation
(Title 2 California Administrative Code, Section 18944.1)

CITY OF INDIO TICKET DISTRIBUTION POLICY

- A. Findings in Support of Policy.** On April 1, 2009, the City Council of the City of Indio made certain findings in support of the adoption of this policy *via* Resolution No. 9352, said Resolution being maintained as a public record at Indio City Hall as a public record by the City Clerk.
- B. Definitions.**
- a. “City” shall mean and refer to the City of Indio, the Redevelopment Agency of the City of Indio, the Indio Water Authority, any other affiliated agency created or activated by the City Council of the City of Indio, and any department, board or commission thereof
 - b. “City Official” shall mean and refer to the City’s “public officials”, as that term is defined by California Government Code section 82048 and Title 2 of the California Code of Regulations, section 18701 as same may from time to time be amended.
 - c. “Event” shall mean and refer to local, regional, national and worldwide events and festivals, inclusive of any form of entertainment, cultural enrichment, and recreation.
 - d. “FPPC” shall mean and refer to the California Fair Political Practices Commission.
 - e. “Gift” shall mean and refer to “gifts” as that term is defined by California Government Code section 82028 and applicable FPPC regulations as same may from time to time be amended.
 - f. “Immediate Family” shall mean and refer to the spouse, domestic partner and/or dependent children of a City Official.

- g. “Policy” shall mean and refer to this Ticket Distribution Policy.
 - h. “Tickets” shall mean and refer to any ticket, pass or form of admission privilege that entitles a holder to attend, enter, or participate in an Event.
- C. Purpose of Policy.** The purpose of this Policy is to ensure that Tickets received by the City, whether from public and private entities and individuals, are distributed to or at the behest of City Officials in furtherance of governmental and/or public purposes, and per applicable State law or FPPC regulations.
- D. Covered Tickets.** Tickets covered by this Policy shall include:
- 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 the use of a venue located in the City incorporating services provided by the City; or
 - d. acquired and distributed by the City in any other manner.
- E. Covered Events.** The Events covered by this Policy shall include, by way of example but not exclusion, the Riverside County Fair and National Date Festival, the International Tamale Festival, the “Coachella” and “Stagecoach” concerts, the Southwest Arts Festival, the Bob Hope Classic, the Pacific Life Open, concerts or performances taking place at the Empire Polo Club, the Indio Performing Arts Center, or the Fantasy Springs Resort Casino’s Special Events Center, and golf tournaments taking place at any Coachella Valley golf course.
- F. Limitation.** This Policy shall only apply to the City’s distribution of Tickets to, or at the behest of, a City Official. Only the following City Officials shall have the authority to make a behest of Tickets per this Policy: City Council Members and Commissioners, the City Manager, the Assistant City Manager, and the Department Heads. Notwithstanding this Policy’s coverage as specified above in Sections D and E, this Policy shall not:
- a. limit or in any way change the legal definition of a “Gift” or modify the applicability of all FPPC regulations to City Officials, including but not limited to Title 2 of the California Code of Regulations, section 18946.4;
 - b. limit or in any way modify the accountability of City Officials for the funding and support that the City contributes to any Event;
 - c. apply to any item of value provided to a City Official or a member of that City Official’s Immediate Family upon or incident to an admission or entry *via* a particular Ticket, regardless of whether the City Official or that member of his/her Immediate Family received said item of value gratuitously or in exchange for consideration;

- d. apply to a Ticket purchased by a City Official from a third party or non-City entity presenting or hosting an Event upon payment by the City Official in question of that Ticket's full value per FPPC regulations;
 - e. apply to a Ticket that is obtained by a City Official per this Policy when the City Official reimburses the City for that Ticket's full value per FPPC regulations;
 - f. apply to a Ticket to an Event received by a City Official from a third party or non-City entity presenting or hosting an Event at which the City Official receiving the Ticket performs a ceremonial role or function on behalf of the City; or
 - g. limit or in any way change the City's authority to require that any member of City staff, assigned on a permanent or temporary basis to work on "special events," attend any Event taking place in Indio in his/her official capacity, *i.e.*, as a requirement of his/her employment by the City.
- ↵ **G. Ticket Distribution Public Purposes.** The City may accomplish one or more of the following governmental and/or 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, growth, development and redevelopment within the City;
 - b. Promotion of City-owned businesses or enterprises.
 - c. Promotion of City, or City sponsored or supported community programs and/or resources that are available to City residents, said programs and resources to include volunteer services, and charitable/nonprofit organization programs.
 - d. Promotion of private facilities available for City resident use, including facilities of charitable/nonprofit organizations.
 - e. Promotion of City facilities available for City resident use.
 - f. Promotion of City tourism on a local, state, national or worldwide scale.
 - g. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
 - h. Promotion of open, visible and accessible government by City Official appearances, participation and/or availability at an Event.
 - i. Promotion of inter-governmental relations, *i.e.*, cooperation and coordination of resources between the City and other government agencies or entities in the Coachella Valley.

- j. Promotion of City attraction and retention of highly qualified employees, for which any such employee or prospective employee may receive no more than four (4) tickets per Event.
 - k. Promotion of public exposure to, and awareness of, the various the recreational, cultural, and educational venues and facilities available to the public within the City.
- H. Agency Head. For the purpose of implementing this Policy, and completing and posting the FPPC California Form 802, the City Manager or his/her designee shall be the "Agency Head." The City website's posting pursuant to this Policy shall identify the City's "Agency Head." The Agency Head shall have the authority, in his/her sole discretion, to establish procedures for the distribution of Tickets, whether directly or per behest of a City Official, in strict accord with this Policy. The Agency Head shall determine the value of any Ticket distributed per this Policy in accord with applicable FPPC regulations. Finally, in an exercise of his/her sole discretion, the Agency Head shall determine the identity of any City Official(s) who will have the opportunity to reimburse the City for the full value of a Ticket as is referenced in Section F, Subdivision e.
- I. Additional Ticket Distribution Public Purposes Related to Events in Indio. Participation by City Officials in Events and Event-related activities within the City limits is important to provide an opportunity for City leaders to be involved in the community. By attending an Event in Indio and various Event-related activities that require Tickets, City Officials have the ability to meet and greet residents and visitors to the City, and to make observations that will assist them in providing suggested modifications for future occurrences of the Event in question that will enhance and improve the overall Event and its economic and public impact on the City.
- J. Events Taking Place Outside Coachella Valley. From time to time, a City Official's attendance at, or participation in an Event taking place outside the Coachella Valley may accomplish a governmental and/or public purpose. In any instance when a Public Official will be attending or participating in an Event outside the Coachella Valley, the Public Official in question shall only do so upon a written finding by the Agency Head or his/her designee that the attendance/participation advances a governmental and/or public purpose. A record of any such finding as to Events outside the Coachella Valley shall be maintained as a public record by the City Clerk and posted on the City's website together with other records kept per this Policy.
- K. Tickets to Immediate Family Members of City Official. The City acknowledges that from time to time, the extent to which governmental and/or public purposes may be advanced by distribution of a Ticket to a City Official depends upon that City Official's capacity to interact with others at an Event in an informal and/or casual manner, best pursued by the City Official in question in the company of his/her Immediate Family. In such an instance, within the discretion of the Agency Head, the attendance at an Event by an Immediate Family member of a City Official serves a governmental and/or public purpose to the same extent as the attendance of the City Official in question.

- L. Prohibition of Transfer, Exception for Immediate Family. Although this Policy covers distribution of Tickets to persons and/or organizations at the behest of a City Official, no Ticket shall be distributed to any person and/or organization through a City Official at who's behest the Ticket is being distributed. The sole exception to this rule shall be for a Ticket disbursed to a City Official and transferred to a member of that City Official's Immediate Family per Section K hereof. With this sole exception, all Tickets distributed hereunder shall be distributed by the Agency Head.
- M. Prohibition Against Sale of or Receiving Reimbursement for Tickets. No City Official who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of such Ticket.
- N. Public Purpose Requirement. The distribution of any Ticket by the City to, or at the behest of a City Official shall accomplish a governmental and/or public purpose.
- O. Website Posting. This Policy and any future modifications to this Policy shall be posted on the City website in a prominent fashion.
- P. Website Disclosure. The distribution of a Ticket or Tickets to a City Official or a member of that City Official's Immediate Family pursuant to this Policy shall be memorialized on the City website in a prominent fashion, within thirty (30) days after the said Ticket's or Tickets' distribution. Such posting shall incorporate the use of FPPC California Form 802 attached to and incorporated in this Policy as **ATTACHMENT A**, or such alternate form(s) as may be designated by the FPPC.
- Q. No Earmarking of Ticket to City, Role of Agency Head. FPPC regulations provide that no Ticket received by City may be earmarked for distribution to a particular City Official or any particular person. The Agency Head shall be the sole person who determines the identity of each recipient of a Ticket provided to the City who will use that Ticket per this Policy for a governmental and/or public purpose.

SEEKING or ACCEPTING GIFTS

City employees should not directly or indirectly solicit, accept or receive any Gift (whether it be money, services, loan, travel, entertainment, hospitality, promises, or any other form) under the following circumstances:

1. It could be reasonably be inferred or expected that the gift was intended to influence them in the performance of their official duties; or
2. The gift was intended to serve as a reward for any official action on their part

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. A meal check maximum dollar value should be determined on an annual basis by the City Manager and/or department head as a guideline. This guideline is not intended to isolate employees from normal social practices or community relation's activities where gifts among friends, associates, and relatives are appropriate for certain occasions.

Alternate Policy:

City employees are prohibited from accepting gifts or gratuities from any outside source on an individual basis for individual use. It is permissible for departments to accept small gifts of food or candy provided the gift is readily available to all employees in the department. These gifts cannot include alcoholic beverages or tobacco products.

Employees who accept any allowable gratuity shall properly disclose that fact in accordance with the provisions of the State of California Fair Political Practices Commission (FPPC).

- Informing the City Manager or department head that an employee and/or immediate family member has either a financial or personal interest in businesses that bid for or have City contracts.
- Avoiding interference with their official duties due to personal or financial involvement. In potential conflict situations, the employee should notify their department head and withdraw or abstain from further involvement.
- Understand their role in political activities by: On duty employees shall abstain from any political involvement in the campaign activities of candidates for City Council and Office of City Clerk and City Treasurer in the City of Indio. Off-duty employees may sign nomination papers of candidates and are encouraged to exercise their right to register and vote in all elections.

Employees will be allowed a reasonable amount of time to vote in elections and may wear their City uniforms when voting.