

RESOLUTION NO. 12-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, 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, ON February 7, 2009, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of Title 2 of the California Code of Regulations ("Regulation 18944.1 "), 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 need not be considered 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 use of such tickets and passes by officials frequently serves 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 LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Administrative Policy 1.5: Ticket Distribution 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; and the City Manager is directed to place a copy of the adopted resolution on the City's website.

SECTION 2. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED ON this 21st day of March 2012.

[Redacted Signature]

CYNTHIA S. CONNERS, Mayor

ATTEST:

[Redacted Signature]

YOLIE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 12-04** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the 21st day of March 2012, by the following vote:

AYES: COUNCIL MEMBERS: Rhodes, Robbins, Ring, Connors
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: Hack

[Redacted Signature]

YOLIE

CITY OF LAGUNA WOODS

ADMINISTRATIVE POLICY 1.5 DISTRIBUTION OF TICKETS AND PASSES

1.5.01 PURPOSE

To ensure that tickets and passes provided to and distributed by the City meet the requirements of Fair Political Practices Commission (FPPC) Regulation 18944.1

1.5.02 DEFINITIONS

- a) "Agency Head" and "Ticket Administrator" for the purpose of this policy, shall mean and refer to the City Manager or his/her designee.
- b) "Behest of" shall mean tickets or passes solicited by City officials.
- c) "City" shall mean and refer to the City of Laguna Woods.
- d) "City Official" for the purpose of this Policy, shall mean and refer to the City's "public officials", as that term is defined by Government Code Section 82048 and Fair Political Practices Commission Regulation 18701, as well as any City employee, consultant, independent contractor, commissioner, board member or other person deemed by the Agency Head to act as the City's representative at an event for which a ticket is provided.
- e) "FPPC" shall mean and refer to the California Fair Political Practices Commission.
- f) "Policy" shall mean and refer to this Ticket Distribution Policy.
- g) "Ticket" or "ticket" shall mean and refer to a "ticket or pass" as that term is defined in FPPC Regulation 18944.1.

1.5.03 APPLICATION OF POLICY

This policy shall apply to tickets and passes 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.

1.5.04 EXCEPTIONS

1.5.04.01 Tickets provided directly to City Officials are not subject to this policy, but instead are governed by acceptance and reporting requirements found in FPPC regulation 18941.

1.5.04.02 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 subject to this Policy and are exempt from any disclosure requirements. 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.

1.5.05 GENERAL PROVISIONS

1.5.05.01 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.

1.5.05.02 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.

1.5.05.03 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.

1.5.05.04 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.

1.5.05.05 Tickets shall be distributed under one of the following conditions:

- a) The City official reimburses the City for the face value of the ticket(s) at the time of distribution.
- b) The City official treats the ticket(s) as income consistent with applicable federal and state income tax laws.
- c) The City official uses the ticket for a public purpose as defined in Section 1.5.07.

1.5.06 Ticket Administrator

1.5.06.1 The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this Policy and 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.

1.5.06.02 The Ticket Administrator shall determine the face value of Tickets distributed by the City for purposes of Sections 1.5.08.02 of this Policy.

1.5.07 PUBLIC PURPOSE

Generally, a public purpose is defined as an action by, or at the direction of government, for the benefit of the community as a whole. For the purpose of this policy, the following activities shall be defined as meeting a public purpose:

- 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 Laguna Woods residents.
- f) Promotion of business or economic activity and development 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 Laguna Woods' 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, Committee Members or other appointed officials

1.5.08 WEBSITE DISCLOSURE AND POSTING

1.5.08.01 In accordance with FPPC regulations, this Policy shall be posted on the home page of the City website.

1.5.08.02 Tickets distributed by the City to any City Official either 1) which the City official treats as income; or 2) for one or more public purposes described in Section 1.5.07, shall be disclosed on Form 802 provided by the FPPC in a prominent fashion on the City's website and provided to the FPPC for display on their website within 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;

- b) The organization and number of Tickets provided to the organization in lieu of posting the names of each recipient;
- c) A description of the event;
- d) The date of the event;
- e) The face value of the Ticket;
- f) The number of Tickets provided to each person 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.

Attachment: FPPC Form 802

Adopted by City Council: March 21, 2012

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.

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