

RESOLUTION NO. 2012-176

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING A TICKET DISTRIBUTION
POLICY.

WHEREAS, the California Fair Political Practices Commission ("FPPC") has amended Section 18944.1 of the California Code of Regulations in order to establish whether 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 to a City employee or official; and

WHEREAS, in order for a City employee or official to use a ticket or pass to attend a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose so that the ticket or pass given to a City employee or official does not constitute a gift, a policy in accordance with Regulation 18994.1 is necessary; and

WHEREAS, the City may receive complimentary tickets and passes from outside sources as a way of facilitating the participation of City employees and officials at various events of interest to the City and the City, for the same reason, occasionally will acquire tickets or passes to events; and

WHEREAS, the distribution and use of such tickets and passes by City employees and officials serve a variety of public purposes; and

WHEREAS, based on such practices and Regulation 18944.1, the City Council desires to adopt a clear policy regarding the distribution of tickets and passes to facilities, events, shows or performances for an entertainment, amusement, recreational, or similar purpose; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council of the City of Escondido, California, hereby adopts the policy contained herein, and incorporated by this reference, as Exhibit "A" pertaining to the distribution of tickets and passes to employees and officials of the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 17th day of October, 2012 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, WALDRON, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

RESOLUTION NO. 2012-176

CITY OF ESCONDIDO

TICKET DISTRIBUTION POLICY

EXHIBIT "A"

PURPOSE:

The purpose of this policy is to ensure that all tickets the City receives or acquires from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.

DEFINITIONS:

1. "Ceremonial role" means an act performed at an event by the official as a representative of the official's agency at the request of the holder of the event or function where, for a period of time, the focus of the event is on the act performed by the official.
2. "City" or "City of Escondido" shall mean and include the City of Escondido, any other affiliated agency created or activated by the Escondido City Council, and any departments, boards and commissions thereof.
3. "City Official" means every member, officer, employee or consultant of the City of Escondido, 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 Interest (FPPC form 700).
4. "City Venue" means and includes any facility owned, controlled or operated by the City of Escondido.
5. "FPPC" means and refers to the California Fair Political Practices Commission.
6. "Immediate family" means the spouse and dependent children.
7. "Ticket" or "Pass" means and includes any form of admission privilege to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose.

POLICY:

TICKET DISTRIBUTION

I. Scope of Policy.

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:
 - i. Gratuitously provided to the City by an outside source;
 - ii. Acquired by the City by purchase;

- iii. Acquired by the City pursuant to the terms of a contract for the use of City property;
 - iv. Acquired by the City pursuant to its control over the event; or
 - v. Acquired by the City in any other manner.
2. This Policy only applies to the City's distribution of a ticket or pass to, or at the behest of, a City employee or official. This Policy does not apply to any other item of value provided to the City or any City Official.

II. General Provisions.

1. 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. 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 solely for their personal use.
3. No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.
4. The City Manager shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this Policy. All requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the City Manager.
5. The City Manager or his or her designee shall be the Agency Head for purposes of implementing the provisions of this Policy, and forwarding the applicable form provided by the FPPC.
6. No ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official shall be earmarked by the original source for provision to a particular City Official.

III. 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:

1. Performing or facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event;
2. 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;
3. 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;

4. Promotion of City resources and/or facilities available to Escondido residents;
5. Promotion of City-run, sponsored, or supported community programs or events;
6. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Escondido residents;
7. Promotion of business activity, development, and/or redevelopment within the City;
8. Promotion of City-owned businesses;
9. Promotion of City tourism on a local, state, national or worldwide scale;
10. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale;
11. Promotion of open government by City official appearances, participation and/or availability at business and/or community events;
12. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City;
13. Attracting or rewarding volunteer public service;
14. Encouraging or rewarding significant academic, athletic, or public service achievements by Escondido students, residents, or businesses;
15. Attracting and retaining highly qualified employees in the City service;
16. Recognizing or rewarding meritorious service by a City employee;
17. Promoting enhanced City employee performance or morale;
18. Recognizing contributions made to the City by former City Council Members, City employees, or other elected officials.

IV. Disclosure and Reporting Requirements.

1. A record of a ticket or pass distribution shall be completed on a form provided by the Commission (FPPC Form 802). The form must be maintained as a public record, be subject to inspection and copying, and be forwarded to the Commission for posting on its website.
2. The Ticket Distribution Policy shall be posted on the City website in a prominent fashion.
3. The distribution of a ticket or tickets pursuant to this Policy shall be posted on the City website in a prominent fashion.