RESOLUTION NO. 2012-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES ADOPTING A COMPLIMENTARY TICKET POLICY PURSUANT TO THE REQUIREMENTS OF FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1

THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Rancho Palos Verdes does hereby find, determine and declare that:

(a) The California Fair Political Practices Commission pursuant to Regulation 18944.1 regulates complimentary tickets and passes distributed to government officials by their agency. The regulation requires the City Council to adopt a written policy governing the distribution of complimentary tickets and passes to a City official for a facility, event, show or performance when those tickets are given by the City to public officials of the City.

(b) The purpose of the Complimentary Ticket Policy is to establish a fair and equitable process for the distribution to City Council members and employees of complimentary tickets and passes received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes and the reporting of the distribution of complimentary tickets in compliance with the requirements of Fair Political Practices Commission Regulation 18944.1.

Section 2. The City Council hereby approves and adopts the "Complimentary Ticket Policy" attached hereto as Exhibit "A."

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of April, 2012.

/s/ Anthony M. Misetich
Mayor

Attest:

/s/ Carla Morreale
City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, hereby certify that the above Resolution No. 2012-23 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on April 3, 2012.

Carla Morreale
City Clerk

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EXHIBIT "A"
RESOLUTION NO. 2012-23
CITY OF RANCHO PALOS VERDES POLICY REGARDING THE DISTRIBUTION OF COMPLIMENTARY TICKETS PURSUANT TO FPPC REGULATION 18944.1

Section 1. Purpose of Policy.

The purpose of this policy is to establish a fair and equitable process for the distribution of complimentary tickets or passes by the City in compliance with the requirements of Section 18944.1 of the Fair Political Practices Commission Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as now exist or may hereafter be added or amended, including, without limitation, definitions. (These regulations can be found at Title 2 of the California Code of Regulations and will be referred to as "FPPC Regulations").

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

A. "City" or "City of Rancho Palos Verdes" shall mean and include the City of Rancho Palos Verdes, and any other affiliated agency created or activated by the Rancho Palos Verdes City Council, and any departments, boards and commissions thereof.

B. "City Official" shall mean every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (FPPC Form 700) under state law or the City's current conflict of interest code.

C. "City Venue" shall mean and refer to any facility owned, controlled or operated by the City.

D. "FPPC" shall mean and refer to the California Fair Political Practices Commission.

E. "Immediate family" shall mean and refer to the spouse and dependent children of the City Official. The term spouse includes registered domestic partners recognized by state law, and dependant children shall mean a child, including an adoptive child or stepchild, of a City Official who is under 18 years old and who the City Official is entitled to claim as a dependent on his or her federal tax return.

F. "Policy" shall mean and refer to this Policy Regarding the Distribution of Complimentary Tickets Pursuant to FPPC Regulation 18944.1.

G. "Ticket" shall mean and refer to a "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines a "ticket or pass" as admission privilege to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose.

Section 3. Application of Policy

A. This policy shall be applicable to every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (Form 700) under state law or the City's current Conflict of Interest Code.

B. This Policy governs the distribution of complimentary Tickets received by the City that are either:

1. Gratuitously provided to the City by an outside source;

2. Acquired by the City by purchase;

3. Acquired by the City as consideration pursuant to the terms of a contract for the use of a city venue; or

4. Acquired and distributed by the City in any other manner.

C. This Policy does not apply to:

1. Any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided.

2. Tickets provided by sources other than the City.

3. A Ticket received by a City Official from the City where both the City Official and the City treat and report the value of the Ticket as income consistent with applicable state and federal income tax laws and the Ticket is reported as income pursuant to the provisions of this Policy.

Section 4. Official Duties; Ceremonial Roles. A Ticket provided to a City Official as part of his or her official duties, or a Ticket provided so that the City Official may perform a ceremonial role or function on behalf of the City is not a gift and is exempt from any disclosure or reporting requirements to the extent provided by Section 18944.1. This Policy shall not apply to such Tickets.

Section 5. General Provisions.

A. 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.

B. 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. If a City Official transfers a Ticket he or she has received from the City to another person, as opposed to returning the Ticket to the City for redistribution, then the value of the Ticket or Tickets he or she transfers shall constitute a gift to him or her and shall be reportable as provided by the regulations of the FPPC.

C. 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 such Ticket.

Section 6. Ticket Administrator

A. The City Council delegates the authority to the City Manager or his/her designee to be the Ticket Administrator for purposes of implementing the provisions of this Policy.

B. The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets in accordance with this Policy. Such authority includes the power to distribute such a Ticket to the City Manager provided that doing so is otherwise consistent 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.

C. The Ticket Administrator shall determine the face value of Tickets distributed by the City for purposes of Sections 7.A. and 7.B of this Policy.

D. 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 or the procedures established by the Ticket Administrator for the distribution of Tickets.

E. For the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the Ticket Administrator shall be the "Agency Head."

Section 7. Conditions Under Which Tickets May be Distributed

Subject to the provisions of this Policy, the Ticket Administrator may distribute complimentary Tickets to City Officials under any one of the following conditions:

A. The City Official reimburses the City for the face value of the Ticket(s).

B. The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws and the Ticket(s) are reported as income pursuant to the provisions of this Policy.

C. The distribution of the Ticket(s) to, or at the behest of, the City Official accomplishes or furthers one or more of the following governmental and/or public purposes:

1. Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event, for which the City Official may receive enough Tickets for the City Official and each member of his or her Immediate Family.

2. 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, for which the City Official may receive enough Tickets for each member of the City Official's Immediate Family.

3. 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.

4. Economic or business development purposes on behalf of the City.

5. Promotion of City resources and/or facilities available to Rancho Palos Verdes residents.

6. Promotion of City-run, sponsored or supported community events, activities or programs.

7. To monitor and evaluate the value of City-run, sponsored or supported community events, activities or programs to the City including but not limited to evaluation of the venue, quality of performances and compliance with City policies, agreements and other requirements.

8. Promotion and evaluation of events, activities or programs at City venues, including but not limited to evaluation of the venue, quality of performances and compliance with City policies, agreements and other requirements.

9. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Rancho Palos Verdes residents.

10. Promotion of City tourism on a local, state, national or worldwide scale.

11. Business retention or attraction on a local, state, national or worldwide scale.

12. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.

13. Encouraging Rancho Palos Verdes resident and business support for and attendance at local events.

14. Encouraging participants in City sponsored programs to attend local events.

15. Attracting or rewarding volunteer public service.

16. Encouraging or rewarding significant academic, athletic, or public service achievements by Rancho Palos Verdes students, residents or businesses.

17. Attracting and retaining highly qualified employees in the City service.

18. Recognizing or rewarding meritorious service by a City employee.

19. Promoting enhanced City employee performance or morale.

20. As an incident to the above public purposes, allowing for the Immediate Family of the City Official to accompany the City Official to events to accomplish any of the purposes listed in this Resolution.

Section 8. Tickets Distributed at the Behest of a City Official.

A. Only the following City Officials shall have authority to behest Tickets: City Council Members and the City Manager.

B. Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 7.C. above.

C. If Tickets are distributed at the behest of a City Official, such City Official shall not use one of the Tickets so distributed to attend the event.

Section 9. Other Benefits

A. The distribution of Tickets pursuant to this Policy shall not constitute a "gift" to the City Official receiving the Ticket; however, other benefits, such as food or beverage or other gifts provided to the City Official that are not part of the admission provided by the complimentary Ticket, will need to be accounted for as gifts.

B. If the City receives complimentary Tickets that are earmarked for particular City Officials, then the Tickets are considered gifts to that particular City Official. If these Tickets are not returned unused to the provider within thirty (30) days of receipt, then the City Official must comply with the applicable FPPC gift limit regulations and reporting regulations.

Section 10. Posting and Disclosure Requirements

A. This Policy and Form 802 reports required by Section 18944.1 of the FPPC Regulations shall be posted on the City's website as required by that Section.

B. The distribution of Tickets pursuant to this Policy shall be documented by the preparation and certification of Fair Political Practices Commission Form 802. Within thirty (30) calendar days of the distribution of a Ticket, the Ticket Administrator shall prepare and certify a Form 802 and shall post it on the City's Website.

C. Tickets distributed by the City for which the City receives reimbursement from the City Official shall not be subject to the disclosure provisions set forth herein.

Policy adopted by the City Council by Resolution No. 2012-23 on April 3, 2012.