

RESOLUTION 09-123

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADOPTING RULES APPLICABLE TO TICKETS AND PASSES GIVEN TO CITY OFFICIALS AND EMPLOYEES

WHEREAS, in 2008, the Fair Political Practices Commission (FPPC) modified the Political Reform Act's gift rules (Regulations of the Fair Political Practices Commission Title 2, Division 6, California Code of Regulations - § 18944.1. Gifts: Tickets or Passes to Events); and

WHEREAS, adoption of this resolution and implementation of the required procedures and reporting will bring the City into compliance with the new rules; and

WHEREAS, the attached policy (Exhibit "A") establishes a city-wide procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance for an entertainment, amusement, recreational or similar purposes in compliance with section 18944.1 of the Fair Political Practices Commission Regulation.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis adopts the policy regarding distribution, use and reporting of tickets and passes.

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The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 12, 2009 by the following vote, to wit:

AYES: Councilmembers Ashbeck, Flores, Magsig, Whalen, Mayor Armstrong

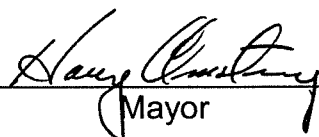
NOES: None

ABSENT: None

ABSTAIN: None

DATED: October 12, 2009





Mayor



City Clerk

**CITY OF CLOVIS
POLICY REGARDING DISTRIBUTION, USE AND REPORTING
OF TICKETS AND PASSES**

A. Purpose

This policy is to establish a city-wide procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance for an entertainment, amusement, recreational or similar purposes (hereinafter the "Event") in compliance with section 18944.1 of the Fair Political Practices Commission Regulation (hereinafter "FPPC Regulation"1). FPPC Regulation 18944.1 sets out the circumstances under which a public agency's distribution of tickets or passes for which no consideration of equal or greater value is provided by the public official or employee does not result in a gift to the public official or employee. Tickets or passes to an Event distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to the City officials and employees who make use of such tickets and passes. The public and governmental purpose in distributing tickets and passes to Events is to enable City officials and employees to promote City businesses, resources, programs and facilities, to monitor and evaluate City venues and City-sponsored events, to promote cultural, recreational and educational facilities, services and programs available to the public within the City of Clovis, and to enhance employee morale. This policy is subject to all applicable FPPC Regulations and the Political Reform Act. Nothing in this policy is intended to alter, amend or otherwise affect the obligations of City officials and employees under the Political Reform Act.

B. Policy

1. Definitions.

- a. "City Manager" means City Manager or his/her designee.
- b. "City official" means every member, officer, employee or consultant of the City of Clovis, 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 Interests (FPPC Form 700).
- c. "Immediate Family" means spouse and dependent children.
- d. "Ticket" means "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines "ticket or pass" as admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

2. Applicability. This policy applies to tickets and passes that are: (i) gratuitously provided to the City by an outside source; or (ii) acquired by the City by purchase; or (iii) received by the City as consideration pursuant to the terms of a contract or

because the City owns or controls the facility or venue at which the Event occurs or sponsors the Event.

3. Public Purpose. Any distribution of tickets or passes in accordance with this policy to a City official, or to an individual or organization outside the City at the request of a City official, must be in furtherance of a governmental and/or public purpose and be reported as provided in this policy.

Examples of identifiable worthy public purposes may be determined in how the tickets are used. For example:

- ✓ The City might re-gift the passes by giving them to a community group or others. For example, the Recreation Division might be able to enhance its program supporting physical activity, teamwork and sportsmanship if the tickets are to a sporting event involving teams that can help underscore these themes.
- ✓ If the department has an employee recognition program designed to recognize superior performance and good ethics, using the tickets to recognize such performance might be a worthwhile public purpose.
- ✓ If there are employees whose job responsibilities require them to be at the event, then having them attend satisfies a public purpose. Note that such responsibilities must be in writing.

C. Exemptions to Policy

1. Ceremonial Role or Function. Tickets or passes provided to a City official to carry out his or her job duties or where the City official will perform a ceremonial role or function on behalf of the City at the Event are not considered gifts to the City official and are exempt from the disclosure and reporting requirements of this policy.
2. Income. The City official treats the tickets or passes as income consistent with federal and state income tax laws and the City reports distribution of the tickets or passes as income to the City official on the FPPC Form 802.
3. Reimbursement. The City official purchases or reimburses the City for the face value of the tickets or passes.

D. Procedure for Distribution and Reporting

1. Distribution. The City has sole discretion to determine who shall receive the tickets or passes received or acquired by the City.
 - a. Tickets or passes that are donated or provided by an outside source and are earmarked for use by a specific City official are considered gifts to the City official and are subject to the disclosure and reporting requirements applicable to gifts, unless one of the exemptions listed above apply.
 - b. Tickets or passes received by the City from an outside source without designation as to the specific City official who may use the tickets or passes shall be forwarded to the City Manager. The City Manager shall determine

the face value of the tickets or passes, the City official who may use them, and report their distribution as provided in Section D.2 below.

- c. For tickets or passes received by the City pursuant to the terms of a contract or because the City owns or controls the facility or venue at which the Event occurs or the City sponsors the Event, a City official may request use of these tickets or passes, or for distribution to an individual or organization outside the City, by completing Parts 3 and 4 of FPPC Form 802 and submitting the request to the City Manager.
 - d. Elected City Officials. For tickets or passes purchased or acquired by the City for use by an elected City official, or for distribution to an individual or organization outside the City at the request of an elected City official, the office of the elected City official shall be responsible for reporting the distribution of the tickets or passes as provided in Section D.2. below.
 - e. If the tickets or passes do not have a face value stated or state something to the effect of "complimentary" or "promotional," the City Manager will determine the value of the tickets or passes based on the reasonable cost for attendance at such an Event.
 - f. The City Manager may establish an internal procedure for distribution of tickets or passes in accordance with this policy.
 - g. Any tickets or passes not distributed pursuant to this policy may be sold by the City to the public.
2. Reporting Requirement. Tickets or passes distributed by the City to a City official, or to an individual or organization outside the City at the behest of a City official, pursuant to this policy shall be documented in a completed FPPC Form 802 (see Attachment 1) or such other form(s) as the FPPC may designate. The completed Form 802 shall be filed with the City Clerk and posted on the City's website in a prominent fashion within 30 days after distribution of the tickets or passes.
 3. Transfer Prohibition. A City official who receives tickets or passes distributed by the City according to this policy is prohibited from transferring or giving the tickets or passes to any other person except to members of the official's immediate family for their personal use. No person receiving a ticket or pass pursuant to this policy shall sell or receive reimbursement for the value of the ticket or pass.
 4. Policy Limited to Just Tickets or Passes. If other benefits, such as food, beverages or other items, are provided to the City official at the Event and they are not included as part of the admission to the Event, those benefits will need to be accounted for as gifts to the City official.

E. Effective Date

This policy shall be effective upon City Council approval and shall be posted on the City website in a prominent fashion.