

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, RESCINDING AND REPLACING RESOLUTION NO. 2009-80 REGARDING CITY POLICY ON THE DISTRIBUTION AND USE OF THE TICKETS AND SKYBOX FOR THE MULTIPURPOSE STADIUM (CHUKCHANSI PARK)

WHEREAS, under the terms of the Agreement with Fresno Grizzlies, Inc. and Fresno Diamond Group, LLC., concerning the construction and sublease of the multipurpose stadium, the City has use of twelve (12) season tickets with the skybox ("tickets") to the Grizzlies' regular season home games; and

WHEREAS, the tickets are public resources; and

WHEREAS, Council previously adopted Resolution No. 2002-164 establishing a policy limiting the use of the tickets for official City business, so the tickets are not considered gifts to the public officials under Title 2, California Code of Regulation Section 18944.1 ("Section 18944.1") and the Political Reform Act; and

WHEREAS, Council previously rescinded Resolution No. 2002-164 and replaced it with Resolution No. 2009-80 adopting a policy on the distribution and use of the tickets and skybox for the multipurpose stadium; and

WHEREAS, Resolution No. 2009-80 makes reference to the Downtown and Community Revitalization Department, which has been repealed, and necessitates updating the policy adopted by Resolution No. 2009-80; and

WHEREAS, Council desires to revise the City policy adopted by Resolution No. 2009-80 with regard to distribution of tickets only; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval



Resolution No.

WHEREAS, Council wants to rescind Resolution No. 2009-80 and adopt a new City policy reflecting the City's updated structure and desired distribution procedure.

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

1. Purpose of Policy. The tickets to the multipurpose stadium obtained by the City pursuant to the Agreement shall be distributed in furtherance of a governmental and public purpose.

2. Public Purpose. The City shall only provide a ticket to, or at the request of, a public official, under any of the following City public and governmental purposes:

- a. Promotion of local and regional businesses, economic development and tourism activities, and job creation opportunities within the City.
- b. Promotion of City-controlled or sponsored events, activities, or programs.
- c. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- d. Promotion of fundraising activities by nonprofit organizations to support programs and activities benefiting City residents.
- e. Encouragement and reward for significant academic, athletic, or public service, achievements by City students, residents, or businesses.
- f. Promotion of City owned facilities, businesses, and resources.
- g. Promotion of intergovernmental relations with elected or appointed officials from other jurisdictions, including foreign officials, dignitaries, their staff members, and guests.

- h. Recognition or reward for meritorious services by City employees to promote enhanced City employee performance or morale.
- i. Any purpose similar to above included in any City contract or Council action.

3. Distribution. The City Manager, or his or her designee, shall have the authority to adopt procedures for the distribution of the tickets and any additional guidelines and regulations in furtherance of this policy. The tickets shall be distributed in the following manner:

- a. Mayor and Councilmembers. Twelve (12) tickets for seven (7) days each may be distributed to, or at the behest of the Mayor and each Councilmember, in accordance with this policy. The Mayor or any Councilmember may assign such tickets to the City Manager for distribution.
- b. City Manager, City Department Staff, and Community Groups and Non-Profits (which may be used for fundraising purposes). Sixteen (16) days are reserved and will be distributed by the Facilities Management Division of the Public Works Department, under direction from the City Manager's Office.
- c. The City desires to maximize the effective use of the tickets for economic development. As such, priority shall be given to economic development related purposes for scheduling, to meet critical opportunities and activities.

4. Transfer Prohibition. The transfer by any public official of any tickets distributed to such official pursuant to this policy, to any other person, except to members of the public official's immediate family for their personal use, is prohibited.

5. Website Posting. This policy shall be posted on the City's website in a prominent fashion.

6. Website Disclosure. The distribution of tickets pursuant to this policy shall be posted on the City's website in a prominent fashion within thirty (30) days after the ticket distribution. Such posting shall use FPPC California Form 802 or such alternate form as the FPPC may designate from time to time.

7. Any distribution of tickets to nonprofit organizations made by public officials before the effective date of this Resolution that otherwise complies with this policy, shall be deemed a distribution made at the behest of the public official, and not a transfer of tickets by the public official.

8. Resolution No. 2009-80 is rescinded in its entirety and replaced by this Resolution.

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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
RAJ SINGH BADHESHA
Deputy City Attorney

RSB:nd (67451nd/rsb)