

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, REVISING THE CITY'S TICKET DISTRIBUTION AND DISCLOSURE POLICY OF COMPLIMENTARY TICKETS AND PASSES PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1

WHEREAS, the Fair Political Practices Commission (FPPC) has recently revised its Regulation 18944.1 regarding the distribution of complimentary tickets and passes; and

WHEREAS, the City desires to update its policy regarding the distribution of tickets or passes to conform to the revised regulation.

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

1. The Council hereby approves the revised Ticket Distribution and Disclosure Policy of complimentary tickets and passes pursuant to the Fair Political Practices Commission Regulation 18944.1.

2. Resolution No. 2015-51, adopted on April 9, 2015, is hereby repealed in its entirety.

* * * * *

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval:



Resolution No.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Laurie Avedisian-Favini Date
Assistant City Attorney

Attachment: Exhibit A

EXHIBIT A

CITY OF FRESNO POLICY REGARDING THE DISTRIBUTION AND DISCLOSURE OF COMPLIMENTARY TICKETS AND PASSES PURSUANT TO FPPC REGULATION SECTION 18944.1

Section 1. Purpose of Policy.

This Policy is adopted pursuant to section 18944.1 of Title 2, Division 6, of the California Code of Regulations as the written Ticket distribution Policy for the City of Fresno. Any distribution of a Ticket or a Pass under this regulation to, or at the behest of, a City Official must be made pursuant to the following City Ticket Distribution and Disclosure Policy.

Section 2. Definitions.

Unless otherwise expressly defined in this Policy, words and terms used herein shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 and the related regulations of the Fair Political Practices Commission (FPPC).

- A. "City" shall mean the City of Fresno.
- B. "City Official" shall mean an elected City officer or board member, commissioner, consultant, officer, agent, and employee of the City who is obligated to file an Annual Statement of Economic Interests (FPPC Form 700) pursuant to the Political Reform Act.
- C. "City Venue" shall mean any facility owned, controlled, or operated by the City.
- D. "FPPC" shall mean to the California Fair Political Practices Commission.
- E. "Immediate Family" shall mean spouse or dependent children as defined in Section 18943 of Title 2, Division 6, of the California Code of Regulations.
- F. "Pass" shall mean a Ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar Passes are sold to the public.
- G. "Policy" shall mean this Policy regarding the distribution and disclosure of complimentary Tickets and Passes pursuant to Section 18944.1 of Title 2, Division 6, of the California Code of Regulations.
- H. "Ticket" shall mean anything that provides access, entry, or admission to a specific future event or function and for which similar Tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the Ticket is sold and includes any benefits that the Ticket provides.
- I. "Ticket Administrator" or "Agency Head" shall mean the City Manager or his or her designee.

Section 3. Application.

A Ticket or Pass provided to a City Official by the City is not a gift under the Political Reform Act, in any of the following scenarios:

- A. The Ticket or Pass is taxable income to the official; and

B. The City Official reimburses the City for the Ticket or Pass within thirty days of receipt in compliance with Section 18941(c) of Title 2 of the California Code of Regulations: or

C. The Ticket or Pass is distributed in accordance with this Policy and all of the following apply:

1. If distribution is to a City Official, or at the behest of a City Official, such distribution must accomplish a governmental and/or public purpose. The following is a list of governmental and/or public purposes the City may accomplish through the distribution of Tickets. The list is illustrative rather than exhaustive:

a. Promotion of intergovernmental relations and 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.

b. Promotion or fostering of economic or business development purposes on behalf of the City.

c. Promotion of City resources or facilities available to Fresno residents.

d. Promotion of City-run, sponsored, or supported community events, activities or programs.

e. Promotion of special events under any City contract or agreement, including but not limited to sport and athletic events.

f. Promoting, supporting or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Fresno residents or Fresno schools.

g. Promotion of City tourism on a local, state, national, or worldwide scale.

h. Business retention or attraction on a local, state, national, or worldwide scale.

i. Promotion of City recognition, visibility, or profile on a local, state, national, or worldwide scale.

j. Encouraging Fresno resident and business support for attendance at local events.

k. Attracting or rewarding volunteer public service.

l. Encouraging or rewarding significant academic, athletic, or public service achievements by Fresno students, residents, businesses, or employees.

m. Recognizing or rewarding meritorious service by a City employee.

n. Encouraging, rewarding, or supporting general employee morale or retention.

o. 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.

2. The Ticket Administrator distributes the Ticket or Pass to the City Official for the official's use, for use by members of the City Official's Immediate Family, or for use by no more than one guest.

3. The disproportionate use of Tickets or Passes by a member of the governing body, chief administrative officer of the agency, political appointee, or department head is prohibited.

4. An outside source has not earmarked the Ticket or Pass for a specific City Official.

5. The distribution of the Ticket or Pass is disclosed in accordance with Section 6.

Section 4. General Provisions.

A. This Policy governs the distribution of complimentary Tickets or Passes received by the City that are either:

1. Gratuitously provided to the City by an outside source;
2. Acquired by the City by purchase for fair value;
3. Acquired by the City as consideration pursuant to the terms of a contract for the use of a City Venue or because the City controls the event;
4. Acquired and distributed by the City in any other manner.

B. This Policy does not apply to:

1. Any other item of value that does not meet the definition of "Ticket" or "Pass" provided to the City or any City Official.
2. Tickets or Passes provided to City Officials by sources other than the City.
3. A Ticket or Pass received by a City Official from the City where both the City Official and the City treat and report the value of the Ticket or Pass as taxable income consistent with applicable state and federal income tax laws.

C. The receipt or use of a Ticket or Pass under this Policy is a privilege extended by the City and is not the right of any person to whom the privilege is extended.

D. Tickets or Passes distributed to a City Official pursuant to this Policy shall not be transferred to any other person, except for the purposes described herein, or to members of such City Official's Immediate Family or no more than one guest solely for their attendance at the event. If a City Official transfers a Ticket or Pass received from the City to another person (except as otherwise provided for herein), as opposed to returning the Ticket or Pass to the City for redistribution, then the value of the Ticket or Pass transferred shall constitute a gift to the City Official and shall be reportable as provided by the regulations of the FPPC.

E. No person who receives a Ticket or Pass pursuant to this Policy shall sell or receive consideration for the value of such Ticket or Pass.

F. A benefit that a City Official receives from a Ticket or Pass may be a gift to the official if the benefit is not provided to all members of the public with the same class of Ticket or Pass.

G. A City Official may not solicit or accept a Ticket or Pass in exchange for performing an official City act.

H. The City may distribute an unlimited number of Tickets or Passes to non-City entities and to individuals who are not City Officials, including City employees and volunteers. All Tickets and Passes that the City distributes must comply with this Policy and be disclosed pursuant to Section 6.

Section 5. Ticket Administrator.

A. All Tickets are to be distributed by the Ticket Administrator. The Ticket Administrator, in his or her sole discretion, determines who will receive the Ticket or Pass and may revoke or suspend the privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of Tickets or Passes.

B. For the purpose of implementing this Policy, and completing and posting the FPPC California Form 802, the Ticket Administrator shall be the "Agency Head."

Section 6. Disclosure.

A. The Ticket Administrator shall disclose the distribution in accordance with Section 18944.1 (d) of Title 2 of the California Code of Regulations, on a form provided by the FPPC.

B. The Ticket Administrator shall maintain the original form as a public record as set forth in Government Code Section 81008.

C. This Policy shall be posted on the City's website within thirty days of adoption and a link to such website shall be forwarded to the FPPC for posting on the FPPC's website.

D. The Ticket Administrator shall within forty-five calendar days of the distribution of a Ticket or Pass prepare and certify a Form 802. The form shall be posted to the City's website and the website link that displays the form shall be sent to the FPPC via e-mail, so that the FPPC may post the website link.

E. The Ticket Administrator shall file amendments to the form within ten days after the issue that necessitates the amendment occurs.