



# POLICY AND PROCEDURE

<b>Subject:</b> Distribution, Use and Reporting of Tickets and Passes Controlled by the City	<b>Index:</b> City Council
	<b>Number:</b> 1201-10
<b>Effective Date:</b> August 18, 2009	<b>Prepared By:</b> City Clerk
<b>Supersedes:</b> None	<b>Approved By:</b> City Council 

## 1.0 PURPOSE:

The purpose of this Policy is to ensure that tickets and passes provided to and distributed by the City are in furtherance of a governmental and/or public purpose as required under Section 18944.1 of Title 2, Division 6 of the California Code of Regulations.

This policy is subject to all applicable FPPC regulations as well as the Political Reform Act. Nothing in this Policy is intended to alter, amend or otherwise affect the obligations of City Officials under the Political Reform Act and its implementing regulations or the City of San Clemente's Conflict of Interest Code set forth in Chapter 2.24 of the Code of the City of San Clemente.

## 2.0 ORGANIZATIONS AFFECTED:

The City of San Clemente and San Clemente Redevelopment Agency. All references within this Policy to "City" shall also apply to the San Clemente Redevelopment Agency.

## 3.0 REFERENCES:

- 1) Title 2, Division 6 of the California Code of Regulations, Sections 18100 *et seq.*
- 2) California Political Reform Act (Government Code Sections 81000 *et seq.*) and implementing regulations
- 3) Chapter 2.24 of the Code of the City of San Clemente (i.e., the City's Conflict of Interest Code)
- 4) Government Code Section 82048
- 5) FPPC Regulation 18701

#### **4.0 POLICY:**

- 4.1 This Policy applies to tickets and passes which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are:
- a) gratuitously provided to the City by an outside source;
  - b) acquired by the City by purchase; or
  - c) acquired and distributed by the City in any other manner.
- 4.2 This Policy shall only apply to the City's distribution of tickets/passes to, or at the behest of, a City Official. This Policy does not apply to any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided. This includes food, beverages or gifts provided to a City Official at an event that is not included in the fair market value of the Ticket.

#### **5.0 DEFINITIONS:**

Unless otherwise expressly provided herein, words and terms used in this Policy shall have the same meaning as in the California Political Reform Act of 1974 (Government Code Sections 81000 *et seq.*, as amended from time to time) and the related Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18100 *et seq.*, as amended from time to time.)

- 5.1 "City" or "City of San Clemente" means and includes the City of San Clemente, the San Clemente Redevelopment Agency, and any other affiliated agency created or activated by the San Clemente City Council, and any commission, committee, board or department thereof.
- 5.2 "City Official" means every member, officer, employee or consultant of the City of San Clemente, as defined in Government Code Section 82048 and FPPC Regulation 18701.
- 5.3 "FPPC" means the California Fair Political Practices Commission
- 5.4 "Immediate Family" means an individual's spouse and dependent children.
- 5.5 "Policy" means City Policy and Procedure #1201-10 which governs the distribution, use and reporting of tickets and passes controlled by the City.
- 5.6 "Ticket" means any ticket or pass that grants admission privileges to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

**6.0 GENERAL PROVISIONS:**

- 6.1 No Right to Tickets. The distribution of Tickets pursuant to this Policy is a privilege extended by the City and not the right of any person to whom the privilege may from time to time be extended.
- 6.2 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 the City Official's immediate family solely for their personal use.
- 6.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this Policy shall sell, receive reimbursement for, or receive any other consideration in exchange for the Ticket.
- 6.4 Implementation of Policy: The City Manager shall have the authority to determine whether the City should accept or decline Tickets offered to the City and to distribute Tickets as he/she deems appropriate, provided such action conforms with this Policy.
- 6.5 Designation of Agency Head: The City Manager shall be the "Agency Head" for purposes of implementing the provisions of this Policy. The City Manager shall promptly report all Tickets distributed pursuant to this Policy to the City Clerk, who shall be responsible for posting disclosure forms on the City's website in compliance with FPPC regulations.
- 6.6 No Earmarking of Tickets: No Ticket gratuitously provided to the City by an outside source shall be earmarked by the original source for distribution to a particular City Official.
- 6.7 Valuation of Tickets: The City Manager shall determine the face value of all Tickets distributed by the City pursuant to this Policy.

**7.0 DISTRIBUTION OF TICKETS:**

Subject to the provisions of this Policy, Tickets may be distributed to City Officials under any of the following conditions:

- 7.1 The City Official reimburses the City, at the time of ticket distribution, for the face value of the Ticket(s).
- 7.2 The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.

- 7.3 The distribution of the Ticket(s) to, or at the behest of, the City Official accomplishes a governmental and/or public purpose including, but not limited to, any of the following:
- a) The performance of a ceremonial role or function by a City Official on behalf of the City at an event.
  - b) The official duties of the City Official require his or her attendance at the event.
  - c) Promotion of intergovernmental relations and/or cooperation 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.
  - d) Promotion of City resources and/or facilities available to San Clemente residents.
  - e) Promotion of City initiated, sponsored or supported community programs or events.
  - f) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefitting San Clemente residents.
  - g) Promotion of business activity, development, and/or redevelopment within the City.
  - h) Promotion of City tourism.
  - i) Increasing public awareness of the various recreational, cultural, and educational venues and facilities available to the public within the City.
  - j) Attracting and/or rewarding volunteer public service.
  - k) Encouraging or rewarding significant academic, athletic, or public service achievements by San Clemente students, residents or businesses.
  - l) Attracting and retaining City employees.
  - m) Recognizing or rewarding meritorious service by City employees.
  - n) Promoting enhanced City employee performance or morale.
  - o) Recognizing contributions made to the City by City Officials who are leaving the City's service.

**8.0 DISCLOSURE REQUIREMENTS:**

- 8.1 This Policy shall be permanently posted on the City's website in a prominent fashion
- 8.2 Tickets distributed pursuant to this Policy shall be disclosed on a form provided by the FPPC (Form 802) and posted on the City's website in a prominent fashion within thirty (30) days from the date Tickets are received by, or distributed at the behest of, a City Official. Form 802 shall remain on the City's website for a minimum of four years from the date of posting. The original Form 802 shall be retained in the Office of the City Clerk for a seven-year period. The disclosure form 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 the organization and number of tickets provided to the organization in lieu of posting the names of each recipient;
  - b) A description of the event;
  - c) The date of the event;
  - d) The face value of the Ticket;
  - e) The number of Tickets provided to each person;
  - f) If the Ticket was distributed at the behest of a City Official, the name of the City Official who made the behest; and
  - g) A description of the public purpose(s) furthered by the Ticket distribution or, alternatively, that the City Official is treating the Ticket as income.
- 8.3 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 7 1 above shall not be subject to the disclosure provisions of Section 8.2.

