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RESOLUTION NO. R-32-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON,
CALIFORNIA ESTABLISHING A TICKET AND PASSES DISTRIBUTION
POLICY**

WHEREAS, from time to time, the City of Colton (the "City") receives event tickets and/or passes from third party sources, both public and private; and,

WHEREAS, the City finds that the receipt of all such tickets and/or passes as defined in California Code of Regulation 18946 are hereby deemed public resources; and,

WHEREAS, the City desires to continue distributing these public resources in a manner that furthers the City's governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs and facilities; and,

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

WHEREAS, the Fair Political Practices Commission ("FPPC") has clearly stated that it recognizes the discretion of the legislative or governing body of an agency 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, BE IT RESOLVED, the City Council of the City of Colton, California hereby adopts the following Ticket Distribution Policy:

CITY OF COLTON TICKETS AND/OR PASSES DISTRIBUTION POLICY

PURPOSE

The purpose of this Policy is to ensure that all Tickets distributed by the City are issued in furtherance of a valid governmental and/or public purpose of the City as required under Section 18944.1 of the FPPC regulations. This Policy applies to Tickets which provide

1 admission to an Event. This Policy shall be applicable to every officer, agent and employee
2 of the City who is obligated to file an Annual Statement of Economic Interests (FPPC Form
3 700) under state law or the City's current Conflict of Interest Code.

4 **POLICY**

5 This Policy only applies to the benefits the City Official receives by the admission, and are
6 not applicable to any other item of value provided. This Policy does not generally apply to
7 political or nonprofit fundraisers which are governed under a separate policy. This Policy also
8 does not apply to Tickets provided directly to or earmarked for the City Official or a certain
class of City Officials.

9 **SECTION 1. DEFINITIONS**

10 Unless otherwise expressly provided herein, words and terms used in this Policy shall
11 have the same meaning as that ascribed to such words and terms in the California Political
12 Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may be
13 amended from time to time) and the FPPC regulations (Title 2, Division 6 of the
California Code of Regulations, section 18110 *et seq.*, as the same may be amended from
14 time to time).

15 "Ceremonial Role" shall mean and refer to that definition as provided under FPPC
16 Regulation 18942.3. Basically, a "ceremonial role" is an act performed at an Event by the
17 official as a representative of the official's agency at the request of the holder of the Event
18 or function where, for a period of time, the focus of the Event is on the act performed by
19 the official. Examples of a ceremonial role include: throwing out the first pitch at a
baseball game; cutting a ribbon at an opening; making a presentation of a certificate,
20 proclamation, award, or other item, such as the key to the City.

21 "City" shall mean and refer to the City of Colton and any other affiliated agency created
22 or activated by the Colton City Council.

23 "City Official" shall mean and refer to every member, elected officer, appointed officer,
24 employee or consultant of the City, as that term is defined by Government Code Section
25 82048 and FPPC Regulation 18701. This term shall include, without limitation, any City
26 board, commission or committee member or other appointed official or employee required
to file an annual Statement of Economic Interests (FPPC Form 700). For the purpose of
27 this Policy, this term shall also include a spouse serving a public purpose by
28 accompanying a City Official to an Event and thereby serving as an ambassador of the
City.

"Event" shall mean an event, show or performance for entertainment, amusement,
recreational or similar purpose for which a Ticket is required to gain admission.

"FPPC" shall mean and refer to the California Fair Political Practices Commission.

1 "Immediate Family" shall mean and refer to spouse and dependent children as defined in
2 Government Code section 82029.

3 "Policy" shall mean and refer to this "Ticket Distribution Policy".

4 "Spouse" shall mean a husband or wife, domestic partner, or similar significant other.

5 "Ticket" shall mean and refer to a "ticket and/or pass" to an Event.

6
7 "Ticket Administrator" shall mean and refer to the City Manager or his/her designee.

8 **SECTION 2. GENERAL PROVISIONS**

9 a. No Right to Tickets: The use of a Ticket is a privilege extended by the City and not
10 the right of any person to which the privilege may from time to time be extended.

11 b. Limitation on Transfer of Tickets: Tickets distributed to City Officials pursuant to this
12 Policy shall not be transferred to any other person, except to members of such City
13 Official's immediate family or no more than one guest solely for their attendance at
14 the event. Under no circumstances may either the City Official or a member of his or
15 her immediate family sell or further transfer any Ticket provided under this Policy.

16 c. Return of Tickets: Any City Official may return any Ticket unused to the City for
17 redistribution pursuant to this Policy.

18 d. Prohibition Against Sale of or Receiving Reimbursement for Tickets: No individual
19 who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the
20 value of the Ticket.

21 e. No Earmarking of Ticket Given to City: No Ticket gratuitously provided to the City by
22 an outside source and distributed by the City to, or at the behest of, a City Official
23 pursuant to this Policy shall be earmarked by the original source for use by a particular
24 City Official or a specific class of City Officials.

25 f. Limitation on Use: Any ticket or pass is deemed to serve a public purpose if distributed
26 to a City Official, other than an elected official, for the City Official's personal use in
27 order to support general employee morale, to encourage retention, or to reward public
28 service, if the ticket or pass is acquired by the City: (i) pursuant to a contract to use
public property, (ii) because the City controls the event, or (iii) by purchase at fair
market value. For purposes of this paragraph, "personal use" means use by the City
Official, his or her family, or no more than one guest. Nothing in this section limits the
receipt, distribution and behest of tickets or passes by elected officials for any of the
other public purposes stated in Section 5.

1 **SECTION 3. TICKET ADMINISTRATOR**

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- 3 a. Designation of Ticket Administrator: The City Manager or his/her designee shall be the "Ticket Administrator" for purposes of implementing the provisions of this Policy.
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- 5 b. Authority: The Ticket Administrator has the sole authority, in his or her discretion, to establish procedures for the distribution of Tickets supplemental to and in accordance with this Policy. All requests for tickets from City Officials which fall within the scope of the Policy shall be made in accordance with the procedures established by the Ticket Administrator.
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- 8 c. Implementation of Policy: The Ticket Administrator or his or her designee is hereby designated as having primary responsibility for distributing Tickets in his or her discretion to a reasonable number of City Officials in a manner that will best serve the City's interests and to persons whose attendance at a particular Event serves a specific governmental or public purpose.
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- 12 d. Revoking/Suspending Ticket Privileges: 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 in accordance with this Policy.
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- 15 e. Attendance: If available, the Ticket Administrator shall attend all events to which the City obtains control of Tickets as the City's primary staff representative.
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17 **SECTION 4. OFFICIAL DUTIES AND CEREMONIAL ROLES**

18 Tickets provided to City Officials as part of their official duties, or Tickets provided so that the City Official can perform a Ceremonial Role must be reported on Form 802.

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20 **SECTION 5. SPECIFIC GOVERNMENTAL OR PUBLIC PURPOSE FOR TICKET DISTRIBUTION**

21 The City Council has determined that there are certain times where a City Official's attendance serves a valid public purpose which benefits the City. The following is a list of the type of reasons which meet this requirement. The list is intended to be illustrative rather than exhaustive. The City may provide Tickets to or at the behest of a City Official for Events which serve any of the following public or governmental purposes:

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- 25 a) Promote, evaluate, and provide management and/or official oversight of City-controlled, sponsored or supported events, activities, or community programs at City venues, including but not limited to evaluation of the venue, quality of performance and compliance with City policies, agreements and other requirements.
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- 28 b) Support sponsorship agreements involving Events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts or sponsors

- 1 providing the necessary opportunities to meet and greet visitors, dignitaries, residents and
2 guests.
- 3 c) Where the City, as a form on consideration for a written contract, has required that a
4 certain number of Tickets be made available for City use.
- 5 d) Promote local and regional businesses, economic development and tourism activities
6 within the City, including conventions and conferences.
- 7 e) Enhance City recognition, visibility, and/or profile on a local, state, national or worldwide
8 scale.
- 9 f) Foster open government by City Official appearances, participation and/or availability at
10 business and/or community events.
- 11 g) Improve intergovernmental relations by encouraging the members of the City Council,
12 City staff, and their guests, where appropriate, to attend functions and events with the
13 public officials of other entities, thereby fostering an open dialogue and better
14 understanding of intergovernmental issues.
- 15 h) Increase public exposure to, and awareness of, the various public recreational, cultural,
16 community and education facilities available to the public within the City.
- 17 i) Promote business activity with the City and/or highlight the achievements of local
18 residents and businesses.
- 19 j) Promote business growth and development within the City, including economic
20 development and job creation opportunities.
- 21 k) Facilitate outreach and recognition programs for veterans, teachers, emergency services,
22 medical personnel, community organizations and other civil service occupations.
- 23 l) Encourage or reward significant academic, athletic, or public service achievements by
24 City of Colton students, residents or businesses.
- 25 m) Promote community resources and private facilities available for use by City residents and
26 nonprofit organizations.
- 27 n) Promote, support and/or show appreciation for programs and services rendered by non-
28 profit organizations benefiting City of Colton residents.
- o) Encourage volunteers to become members of City commissions, committees and boards
and reward volunteer public service.
- p) Attract and retain highly qualified employees in City service, recognize or reward
meritorious service by a City employee, and/or promote enhanced City employee
performance or morale.

1 **SECTION 6. TICKETS DISTRIBUTED AT THE BEHEST OF A CITY OFFICIAL**

2 Only the following City Officials shall have the authority to behest tickets: City Council
3 Members, City Manager and Department Heads.

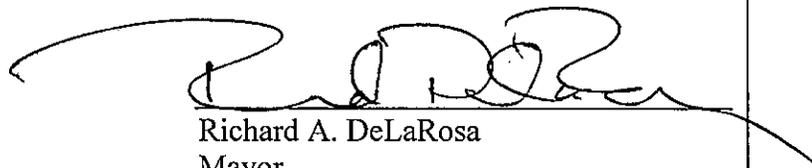
4 Tickets shall be distributed at the behest of a City Official only for one or more public
5 purposes set forth in section 5 above. If tickets are distributed at the behest of a City Official,
6 such City Official shall not use one of the tickets so distributed to attend the Event.

7 **SECTION 7. TICKET REPORTING AND DISCLOSURE REQUIREMENTS**

8 Tickets distributed by the City to a City Official shall be documented in a completed FPPC
9 Form 802. The completed Form 802 shall be filed with the City Clerk's Office and posted on
10 the City's website in a prominent fashion within 30 days after the distribution. The forms
11 shall be maintained as a public record, be subject to inspection and copying under Section
12 81008(a), and be forwarded to the FPPC for posting on its website. A Form 802 posted to the
13 City's website shall be maintained on the City's website for a period of not less than four
14 years.

15 **SECTION 8. EFFECTIVE DATE.** The Mayor shall sign this Resolution and the City Clerk
16 shall attest hereto, and this Resolution shall take effect and be in force on the date of its
17 adoption.

18 **PASSED, APPROVED AND ADOPTED** this 3rd day of May, 2016.

19 
Richard A. DeLaRosa
Mayor

20 ATTEST:

21 
22 Carolina R. Padilla
23 City Clerk

24 APPROVED AS TO LEGAL FORM:

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27 Best Best & Krieger LLP
28 City Attorney