

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ADOPTING A POLICY FOR THE DISTRIBUTION OF TICKETS AND PASSES UNDER SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS**

**WHEREAS**, the Political Reform Act (Government Code §§ 81000 *et seq.*) and the Fair Political Practices Commission (“FPPC”) Regulations (2 Cal. Code Regs. §§ 18110 *et seq.*) provide limitations for certain gifts received by public officials and require public officials to disclose the receipt of certain gifts, including tickets and passes; and

**WHEREAS**, FPPC Regulation 18944.1 sets forth circumstances under which the City’s distribution of tickets and passes to City officials for a public purpose may be disclosed by the City and not trigger gift limitations or disclosure requirements for the official on the official’s Statement of Economic Interest Form 700; and

**WHEREAS**, tickets and passes that fall under the provisions of Regulation 18944.1 are defined as an admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose; and

**WHEREAS**, the FPPC recognizes the discretion of the City Council 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; and

**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; and

**WHEREAS**, the distribution to and use of these tickets and passes by City officials frequently serve legitimate governmental and/or public purposes; and

**WHEREAS**, the City Council desires to adopt a policy regarding the distribution of tickets and passes in conformance with Regulation 18944.1.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City of Cathedral City Ticket Distribution Policy set forth in Exhibit "A" to this Resolution, is hereby adopted.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Cathedral City this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**Stanley Henry, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Gary F. Howell, City Clerk**

\_\_\_\_\_  
**Eric S. Vail, City Attorney**

# CITY OF CATHEDRAL CITY

## 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 Cathedral City" shall mean and include the City of Cathedral City any other affiliated agency created or activated by the Cathedral City City Council, and any departments, boards and commissions thereof.

## EXHIBIT "A"

- 2.2 "City Official" means every member, officer, employee or consultant of the City of Cathedral City, 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 Cathedral City.
- 2.4 "Immediate family" means the spouse or registered domestic partner of a City Official 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.
- 3.5 Number of Tickets: The Ticket Administrator shall determine the number of tickets that may be distributed to a City Official for a particular event consistent with this policy, but in no case shall the number of tickets given to a City Official for a particular event exceed the total number of persons in the City Official's immediate family, including the Official, plus one ticket for an additional guest. For tickets to community events, the Ticket Administrator shall provide the Official with a ticket for their spouse or significant other whenever feasible as a means of encouraging greater involvement in community events.

### **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.
- 5.2 The job duties of the City Official require his or her attendance at the event.
- 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 Cathedral City students, residents or businesses.
- 5.8 Supporting general employee morale and retention. 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. 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.

**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 or his or her designee must prepare and certify a Form 802 and must forward it to the FPPC for posting on the FPPC website.

EXHIBIT "A"

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.