

City of Mission Viejo
COUNCIL POLICY



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Purpose. This Policy governs the distribution of complimentary tickets received by the City. The purpose of this Policy is to establish a fair and equitable process for the distribution of complimentary tickets to the City in compliance with the requirements of Section 18944.1 of the Fair Political Practices Commission (“FPPC”) Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act of 1974 (Government Code Section 81000 et seq., as the same may from time to time be amended).

Authority. FPPC Regulation 18944.1

Assigned Responsibility. City Council, City Manager

Applicability. All City officials and employees

General Policy.

A. Application of Policy.

1. This Policy applies to tickets which provide admission to an event for an entertainment, amusement, recreational or similar purpose, and are:
 - (a) Gratuitously provided to the City by an outside source; or
 - (b) Acquired by the City by purchase; or
 - (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. This Policy does not apply to:
 - (a) A single ticket provided to and used by a City official or employee to an event at which the official or employee performs a ceremonial role or function on behalf of the City.
 - (b) Any other item of value provided by the City or any City official or employee, regardless of whether received gratuitously or for which consideration is provided;
 - (c) Tickets provided by sources other than the City; or
 - (d) Tickets for which the City official or employee pays the City the value of the tickets.

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B. 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).

1. "City" or "City of Mission Viejo" means and includes the City of Mission Viejo, any other affiliated agency created or activated by the Mission Viejo City Council, and any departments, boards, and commissions thereof.
2. "City venue" means and includes any facility owned, controlled, or operated by the City of Mission Viejo.
3. "Ticket" means and includes any form of admission privilege to a facility, event, show, or performance for entertainment, amusement, recreation, or similar purposes, and excludes working credentials.
4. "Ticket Administrator" shall be the person with the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy, and to implement the policy. The City Manager shall be the Ticket Administrator.

C. General Provisions.

1. No Right to Tickets: The use of complimentary 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.
2. Limitation on Transfer of Tickets: Unless otherwise provided herein, tickets distributed to a City official or employee pursuant to this policy shall not be transferred to any other person, except to members of such City official's or employee's immediate family solely for their personal use.
3. Prohibition Against Sale of Tickets: No person who receives a ticket pursuant to this policy shall sell the ticket or receive payment for such ticket from any other person.

D. Distribution of Complimentary Tickets by the City.

The Ticket Administrator shall have sole discretion to determine who shall receive the Tickets.

1. The Ticket Administrator may provide two (2) Tickets to each Council Member.

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(a) The Tickets shall be used by the Council Member and his or her spouse or dependent children solely for their personal use.

(b) The public and governmental purpose of providing the Tickets to Council Members is to enable them to (i) advertise and promote the City of Mission Viejo, and (ii) monitor and evaluate events held at City venues and their compliance with City policies, agreements and other requirements.

(c) Council Members may purchase at face value additional Tickets, but no more than two (2) Tickets will be provided as described in this Section.

2. The Ticket Administrator may distribute one (1) Ticket to a City employee on an equitable basis, with the option that such employee may be allowed to purchase at face value a second Ticket for use by the employee's immediate family or personal guest.

(a) The purpose of providing the Ticket to a City employee is to enable the employee to (i) advertise and promote the City of Mission Viejo, (ii) monitor and evaluate the value of events held at City venues and their compliance with City policies, agreements and other requirements, and (iii) enhance employee morale.

3. The Ticket Administrator may distribute Tickets to non-profit community service groups in the City if there is a public purpose for doing so.

4. The Ticket Administrator may distribute complimentary tickets or passes to persons participating in recreational, educational or cultural programs administered by the City or for other lawful purposes; provided, however, that Tickets shall only be distributed to City Council Members and City employees or their spouses and dependent children in accordance with this Policy.

5. Tickets shall be distributed to City officials and employees under procedures designated by the Ticket Administrator, provided the manner of distribution conforms to this Policy and can be documented and reported as required by this Policy.

E. Tickets Under this Policy Not Subject to Gift Regulations: Other Benefits Could Be Gifts.

1. The distribution of Tickets pursuant to this Policy shall not constitute a "gift" to the City Council Member or City employee pursuant to the terms of FPPC Regulation 18744.1. However, the City Council member or City employee must treat the Ticket as income consistent with applicable state and federal income tax laws. Other benefits, such as food or beverage or items provided or presented to the City official or employee that are not included with the admission provided by the Ticket must be accounted for as gifts.

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2. If the City receives Tickets that are earmarked for a particular City official or employee, such Tickets are considered gifts to that particular official or employee. If the Tickets are not returned unused to the provider within thirty (30) days of receipt, the official or employee must comply with the applicable FPPC gift limit and reporting regulations.

F. Reporting of Tickets.

The distribution and use of Tickets pursuant to this Policy shall be documented on FPPC Form 802 (Tickets Provided by Agency Report). Within thirty (30) calendar days of the distribution of a ticket or the use of a pass the Ticket Administrator, or his or her designee, shall prepare and certify Form 802 and shall post it on the City's website.