

RESOLUTION NO. 2014 - 27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF WILDOMAR, CALIFORNIA, ADOPTING A POLICY
FOR THE DISTRIBUTION OF TICKETS TO CONFORM TO
SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA
CODE OF REGULATIONS**

WHEREAS, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of Title 2 of the California Code of Regulations ("Regulation 18944.1"), which amendment became operative on February 7, 2009, that set forth the circumstances under which the City's distribution of certain tickets and passes to a public official would need to be disclosed by the City and not trigger a disclosure requirement for the purposes of the public official's Statement of Economic Interest Form 700.

WHEREAS, tickets or passes subject to Regulation 18944.1 are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose.

WHEREAS, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the City's distribution of tickets or passes to City officials serves a legitimate public purpose of the City, provided the determination is consistent with state law.

WHEREAS, from time to time the City may receive complimentary or discounted tickets or passes from outside sources or receive tickets or passes pursuant to the City's co-sponsorship of an event, or may purchase tickets or passes for both public and private events for distribution to City officials.

WHEREAS, the distribution to and use of such tickets and passes by officials frequently serve legitimate governmental and/or public purposes.

WHEREAS, based on such practice and the amended regulations, the City Council desires to adopt a policy regarding the distribution of tickets or passes pursuant to Regulation 18944.1.

NOW THEREFORE, the City Council of the City of Wildomar does resolve that the Policy for the Distribution of Tickets set forth in Exhibit A to this Resolution, is hereby adopted.

PASSED, APPROVED, AND ADOPTED this 18th day of June, 2014.



Marsha Swanson
Mayor

ATTEST:



Debbie A. Lee, CMC
City Clerk

APPROVED AS TO FORM:



Thomas D. Jex
City Attorney

EXHIBIT "A"

The Policy for the Distribution of Tickets



CITY OF WILDOMAR POLICY FOR THE DISTRIBUTION OF TICKETS

1.0 Application of Policy

- 1.1 This policy applies to tickets which provide admission to a facility, event, show, or performance 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;
 - d) acquired by the City because the City controls the event; or
 - e) acquired and distributed by the City in any other manner.
- 1.2 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.
- 1.3 This policy does not apply to the following situations:
 - a) The City Official reimburses the City for the face value of the ticket(s) at the time the ticket(s) are distributed to the City Official.
 - b) The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws, and the City reports the distribution of the ticket(s) as income to the City Official in compliance with Section 7.1 of this Policy.
 - c) The ticket(s) were given to the City by an outside source and earmarked by the donor for use by the City Official(s) who ultimately use the ticket(s).

2.0 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).

- 2.1 “City” or “City of Wildomar” shall mean and include the City of Wildomar any other affiliated agency created or activated by the Wildomar City Council, and any departments, boards and commissions thereof.
- 2.2 “City Official” means every member, officer, employee or consultant of the City of Wildomar, as defined in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any City board or commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).
- 2.3 “City Venue” means any facility owned, controlled or operated by the City of Wildomar.
- 2.4 “Immediate family” means the spouse and dependent children of a City Official.
- 2.5 “Ticket” means a “ticket” or “pass” as those terms are defined in FPPC Regulations 18944.1 and 18946.

3.0 General Provisions

- 3.1 **Distribution for Public Purpose:** The distribution of any ticket to, or at the behest of, a City Official must accomplish one or more of the public purposes listed in Section 5.0 of this policy.
- 3.2 **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.
- 3.3 **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 or no more than one guest solely for their attendance at the event.
- 3.4 **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.

4.0 Ticket Administrator

- 4.1 The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this policy.

- 4.2 In any circumstance where the City Manager desires to obtain a ticket or pass for himself or herself, the City Council authorizes the Mayor to exercise the City's sole discretion in determining whether the City Manager's use or behest of tickets or passes is in accordance with the terms of this policy.

5.0 Conditions Under Which Tickets May be Distributed

Subject to the provisions of this policy, tickets may be distributed to City Officials for one or more of the following public purposes.

- 5.1 Performance of a ceremonial role or function representing the City at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- 5.2 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 the City Official and each member of his or her immediate family.
- 5.3 Economic or business development purposes on behalf of the City.
- 5.4 Intergovernmental relations purposes, 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.
- 5.5 Attracting or rewarding volunteer public service.
- 5.6 Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting City residents.
- 5.7 Encouraging or rewarding significant academic, athletic, or public service achievements by Wildomar students, residents or businesses.
- 5.8 Supporting general employee morale and retention, for which such City Official may receive no more than four (4) tickets per event. Elected City Officials are not eligible for tickets under this Section 5.8.
- 5.9 As special recognition or reward for meritorious service by a City Official, for which such City Official may receive no more than four (4) tickets per event. Elected City Officials are not eligible for tickets under this Section 5.9.
- 5.10 For use in connection with a City employee competition or drawing, for which there shall be made available no more than (4) tickets per event.
- 5.11 Recognition of contributions made to the City by former City Council Members or City Executive Managers, for which such former City Council Member or Executive Manager may receive no more than (4) tickets per event.

6.0 Tickets Distributed at the Behest of a City Official

- 6.1 Only the following City Officials shall have authority to behest tickets: City Council Members and the City Manager.

- 6.2 Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 5 above.
- 6.3 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.

7.0 Disclosure Requirements

- 7.1 The distribution of Tickets pursuant to this policy must be documented by the preparation and certification of FPPC Form 802, or such alternative form as may be approved or amended by the FPPC from time to time. Within forty-five (45) calendar days of the distribution of a Ticket, the Ticket Administrator must prepare and certify a Form 802 and must forward it to the FPPC for posting on the FPPC website.
- 7.2 The City will maintain the completed Form 802 as a public record, subject to inspection and copying as set forth in Government Code Section 81008 and 81009.

8.0 Return of Tickets

Prior to the event taking place, any City Official or a member of their immediate family may return any unused ticket to the City for redistribution pursuant to this policy and is not required to disclose the receipt of the ticket.

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)


I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. 2014 – 27 was duly adopted at an adjourned regular meeting held on June 18, 2014, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Moore & Walker

NOES: None

ABSTAIN: None

ABSENT: Council Member Cashman


Debbie A. Lee, CMC
City Clerk
City of Wildomar