

RESOLUTION NO. 2011-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, ADOPTING A COMPLIMENTARY TICKET POLICY PURSUANT TO THE REQUIREMENTS OF FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1.

WHEREAS, the Fair Political Practices Commission (FPPC) regulates complimentary tickets or passes distributed to government officials and employees by their agency; and

WHEREAS, the FPPC regulation requires the City Council to adopt a written policy governing the distribution of complimentary tickets and passes that includes a statement describing the public purpose to be accomplished by such policy; and

WHEREAS, the proposed complimentary ticket policy seeks 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, in compliance with the requirements of FPPC Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA HEREBY FINDS AND RESOLVES AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves and adopts the Complimentary Ticket Policy, attached hereto as Exhibit A and incorporated herein by this reference.

PASSED, APPROVED, AND ADOPTED this 13th day of June, 2011.

(c)(1)



Mayor

(c)(1)



EXHIBIT A TO RESOLUTION NO. 2011-27
CITY OF YUCAIPA
COMPLIMENTARY TICKET POLICY

- I. Purpose: This Policy governs the distribution of complimentary tickets received by the City. The purpose of this Policy is to establish a fair and equitable process for the distribution of complimentary tickets to 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 Political Reform Act of 1974 (Government Code Section 81000 et seq., as the same may from time to time be amended).

- II. Authority: FPPC Regulation 18944.1

- III. Assigned Responsibility: City Council, City Manager

- IV. Applicability: All City officials and employees

- V. General Policy:
 - A. Application of Policy.
 1. This Policy applies to tickets which provide admission to an event for an entertainment, amusement, recreational or similar purpose, and are:
 - (a) Gratuitously provided to the City by an outside source; or
 - (b) Acquired by the City by purchase; or
 - (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. This Policy does not apply to:
 - (a) A single ticket provided to and used by a City official or employee to an event at which the official or employee performs a ceremonial role or function on behalf of the City; or
 - (b) Any other item of value provided by the City or any City official or employee, regardless of whether received gratuitously or for which consideration is provided; or
 - (c) Tickets provided by sources other than the City; or

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

1. "City" or "City of Yucaipa" means and includes the City of Yucaipa, any other affiliated agency created or activated by the Yucaipa City Council, and any departments, boards, and commissions thereof.
2. "City venue" means and includes any facility owned, controlled, or operated by the City of Yucaipa.
3. "Ticket" means and includes any form of admission privilege to a facility, event, show, or performance for entertainment, amusement, recreation, or similar purposes, and excludes working credentials.
4. "Ticket Administrator" shall be the person with the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy, and to implement the policy. The City Manager shall be the Ticket Administrator.

C. General Provisions.

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.
2. Limitation on Transfer of Tickets: Unless otherwise provided herein, tickets distributed to a City official or employee pursuant to this policy shall not be transferred to any other person, except to members of such City official's or employee's immediate family solely for their personal use.
3. Prohibition Against Sale of Tickets: No person who receives a ticket pursuant to this policy shall sell the ticket or receive payment for such ticket from any other person.

D. Distribution of Complimentary Tickets by the City. The Ticket Administrator shall have sole discretion to determine who shall receive the Tickets.

1. The Ticket Administrator may provide two (2) Tickets to each Council Member.
 - (a) The Tickets shall be used by the Council Member and his or her spouse or dependent children solely for their personal use.

- (b) The public and governmental purpose of providing the Tickets to Council Members is to enable them to (i) advertise and promote the City of Yucaipa, and (ii) monitor and evaluate events held at City venues and their compliance with City policies, agreements and other requirements.
- (c) Council Members may purchase at face value additional Tickets, but no more than two (2) Tickets will be provided as described in this Section.

2. The Ticket Administrator may distribute one (1) Ticket to a City employee on an equitable basis, with the option that such employee may be allowed to purchase at face value a second Ticket for use by the employee's immediate family or personal guest.

- (a) The purpose of providing the Ticket to a City employee is to enable the employee to (i) advertise and promote the City of Yucaipa, (ii) monitor and evaluate the value of events held at City venues and their compliance with City policies, agreements and other requirements, and (iii) enhance employee morale.

3. The Ticket Administrator may distribute Tickets to non-profit community service groups in the City if there is a public purpose for doing so.

4. The Ticket Administrator may distribute complimentary tickets or passes to persons participating in recreational, educational or cultural programs administered by the City or for other lawful purposes; provided, however, that Tickets shall only be distributed to City Council Members and City employees or their spouses and dependent children in accordance with this Policy.

5. Tickets shall be distributed to City officials and employees under procedures designated by the Ticket Administrator, provided the manner of distribution conforms to this Policy and can be documented and reported as required by this Policy.

E. Tickets Under this Policy Not Subject to Gift Regulations: Other Benefits Could Be Gifts.

1. The distribution of Tickets pursuant to this Policy shall not constitute a "gift" to the City Council Member or City employee pursuant to the terms of FPPC Regulation 18744.1. However, other benefits, such as food or beverage or items provided or presented to the City official or employee that are not included with the admission provided by the Ticket must be accounted for as gifts.

2. If the City receives Tickets that are earmarked for a particular City official or employee, such Tickets are considered gifts to that particular official or employee. If the Tickets are not returned unused to the provider within thirty (30) days of receipt,

the official or employee must comply with the applicable FPPC gift limit and reporting regulations.

F. **Reporting of Tickets.** The distribution and use of Tickets pursuant to this Policy shall be documented on FPPC Form 802 (Tickets Provided by Agency Report). Within thirty (30) calendar days of the distribution of a ticket or the use of a pass the Ticket Administrator, or his or her designee, shall prepare and certify Form 802 and shall post it on the City's website. This Policy shall be posted on the City website in a prominent fashion.

G. **Tickets to Political and Non-Profit Fundraisers.** The reporting requirements for complimentary tickets to political and non-profit fundraising events are governed by FPPC Regulation 18946.4 and the City has no jurisdiction to modify the reporting requirements; as such, the distribution of such tickets are not governed by this Policy. These complimentary tickets, passes, or other admission privilege are referenced in this Policy as a convenience to persons seeking information regarding the distribution of such tickets, passes, or other admission privilege. Pursuant to FPPC Regulation 18946.4, all complimentary tickets, passes or other admission privilege to a political or non-profit fundraising event provided directly to a City official that are received after October 4, 2008 are reportable as gifts on that official's FPPC Form 700 (Statement of Economic Interests) and are subject to the annual gift limit (currently \$420 per calendar year) unless one of the following narrow exceptions applies:

1. **Fundraisers of 501(c)(3) Organizations.** A City official may receive one (1) complimentary ticket, pass or admission privilege from a 501(c)(3) charitable organization to its fundraising event, provided that the official does not receive more than the annual gift limit (currently \$420 per calendar year) in the value of the non-deductible portion of the ticket from that charity within a calendar year. "Non-deductible portion" means the face value of the ticket (reduced by any stated donation portion) or, if there is no ticket indicating a face value, the pro rata share of the cost of any food and beverage plus any other specific item presented to the official at the event. The official must make sure that the charity is a valid Internal Revenue Service 501(c)(3) organization because not all "non-profit organizations" are 501(c)(3) organizations. Also, a gift of a ticket or tickets to a 501(c)(3) charitable organization's fundraising event to an official from a third party other than the 501(c)(3) charitable organization is a gift to the official from that third party subject to the gift limit and reportable on Form 700.

2. **Political Fundraisers.** A City official may receive one (1) complimentary ticket, pass, or admission privilege to a political fundraising event for a political committee as defined in Government Code Section 82013(a), or a comparable committee regulated under federal law holding an event in California, or the committee of a candidate. Also, a gift of a ticket, pass, or other admission privilege to a political fundraiser from a third party other than the committee or candidate sponsoring the

event is a gift to the official from that third party. Such gift is subject to the annual gift limit and reportable on Form 700.

FPPC Regulation 18945.4 contains detailed provisions about how to calculate the value of tickets to political and non-profit fundraisers as well as when such tickets must be reported. Complimentary tickets, passes, or other admission privilege to a non-profit organization's fundraising event that are donated to the City without designation of who should attend shall be distributed as otherwise provided in this policy.

VI. Adoption: This Complimentary Ticket Policy was approved by Resolution No. 2011-27 of the City Council on June 13, 2011.