Atascadero City Council
Staff Report - City Clerk’s Office

Ticket Distribution Policy

RECOMMENDATION:

Council adopt the Draft Resolution, establishing a policy governing the receipt and distribution of tickets and/or passes to City Officials.

DISCUSSION:

The Fair Political Practices Commission (FPPC) was created by the Political Reform Act of 1974 (Act), a ballot initiative passed by California voters in 1974 as Proposition 9. To meet its responsibilities under the Act, the FPPC adopts and amends the California Code of Regulations (Regulations). It also develops required forms, prepares manuals and instructions, aids agencies and public officials with record keeping and reporting, and maintains a central file of statements of economic interests (Form 700) for certain state and local officials.

There is a Section in the Regulations that addresses gifts received by public officials. The definition of a gift in the Regulations is any payment that confers a personal benefit. There are many times that a public official will receive a ticket for an event, or the City will receive tickets for events. Sometimes the City has sponsored an event, and included in the sponsorship is free tickets. Also, there are times where the City purchases tickets for a local event. Most of these situations involve events during which attendance of public officials would serve a public service.

The FPPC has amended the Regulations to address these situations. The new Regulations allow the City to distribute to City officials tickets or passes given to the City, without the ticket or pass being counted as income to the official, as long as there is an official policy adopted by the City Council and the policy is posted on the City’s website. The City must also post an FPPC Form 802 on the City website within 30 days of the distribution. The form will include the name of the event, the value of the ticket, the City official who received the ticket, and the public purpose for the distribution.
The Ticket Distribution Policy Resolution meets the requirements of the FPPC Regulations. This Policy would govern the distribution of tickets or passes by the City and supersede any other City policies, practices or procedures relating to tickets or passes provided to a City official by the City, whether initially obtained by the City or from a third party. The Policy designates the City Manager, or his/her designee, as having the authority to implement the Policy, including the establishment of procedures for the distribution of tickets, and the posting of the FPPC Form 802

**FISCAL IMPACT:**

An estimated five hours of staff time annually required to complete and post FPPC Form 802’s on the City’s website.

**ALTERNATIVES:**

City Council may decide to not adopt this Policy. This is not recommended because without a City policy, City Officials would either have to claim tickets as income, or pay for tickets.

**ATTACHMENTS:**

1. Draft Resolution
2. FPPC Form 802
DRAFT RESOLUTION

A RESOLUTION OF THE ATASCADERO CITY COUNCIL
ESTABLISHING A POLICY GOVERNING THE RECEIPT AND
DISTRIBUTION OF TICKETS AND/OR PASSES

WHEREAS, Title 2, Section 18944.1 of the California Code of Regulations defines tickets and passes as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and,

WHEREAS, the City of Atascadero receives tickets or passes for events from third party sources, both public and private; and,

WHEREAS, the City occasionally purchases tickets or passes to events of local significance for distribution to City Officials; and,

WHEREAS, the City desires to distribute these tickets or passes in a manner that furthers the City’s governmental and public purposes, such as the promotion of City events affecting or involving the City; and,

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 has amended Section 18944.1 of the California Code of Regulations, in order to establish whether or not a ticket or pass that provides admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose constitutes a gift under Government Code Section 82028 when the ticket or pass is given by the City to a City employee or official; and,

WHEREAS, the California Code of Regulations Section 18944.1 now requires City Councils 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.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Atascadero, California, does hereby adopt this Resolution establishing a Ticket Distribution Policy. This Resolution shall take effect and be in force on the date of its adoption.

The City of Atascadero hereby finds, determines and declares as follows:

A. Purpose of Policy:

The purpose of this Policy is to ensure that all tickets or passes (Tickets) provided to the City shall be distributed in furtherance of governmental and/or public purposes, in accordance with the California Fair Political Practices Committee (FPPC) Regulation 18944.1.

B. General Policy:
This Policy governs the receipt and distribution of complimentary Tickets received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes. Tickets may be acquired by the City as follows:

- Gratuitously provided to the City by an outside source,
- Purchased,
- As consideration pursuant to the terms of a contract, or
- Any other manner.

This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as they now exist or hereafter may be added or amended, including definitions.

Provisions:

1. **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 and the California Fair Political Practices Commission Regulations, as the same may from time to time be amended.

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. **Limitations.**
   a. This Policy shall only apply to the City’s distribution of Tickets to a Designated Official. A Designated Official is any officer or employee who is designated in a Conflict of Interest Code because their position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest within the City. Designated Officials also are required to file FPPC Form 700’s annually.
   b. Tickets provided as part of an Official’s duties, or tickets provided so that the Official may perform a ceremonial role or function on behalf of the City, shall not be subject to this Policy.
   c. No Official who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of the Ticket.
   d. No Official receiving a Ticket pursuant to this Policy shall transfer the Ticket to any other person, except to members of the Official’s immediate family solely for their personal use.
   e. No Ticket provided to the City by an outside source, and distributed to a City Official pursuant to this Policy, shall be earmarked by the original source for provision to a particular City Official.

4. **Implementation of Policy.** The City Manager, or his/her designee, shall have the authority to establish procedures for the distribution of Tickets, distribute Tickets, and complete and post the FPPC Form 802, in accordance with this Policy.
5. **Distribution of Tickets.** Complimentary Tickets may be distributed to City Officials under the following conditions:

   a. The City Official reimburses the City for the face value of the Ticket.
   
   b. The City Official treats the Ticket as income consistent with applicable federal and state income tax laws.
   
   c. The distribution of the Ticket to 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:
      
      i. Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event.
      
      ii. 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.
      
      iii. 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.
      
      iv. Promotion of City resources and/or facilities available to Atascadero residents.
      
      v. Promotion of City sponsored or supported community programs or events.
      
      vi. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefitting Atascadero residents.
      
      vii. Economic, employment and business development on behalf of the City and businesses within the City, including conventions and conferences.
      
      viii. Promotion of business activity, development, and/or redevelopment within the City.
      
      ix. Information gathering and education regarding matters of local, regional and statewide concerns that affect the City, including enhancing intergovernmental relations through attendance at events with or by elected and appointed officials from other jurisdictions.
      
      x. Promotion of City-owned businesses.
      
      xi. Promotion of tourism within the City and the surrounding region.
      
      xii. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
      
      xiii. Promotion of open government by City official appearances, participation and/or availability at business and/or community events.
      
      xiv. Promotion of special events in accordance with any City contract, including those contracts where the City as a form of consideration has required that a certain number of Tickets be made available for City use.
      
      xv. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
      
      xvi. Attracting or rewarding volunteer public service.
      
      xvii. Encouraging or rewarding significant academic, athletic, or public service achievements by Atascadero students, residents or businesses.
      
      xviii. Attracting and retaining highly qualified employees in the City service.
      
      xix. Recognizing or rewarding meritorious service by a City employee.
      
      xx. Promoting enhanced City employee performance or morale.
      
      xxi. Recognizing contributions made to the City by former City Council Members or City employees.
xxii. Events sponsored by the City where the City specifically seeks to enhance the City’s reputation both locally and regionally by serving as hosts by providing the necessary opportunities to meet and greet visitors, dignitaries, public officials from neighboring jurisdictions, residents of the City, and their guests.

   a. This Policy shall be posted on the City website in a prominent fashion.
   b. Tickets distributed by the City to a City Official which the City Official treats as income for one or more public purposes described in 5c 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 Form 802, attached to this Policy as Exhibit 1, or such alternative form(s) as may from time to time be designated by the FPPC.
   c. Tickets distributed by the City for which the City receives reimbursement from the City Official shall not be subject to the disclosure provisions in 6b.

On motion by Council Member _______________________ and seconded by Council Member _______________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: _______________________________

Tom O’Malley, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C.,
City Clerk

APPROVED AS TO FORM:

________________________________

Brian A. Pierik, City Attorney
## Tickets Provided by

### Agency Report

**A Public Document**

<table>
<thead>
<tr>
<th>1. Agency Name</th>
<th>Date Stamp</th>
<th>California Form 802</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division, Department, or Region (if applicable)</td>
<td></td>
<td>For Official Use Only</td>
</tr>
<tr>
<td>Street Address</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area Code/Phone Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-mail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency Contact (name and title)</td>
<td>Amendment (Must explain in Part 5.)</td>
<td>Date of Original Filing: (month, day, year)</td>
</tr>
</tbody>
</table>

### 2. Event For Which Tickets Were Distributed

- **Date(s) of Event:** / /  
- **Description of Event:**  
- **Face Value of Ticket:** $  
- **Agency Event:** Yes  
- **Name of Outside Source of Ticket(s) Provided to Agency:**  
- **Number of Tickets Received:**  
- **Ticket(s) Provided to Agency:** Gratuitously  
- **Pursuant to Contract:**  

### 3. Agency Official(s) Receiving Ticket(s)

<table>
<thead>
<tr>
<th>Name of Official (Last, First)</th>
<th>Number of Tickets</th>
<th>State Whether the Distribution is Income to the Official or Describe the Public Purpose for the Distribution</th>
</tr>
</thead>
</table>

### 4. Individual or Organization Receiving Ticket(s) (Provided at the behest of an agency official.)

- **Name of Beguising Agency Official:**  
- **Name of Individual or Organization:**  
- **Number of Tickets:**  
- **Description of Organization:**  
- **Address of Organization:**  
- **Purpose for Distribution:** (Describe the public purpose for the distribution to the organization.)

### 5. Verification

I have determined that the distribution of tickets set forth above is in accordance with the provisions of FPPC Regulation 18944.1.

- **Signature of Agency Head or Designee:**  
- **Print Name:**  
- **Title:**  
- **Date (month, day, year):**

**Comment:** (Use this space or an attachment for any additional information including amendment explanation.)

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FPPC Form 802 (Feb/09)  
FPPC Toll-Free Hotline: 866/ASK-FPPC (866/275-3772)
Tickets Provided by Agency Report

This form is for use by all state and local government agencies to disclose the distribution of tickets or passes that allow admission to facilities, events, shows, or performances for entertainment, amusement, recreational, or similar purposes. The agency must complete Form 802 identifying agency officials who receive tickets or passes from the agency as well as other individuals and organizations that receive tickets or passes at the behest of agency officials. Form 802 must be posted on a prominent fashion on the agency’s website.

Gifts of Tickets or Passes to Public Officials

FPPC Regulation 18944.1 sets out the circumstances under which an agency’s distribution of tickets or passes to or at the behest of an official in the agency does not result in a gift to the official. (Regulation 18944.1 is available on the FPPC website at www.fppc.ca.gov.) Even though the distribution of tickets or passes to a public official under the regulation is not a gift to the official, the agency must disclose the distribution on Form 802. The official does not have to disclose tickets or passes received or distributed under the regulation on his or her Statement of Economic Interests (Form 700), but tickets or passes received or distributed by the official that do not fall under the regulation may be subject to disclosure on the official’s Form 700 and subject to gift limits.

Posting Form 802

The Form 802 must be posted on the agency’s website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

Part 1. Agency Identification

List the agency’s name, address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Event For Which Tickets Were Distributed

Provide the date(s) of the event, a description of the event, and the face value (i.e., the cost to the public) of the ticket or pass. Check the box indicating whether the event was an “agency event” (such as a county fair, or an event for which the agency purchased tickets). If the agency received the tickets from an outside source, identify the source, the number of tickets received, and check the box to identify whether the tickets or passes were provided to the agency:

- Gratuitously; or
- Pursuant to a contract.

Part 3. Agency Official(s) Receiving Ticket(s)

Disclose the name of each agency official that received a ticket or pass and the number of tickets or passes the official received. Also state whether the distribution is income to the official or describe the public purpose for which the official received the tickets or passes.

Part 4. Individual or Organization Receiving Ticket(s)

If tickets or passes were distributed to an individual or organization outside the agency, at the behest of an official of the agency, provide the name of the official. Disclose the name(s) of the individual(s) who received the tickets or passes and the number of tickets or passes provided. If the tickets or passes were provided to an organization, the agency may post the name, address, a description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the name of each individual that received a ticket or pass. Also, describe the public purpose for the distribution to the individual or organization.

Part 5. Verification

The agency head or his or her designee must sign the form.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations Sections 18108-18597). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Act Notice, please contact the FPPC.

General Counsel
Fair Political Practices Commission
428 J Street, Suite 820
Sacramento, CA 95814
(916) 322-5860

FPPC Form 802 (Feb/09)
FPPC Toll-Free Helpline: 866/ASK-FPPC (696/2775-3772)