

RESOLUTION NO. 09 - 17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA REGARDING THE RECEIPT AND DISTRIBUTION POLICY OF TICKETS AND/OR PASSES IN THE FURTHERANCE OF THE CITY'S PUBLIC PURPOSES

WHEREAS, every California city by and through its governing body and other public officials, is empowered to exercise all powers necessary or appropriate to a municipal corporation for the general welfare of its inhabitants which are not prohibited by the California Constitution; and

WHEREAS, the City of Palm Desert operates in a highly-competitive environment to grow and maintain its reputation as a vibrant place to live, work and do business and as a desirable visitor destination center and therefore, the City must take proactive steps to attract private and public investment in a matter that best maximizes the City's investment of public resources; and

WHEREAS, as part of the City's development and marketing strategies, the City Council cultivates opportunities to showcase the City's unique attributes including, but not limited to the City's business development climate, local tourism base, its highly trained workforce, open government and its diverse array of local attractions, cultural and civic events; and

WHEREAS, from time to time, the City receives "tickets or passes" from third party sources, both public and private; and

WHEREAS, under Title 2 of the California Code of Regulations, Section 18944.1 ("Section 18944.1") these tickets and/or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, on December 11, 2008, the FPPC adopted new regulations that set up the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the City and the circumstances they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interests ("Form 700"); and

WHEREAS, the City finds that the receipt of all such tickets and/or passes are public resources; and

WHEREAS, the City desires to distribute these public resources in a manner that furthers the City's governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs and facilities; and

WHEREAS, according to Section 18944.1 these tickets and/or passes are not gifts to “public officials” if these tickets and/or passes are disseminated in accordance with a duly adopted written policy if such distribution is made under Section 18944.1, subdivision (b)(2); and

WHEREAS, the Fair Political Practices Commission (“FPPC”) has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of the City, provided that the determination is consistent with state law.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Palm Desert, California hereby adopts the following:

CITY OF PALM DESERT TICKETS AND/OR PASSES DISTRIBUTION POLICY

Section 1. Purpose of Policy. The purpose of this policy is to ensure that all tickets and/or passes provided to the City shall be distributed in furtherance of governmental and/or public purposes as required under Section 18944.1.

Section 2. Limitation. This Policy shall only apply to the City’s distribution of tickets and/or passes to, or at the behest of, a public official for which no consideration of equal or greater value is provided by the public official. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this policy.

Section 3. Official Duties; Ceremonial Roles. Tickets provided to public officials as part of their official duties, or tickets provided so that the public official may perform a ceremonial role or function on behalf of the City shall not be subject to this Tickets and/or Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

Section 4. Public Purpose. The City shall only provide a ticket and/or pass to a public official, or at the behest of, a public official under the following list of City’s public and governmental purposes:

- a. Promotion of local and regional businesses, economic development and tourism activities within the City, including conventions and conferences.
- b. Promotion of City-controlled or sponsored events, activities, or programs.
- c. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- d. Marketing promotions highlighting the achievements of local residents and businesses.
- e. Promotion and marketing of private facilities available for City resident use, including charitable and nonprofit facilities.

- f. Promotion of public facilities available for City resident use.
- g. Promotion of City growth and development, including economic development and job creation opportunities.
- h. Promotion of specific City community events: provided by or sponsored by the City.
- i. Promotion of any City owned sites such as parks, soccer fields, desert within golf course.
- j. Exchange programs with foreign officials and dignitaries.
- k. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- l. Promotion of open government by public official appearances, participation and/or availability at business or community events.
- m. Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts as sponsors providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- n. 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.
- o. Employment retention programs.
- p. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
- q. Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- r. Promotion of and participation in intergovernmental relations and activities.
- s. Spouses of public officials in order to accompany him or her to any of the events listed above.
- t. Any purpose similar to above included in any City contract.

Section 5. Return of Tickets. Any public official or any member of the public official's immediate family may return any ticket unused to the City for redistribution pursuant to this policy. Government Code section 82029 has defined immediate family to mean spouse

and dependent children. Under no reasons, may either the public official or a member of his or her immediate family sell or further transfer any ticket and/or pass provided under this policy.

Section 6. City Manager. The City delegates the authority to distribute any tickets and/or passes in accordance with this policy to the City Manager or his or her designee. In such case, where the City Manager desires to obtain a ticket or pass, the City Council authorizes the Mayor to exercise the City’s sole discretion in determining whether the City Manager’s use or behest of tickets and/or passes is in accordance to the terms of this policy.

Section 7. Transfer Prohibition. The transfer by any public official of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the public official’s immediate family for their personal use, is prohibited.

Section 8. Website Posting. This policy shall be posted on the City’s website in a prominent fashion. These forms shall be posted for 12 months and may be removed at the City’s discretion anytime thereafter.

Section 9. Website Disclosure. The distribution of a tickets or passes pursuant to this policy shall be posted on the City website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time.

PASSED, APPROVED AND ADOPTED this 26th day of March, 2009.

AYES: **BENSON, FERGUSON, FINERTY, KELLY, and SPIEGEL**
NOES: **NONE**
ABSENT: **NONE**
ABSTAIN: NONE



ATTEST:



CITY OF PALM DESERT, CALIFORNIA