

CITY COUNCIL RESOLUTION NO. 09-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA ADOPTING A POLICY FOR THE DISTRIBUTION OF TICKETS AND/OR PASSES TO CONFORM WITH SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of Title 2 of the California Code of Regulations ("Regulation 18944.1"), which amendment became operative on February 7, 2009, that sets forth the circumstances under which the City's distribution of certain tickets and passes to a public official would need to be disclosed by the City and not trigger a disclosure requirement for the purposes of the public official's Statement of Economic Interest Form 700; and

WHEREAS, tickets or passes subject to Regulation 18944.1 are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, Regulation 18944.1 provides that tickets or passes that are distributed by the City to public officials in accordance with a duly adopted policy are not gifts to the public officials; and

WHEREAS, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the City's distribution of tickets and/or passes to City officials serves a legitimate public purpose of the City, provided that the determination is consistent with state law; and

WHEREAS, from time to time, the City may receive complimentary or discounted tickets or passes from outside sources or receive tickets or passes pursuant to the City's co-sponsorship of an event, or may purchase tickets or passes for both public and private events for distribution to City officials; and

WHEREAS, the distribution to and use of such tickets and passes by officials frequently serve legitimate governmental and/or public purposes; and

WHEREAS, based on such practice and the amended regulations, the City Council desires to adopt a policy regarding the distribution of tickets and/or passes pursuant to Regulation 18944.1;

NOW, THEREFORE, the City Council of the City of Irvine, California DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council Policy/Procedure for Distribution of Tickets and or Passes in accordance with Section 18944.1 of Title 2 of the California Code of

Regulations, as amended by the FPPC and set forth in Exhibit A to this Resolution, is hereby adopted.

Section 2. The City Manager is directed to incorporate this policy into the City Council Policy and Procedures Manual.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 9th day of June, 2009.

MAYOR [REDACTED] IRVINE

ATTEST:

[REDACTED]

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, SHARIE APODACA, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 9th day of June, 2009.

AYES: 4 COUNCILMEMBERS: Agran, Choi, Shea and Kang
NOES: 0 COUNCILMEMBERS: None
ABSENT: 1 COUNCILMEMBERS: Krom

[REDACTED]

CITY CLERK OF THE CITY OF IRVINE

EXHIBIT A

City Council Policy/Procedure

Subject: Distribution of Tickets and or Passes in accordance with Fair Political Practices Commission (FPPC) Regulation 18944.1, set forth in Section 18944.1 of Title 2 of the California Code of Regulations (Regulation 18944.1)

Reference: City Council Resolution No. 09-51

1.0 Purpose:

To ensure that Tickets provided to and distributed by the City are in furtherance of a governmental and/or public purpose as required under Regulation 18944.1 and this Policy.

To ensure that Tickets distributed by the City under Regulation 18944.1 and this Policy are disclosed on FPPC Form 802 and posted to the City's website within thirty days of distribution as required by Regulation 18944.1.

2.0 Application of Policy

- 2.1 Types of Tickets: This Policy applies to Tickets that provide admission to a facility, event, show or performance 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. This includes food, beverage or a gift provided to a City Official at an event that is not included in the fair market value of the Ticket.

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 Section 81000 *et seq.*, as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Section 18110 *et seq.*, as the same may from time to time be amended).

- 3.1 "City" or "City of Irvine" shall mean and include the City of Irvine, the Irvine Redevelopment Agency, any other affiliated agency created or activated by the Irvine City Council or the City Charter, any departments, boards and commissions thereof.
- 3.2 "City Official" shall mean and refer to every member, officer, employee or consultant of the City of Irvine, as 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 "Immediate family" shall mean and refer to the spouse and dependent children.
- 3.4 "Policy" shall mean and refer to this Policy for the Distribution of Tickets and/or Passes.
- 3.5 "Ticket" shall mean and refer to a "ticket or pass" for 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 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 the Ticket.
- 4.4 No Earmarking of Ticket Given to City: No Ticket gratuitously provided to the City by an outside source and distributed by the City 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 Ticket Administrator

- 5.1 The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- 5.2 The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the purchase and or distribution of Tickets in accordance with this Policy. All requests for Tickets that fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- 5.3 The Ticket Administrator shall determine the face value of Tickets distributed by the City for purposes of Sections 6.1, 6.2 and 8.4.d of this Policy.
- 5.4 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket privileges of any person who violates any provision of this Policy.

6.0 Conditions Under Which Tickets May be Purchased and or Distributed: Subject to the provisions of this Policy, complimentary Tickets may be distributed to City Officials under the following conditions:

- 6.1 The City Official reimburses the City for the face value of the Ticket(s).
 - a. Reimbursement shall be made at the time the Ticket(s) is/are distributed to the City Official.
 - b. The Ticket Administrator shall, in his or her sole discretion, determine which event Tickets, if any, shall be available under this section.
- 6.2 The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.
- 6.3 The City Official uses, or behests, such Ticket(s) for one or more of the following governmental and/or public purposes:
 - a. 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.
 - b. 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.

- c. Promotion of City resources and or facilities available to the public.
- d. Promotion of City-run, sponsored or supported community programs or events.
- e. Promoting, supporting and or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Irvine residents.
- f. Promotion of business or economic activity, development and/or redevelopment within the City.
- g. Exchange programs with foreign officials and dignitaries.
- h. Promotion of City tourism, recognition, visibility, and or profile on a local, state, national or international scale.
- i. Promotion of open government by City Official appearances, participation and or availability at business and or community events.
- j. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- k. Attracting or rewarding volunteer service.
- l. Encouraging or rewarding significant academic, athletic or public service achievements by Irvine students, residents or businesses.
- m. Attracting and retaining highly qualified employees in City service; recognizing or rewarding meritorious service by a City employee; and or promoting enhanced City employee performance or morale.
- n. Recognizing contributions made to the City by former City Councilmembers, City Employees, Commissioners or other appointed officials.

7.0 Tickets Distributed at the Behest of a City Official

- 7.1 Only the following City Officials shall have authority to behest Tickets: City Council Members, the City Manager, and the Assistant City Manager.

- 7.2 Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 6.3.

8.0 Disclosure Requirements

- 8.1 This Policy shall be posted on the City website in a prominent fashion.
- 8.2 Tickets provided to City officials as part of their official duties, or Tickets provided so that the City Official may perform a ceremonial role or function on behalf of the City are not be subject to this Policy and are exempt from any disclosure requirements under Section 8.0. A ceremonial role or function includes, but is not limited to, making a speech, participating in a panel or seminar, presenting an award or proclamation, or cutting a ribbon.
- 8.3 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 6.1 shall not be subject to the disclosure provisions of Section 8.0.
- 8.4 Tickets distributed by the City to any City Official either 1) which the City official treats as income pursuant to Section 6.2, or 2) for one or more public purposes described in Section 6.3, shall be disclosed on Form 802 provided by the FPPC in a prominent fashion on the City 's website within thirty (30) days after distribution. Such posting shall include the following information:
- a. The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of Tickets provided to the organization in lieu of posting the names of each recipient;
 - b. a description of the event;
 - c. the date of the event;
 - d. the face value of the Ticket;
 - e. the number of Tickets provided to each person
 - f. if the Ticket is distributed at the behest of a City Official, the name of the City Official who made such behest; and
 - g. a description of the public purpose(s) under which the distribution was made, or, alternatively, the City Official is treating the Ticket as income.

Tickets Provided by Agency Report

California Form **802**

A Public Document

This form is for use by all state and local government agencies to disclose the distribution of tickets or passes that allow admission to facilities, events, shows, or performances for entertainment, amusement, recreational, or similar purposes. The agency must complete Form 802 identifying agency officials who receive tickets or passes from the agency as well as other individuals and organizations that receive tickets or passes at the behest of agency officials. Form 802 must be posted in a prominent fashion on the agency's website.

Gifts of Tickets or Passes to Public Officials

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets or passes to or at the behest of an official in the agency does not result in a gift to the official. (Regulation 18944.1 is available on the FPPC website at www.fppc.ca.gov.) Even though the distribution of tickets or passes to a public official under the regulation is not a gift to the official, the agency must disclose the distribution on Form 802. The official does not have to disclose tickets or passes received or distributed under the regulation on his or her Statement of Economic Interests (Form 700), but tickets or passes received or distributed by the official that do not fall under the regulation may be subject to disclosure on the official's Form 700 and subject to gift limits.

Posting Form 802

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.

Part 1. Agency Identification

List the agency's name, address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Event For Which Tickets Were Distributed

Provide the date(s) of the event, a description of the event, and the face value (i.e. the cost to the public) of the ticket or pass. Check the box indicating whether the event was an "agency event" (such as a county fair, or an event for which the agency purchased tickets). If the agency received the tickets from an outside source, identify the source, the number of tickets received, and check the box to identify whether the tickets or passes were provided to the agency:

- Gratuitously; or
- Pursuant to a contract.

Part 3. Agency Official(s) Receiving Ticket(s)

Disclose the name of each agency official that received a ticket or pass and the number of tickets or passes the official received. Also state whether the distribution is income to the official or describe the public purpose for which the official received the tickets or passes.

Part 4. Individual or Organization Receiving Ticket(s)

If tickets or passes were distributed to an individual or organization outside the agency, at the behest of an official of the agency, provide the name of the official. Disclose the name(s) of the individual(s) who received the tickets or passes and the number of tickets or passes provided. If the tickets or passes were provided to an organization, the agency may post the name, address, a description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the name of each individual that received a ticket or pass. Also, describe the public purpose for the distribution to the individual or organization.

Part 5. Verification

The agency head or his or her designee must sign the form.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations Sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Act Notice, please contact the FPPC.

General Counsel
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660

**Tickets Provided by
Agency Report**

A Public Document

TICKETS PROVIDED BY
AGENCY REPORT

1. Agency Name		Date Stamp	California Form 802
Division, Department, or Region <i>(if applicable)</i>			For Official Use Only
Street Address			
Area Code/Phone Number	E-mail	<input type="checkbox"/> Amendment <i>(Must explain in Part 5.)</i>	
Agency Contact <i>(name and title)</i>		Date of Original Filing: _____ <i>(month, day, year)</i>	

2. Event For Which Tickets Were Distributed

Date(s) of Event: ____/____/____ Description of Event: _____
 ____/____/____ Face Value of Ticket: \$ _____

Agency Event Yes No *(Identify source of tickets below.)*

Name of Outside Source of Ticket(s) Provided to Agency: _____

Number of Tickets Received: _____ Ticket(s) Provided to Agency: Gratuitously Pursuant to Contract

3. Agency Official(s) Receiving Ticket(s) *(use a continuation sheet for additional names)*

Name of Official <i>(Last, First)</i>	Number of Tickets	State Whether the Distribution is Income to the Official or Describe the Public Purpose for the Distribution

4. Individual or Organization Receiving Ticket(s) *(Provided at the behest of an agency official.)*

Name of Behesting Agency Official: _____

Name of Individual or Organization: _____ Number of Tickets: _____

Description of Organization: _____

Address of Organization: _____
Number and Street City State Zip Code

Purpose for Distribution: *(Describe the public purpose for the distribution to the organization.)*

5. Verification

I have determined that the distribution of tickets set forth above is in accordance with the provisions of FPPC Regulation 18944.1.

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.)*