

RESOLUTION NO. 12-009

ADOPTION OF COUNCIL POLICY 00-021 FOR CITY'S DISTRIBUTION OF COMPLIMENTARY TICKETS AND PASSES

FINDINGS

1. The Fair Political Practices Commission (FPPC) requires Form 802 entitled, "Agency Report: Ceremonial Events, and Ticket/Admission Distributions" to be completed when the City receives complimentary tickets or passes.
2. The Fair Political Practices Commission (FPPC) requires the Council to adopt a written policy governing the distribution of complimentary tickets or passes, defined as admission to a facility, event, show or performance for entertainment, amusement, recreational or similar purpose.
3. Form 802 applies only to "Public Officials" which is defined in Regulation 18944.1. The City identifies those as listed in Government Code Section 87300 and in the Pacific Grove City Charter, which includes but is not limited to elected officials, candidates for these elective offices, appointed officials, officers, and employees of the City.
4. Form 802 was created because the FPPC Regulation 18944.1 provides that when a local agency distributes a ticket or pass to an official of that agency and the official uses the ticket or pass, the ticket or pass does not have to be reported as a gift and is not subject to the annual gift limit (currently \$420 a year) on the FPPC Statement of Economic Interest - Form 700.
5. Council Policy 00-021 is required for the distribution of the ticket or pass by the agency and would further specify the governmental or public purpose in addition to any private benefit the official or employee may receive.
6. FPPC requires posting on the City's website and a copy of Form.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.
2. The Council authorizes the City Clerk to act and/or designate a person(s) to act as Ticket Administrator for any complimentary tickets or pass given to the City in accordance to Council Policy 00-021.
3. Council Policy Number 00-021 is hereby approved as attached to this Resolution, which by this reference are incorporated as set forth in its entirety.

4. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of February 2012, by the following vote:

AYES: Mayor Garcia, Councilmembers Kampe, Cohen, Cuneo, Fischer, Huitt, and Miller.

NOES: None.

ABSENT: None.

APPROVED:



CARMELITA GARCIA, Mayor

ATTEST:



SUSAN MORROW, City Clerk

APPROVED AS TO FORM:



Attorney

**CITY OF PACIFIC GROVE
CITY COUNCIL POLICY**

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Purpose

This policy governs the distribution of tickets and passes donated or given to the City. This policy is established in accordance with Section 18944.1 of the Fair Political Practices Commission (FPPC) Regulations, which sets forth the circumstances under which the City's distribution of tickets or passes to a City official does not result in a gift to the individual official.

Application of Policy

This policy applies to the distribution of all tickets or passes received by the City that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

Definitions

Unless otherwise expressly provided in this Policy, terms in this Policy shall have the same meaning as that ascribed to such terms in the Political Reform Act (Government Code Sections 81000 et seq., as it may be amended from time to time) and the FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as they may be amended from time to time.)

- **City** shall mean the City of Pacific Grove.
- **City official** means every elected official or employee of the City of Pacific Grove, as defined in Government Code Section 82048 and FPPC Regulation 18701.
- **City venue** means any facility owned, controlled or operated by the City of Pacific Grove.
- **Immediate family** means spouse, registered domestic partner and dependent children.
- **Ticket** means "ticket or pass" and includes anything that provides an admission privilege to an event or function and for which similar tickets or passes are offered for sale to the public. If other benefits, such as food, beverages or other items, are provided to the City official at the event and such benefits are not included as part of the admission to the event, those benefits are not covered by this Policy.

Procedures for Distribution

1. Tickets received by the City from an outside source without designation as to the specific City official who may use the tickets shall be forwarded to the City Clerk or designee. The City Clerk or designee shall determine the face value of the tickets, the individuals who

may use them, and report their distribution as provided in the Section of this policy entitled "Ticket Reporting and Disclosure Requirements."

2. The City Clerk shall have the authority, in his or her sole discretion, for the distribution of tickets and passes in accordance with this Policy.

Public Purpose

The distribution of any ticket by the City to, or at the behest of, a City official must accomplish a "public purpose" of the City. The public purposes to be accomplished by the distribution of tickets or passes by the City include, but are not limited to:

- To obtain oversight of facilities or events that have received City funding or support;
- To review facilities or events that may require City funding or support in the near future or to gather information about the operation of a facility similar to one presently or potentially operated by the City;
- To promote local and regional businesses, community programs, economic development and tourism within the City;
- To attend a community event in which the City is a participant;
- To attend an event, activity or program sponsored by the City;
- To promote intergovernmental relations, including but not limited to, attendance at an event with, or by, elected or appointed public officials from other jurisdictions, their staff and their guests;
- To promote public and private facilities available for City resident use;
- To support and/or show appreciation for community and nonprofit programs or services that benefit City residents;
- To encourage or recognize significant academic, athletic, or public achievements by City students, residents, or businesses;
- To reward City employees and community members for his or her exemplary service to the public;
- To promote City growth and development, including economic development and job creation opportunities;
- To promote open and accessible government by appearances or participation of City Officials at business and community events;

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- To promote employment retention, including enhancement of employee morale;
 - To promote City recognition, visibility, and/or profile on a local, state, national or worldwide scale;
 - To comply with all written contracts where the City as a form of consideration has required that a certain number of tickets or suites be made available for City use.

Prohibited Transfer of Ticket

A City official may not transfer any ticket distributed to him or her pursuant to this policy, to any other person, except to members of the City official's immediate family solely or one guest for personal use.

Ticket Reporting and Disclosure Requirements

Tickets distributed by the City to a City official shall be documented in a completed FPPC Form 802. The completed Form 802 shall be filed with the City Clerk and posted on the City's website in a prominent fashion within 30 days after the distribution.

Such postings shall include the following information and any other information that may be required by the FPPC:

1. 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;
2. A description of the event;
3. The date of the event;
4. The face value of the ticket;
5. The number of tickets provided to each person or organization;
6. If the ticket was distributed at the behest of a City official, the name of the City official who made such behest; and
7. A description of the public purpose(s) under which the distribution was made, or, alternatively, that the City official is treating the ticket as income.

A Form 802 posted to the City's website shall be maintained on the City's website for a period of not less than four years and a copy mailed to the FPPC.

Alternatives to Policy

As an alternative to complying with this Policy, a City official may either:

- Ask that the City report the distribution of the ticket or pass as income to the City official and then treat the ticket or pass as income consistent with applicable state and federal income tax laws, or
- Report the receipt of the ticket or pass on their Form 700, if the value of the ticket or pass is over \$50 and the aggregate value of tickets and passes from single source in a calendar year is \$420 or less.