

RESOLUTION NO. 2009-3089

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VILLA
PARK, CALIFORNIA, ADOPTING A TICKET DISTRIBUTION
POLICY**

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;

WHEREAS, the California Fair Political Practices Commission ("FPPC") recently amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to facilities or events for entertainment purposes distributed by the City to, or at least at the behest of, public officials to further restrict the use of event tickets and passes by City officials and employees;

WHEREAS, from time to time the City of Villa Park (the "City") receives event tickets and/or passes from public and private entities and individuals;

WHEREAS, the City, on occasion from time to time, may purchase tickets and/or passes to entertainment events for its officials and employees for public purposes;

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

WHEREAS, in accordance with recently amended FPPC Regulation Section 18944.1, the City desires to use such tickets and/or passes to further public purposes, such as the promotion of City businesses, resources, programs, and facilities;

WHEREAS, the furtherance of public purposes may require the distribution of said tickets and/or passes to "public officials," as that term is defined by Government Code Section 82048 and FPPC Regulation Section 18701;

WHEREAS, FPPC Regulation Section 18944.1(b)(2) pertains to the City's receipt of equal or greater value in exchange for the distribution of a ticket and/or pass to its officials;

WHEREAS, FPPC Regulation Section 18944.1 provides for the circumstances and procedures under which the receipt of tickets and/or passes by a public official would need to be disclosed by the City and also the circumstances under which such tickets and/or passes distributed to public officials will not trigger disclosure requirements for the purpose of the public official's Statement of Economic Interests, also known as Form 700;

WHEREAS, pursuant to FPPC Regulation Section 18944.1 these tickets and/or passes are not gifts to public officials if the City distributes these tickets and/or passes in accordance with a duly adopted written policy, when distributed under Section 18944.1(b)(2);

WHEREAS, consistent with the foregoing recitals and according to FPPC Regulation Section 18944.1, such tickets and/or passes distributed in accordance with a duly adopted

written policy are, when so distributed under FPPC Regulation Section 18944.1(b)(2), not considered gifts to public officials; and

WHEREAS, the FPPC recognizes and has stated that the City has discretion 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, the City Council of the City of Villa Park, California, does hereby resolve as follows:

SECTION 1. The City Council of the Villa Park hereby adopts the City of Villa Park Ticket and/or Passes Distribution Policy incorporated herein by this reference and attached hereto as "Exhibit A;"

SECTION 2. Consistent with the requirements of California Code of Regulations Section 18944.1, the City Council hereby directs the City Clerk to post the Ticket and/or Passes Distribution Policy in a prominent fashion on the City's website;

SECTION 3. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

PASSED AND ADOPTED by the City Council of the City of Villa Park at an adjourned meeting of the City Council held on the 14th day of July, 2009.

(c)(1)

City Clerk

(c)(1)

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF VILLA PARK }

I, JARAD L. HILDENBRAND, City Clerk of the City of Villa Park DO HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Villa Park on the 14th day of July, 2009, and was carried by the following roll call vote, to wit:

AYES:	COUNCILMEMBERS:	Pauly Ulmer, Reese, MacAloney, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

(c)(1)

Exhibit "A"

**CITY OF VILLA PARK
TICKETS AND/OR PASSES DISTRIBUTION POLICY**

- 1.0 Purpose of Policy.
 - 1.1 The purpose of this Policy is to ensure that all Tickets the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.
- 2.0 Application of Policy.
 - 2.1 Types of Tickets: This Policy applies to Tickets which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are either:
 - a) gratuitously provided to the City by an outside source;
 - b) acquired by the City by purchase;
 - c) acquired by the City as consideration pursuant to the terms of a contract for the use of a city venue; or
 - d) acquired and distributed by the City in any other manner.
 - 2.2 Policy Applicable to Tickets Only: This Policy shall only apply to the City's distribution of Tickets 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.
 - 2.3 This Policy, together with the procedures established pursuant to Section 4.4 below, shall supersede and replace any prior City policy governing Tickets to which this Policy applies.
- 3.0 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).
 - 3.1 "City" or "City of Villa Park" shall mean and include the City of Villa Park and any other affiliated agency created or activated by the Villa Park City Council, and any departments, boards and commissions thereof.
 - 3.2 "City Official" shall mean and refer to the City's "public officials," as that term is defined by Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any City board, commission, or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).
 - 3.3 "FPPC" shall mean and refer to the California Fair Political Practices Commission.
 - 3.4 "Immediate family" shall mean and refer to the spouse and dependent children.
 - 3.5 "Policy" shall mean and refer to this Ticket Distribution Policy.

3.6 "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.

4.0 General Provisions.

4.1 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.

4.2 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 such City Official's immediate family solely for their personal use.

4.3 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.

4.4 Implementation of Policy: The City Manager shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets in accordance with this Policy. All requests for Tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the City Manager.

4.5 Designation of Agency Head: The City Manager or his/her designee shall be the "Agency Head" for purposes of implementing the provisions of this Policy and completing and posting the FPPC California Form 802.

4.6 No Earmarking of Ticket to City: No Ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official.

5.0 Conditions Under Which Tickets May be Distributed: Subject to the provisions of this Policy, complimentary Tickets may be distributed to City Officials under the following conditions:

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

5.2 The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.

5.3 The distribution of the Ticket(s) to, or at the behest of, the City Official accomplishes a governmental and/or public purpose. The following list of governmental and/or public purposes the City may accomplish through the distribution of Tickets is illustrative rather than exhaustive:

a) Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event.

- b) 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.
- c) 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.
- d) Promotion of City resources and/or facilities available to Villa Park residents.
- e) Promotion of City-run, 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 benefiting Villa Park residents.
- g) Promotion of business activity, development, and/or redevelopment within the City.
- h) Promotion of City-owned businesses.
- i) Promotion of City tourism on a local, state, national or worldwide scale.
- j) Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- k) Promotion of open government by City official appearances, participation and/or availability at business and/or community events.
- l) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- m) Attracting or rewarding volunteer public service.
- n) Encouraging or rewarding significant academic, athletic, or public service achievements by Villa Park students, residents or businesses.
- o) Attracting and retaining highly qualified employees in the City service.
- p) Recognizing or rewarding meritorious service by a City employee.
- q) Promoting enhanced City employee performance or morale.
- r) Recognizing contributions made to the City by former City Council Members or City employees.

6.0 Disclosure Requirements.

- 6.1 This Policy shall be posted on the City website in a prominent fashion.
- 6.2 Tickets distributed by the City to any City Official either i) which the City Official treats as income pursuant to Section 5.2 above, or ii) for one or more public purposes described in Section 5.3 above, shall be posted on the City website in a prominent fashion, within thirty (30) days after distribution. Such posting shall incorporate the use of FPPC California Form 802, attached to and incorporated in this Policy as Exhibit A, or such alternative form(s) as may from time to time be designated by the FPPC.
- 6.3 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above shall not be subject to the disclosure provisions of Section 6.2.