

**CITY OF SANTA MARIA'S 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 tickets or passes given to or acquired by 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 California Political Reform Act of 1974 (Government Code Sections 81000, et seq.) as now exist or may hereafter be added or amended. (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 Santa Maria" shall mean and include the City of Santa Maria, and any other affiliated agency created or activated by the Santa Maria 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 dependent children shall mean a minor child, including an adoptive child or stepchild, of a City Official 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 privileges 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 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;
4. Acquired by the City because the City owns or controls the event or venue; or
5. 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 to a City Official by sources other than the City; or
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. 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 5. 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 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 obtain from the event sponsor the value of Tickets distributed by the City for purposes of Sections 6.A. and 6.B of this Policy if no value is printed on the Ticket.

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 City Manager.

#### **Section 6. 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, if the City purchased the ticket, or the sponsor providing the ticket, 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 by the City as income pursuant to the provisions of this Policy.

C. The City Official uses, or behests, such Ticket(s) for one or more of the following governmental and/or public purposes:

1. Performance of a ceremonial role or function by a City Official on behalf of the City at an event.

2. Attendance at an event where the job duties of the City Official require his or her attendance at the event.

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 development or business retention and attraction purposes on behalf of the City, on a local, state, national or worldwide scale.

5. Promotion of City resources and/or facilities available to Santa Maria residents.

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

7. Promoting, supporting, or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Santa Maria residents.

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

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

10. Encouraging Santa Maria resident and business support for and attendance at local events.

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

12. Attracting or rewarding volunteer public service.

13. Encouraging or rewarding significant academic, athletic, or public service achievements by Santa Maria students, residents or businesses.

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

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

16. Promoting enhanced City employee performance or morale.

D. Depending on the nature or type of an event serving a public purpose described in Section C above, and subject to the discretion of the Ticket Administrator, the City Official may also receive Ticket(s) for all or some of his Immediate Family to accompany the City Official to these events.

E. Notwithstanding the foregoing, if the City acquired the Ticket for an event in the manner described in Section 3.B.2, 3.B.3, or 3.B.4, and should such a Ticket be used by a member of the City Council, such Ticket will be subject to the FPPC gift regulations (unless another exception of the FPPC regulations applies). This limitation applies only to members of the City Council; all other subject to the FPPC gift regulations. In addition, this limitation does not prevent a member of the City Council from behesting a Ticket acquired in the manner described in Section 3.B.2, 3.B.3, or 3.B.4 to another person (other than from the Councilmember's Immediate Family) who is authorized to use a Ticket under this Policy.

**Section 7. Tickets Distributed at the Behest of a City Official (Other than the Ticket Administrator).**

A. Other than the Ticket Administrator, only the following City Officials shall have authority to behest Tickets to others: City Council Members, the Deputy City Manager(s), and Department Heads.

B. Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 6.C. above.

C. If Tickets are distributed at the request of a City Official other than the Ticket Administrator, such City Official shall not use any Ticket so requested to attend the event unless the City Official treats the Ticket as a gift that is subject to the regulations of the FPPC or as income by both the City and the City Official.

## **Section 8. Other Benefits.**

A. The distribution of Tickets pursuant to this Policy shall not constitute a "gift" to the City Official receiving the Ticket subject to the annual gift limit, 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 under FPPC Regulations and subject to the annual gift limit.

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, unless another exception set forth in a different FPPC regulation other than Regulation 18944.1 applies, or unless the Tickets are returned unused to the provider within thirty (30) days of receipt.

## **Section 9. Posting, Disclosure, and Retention Requirements.**

A. This Policy and Form 802 reports required by Section 18944.1 of the FPPC Regulations shall be submitted to the FPPC for posting on its website. They shall be emailed to [Form802@fppc.ca.gov](mailto:Form802@fppc.ca.gov).

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 forty-five (45) calendar days of the distribution of a Ticket, the Ticket Administrator, or his/her designee, shall prepare and certify a Form 802 and shall submit it to the FPPC for posting on its 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.

D. The City shall retain the original Form 802 for seven (7) years after a copy has been transmitted to the FPPC pursuant to Sections 9.A. and 9.B.