

CITY OF SAN JUAN CAPISTRANO

COUNCIL POLICY

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PURPOSE

To establish a policy in accordance with Section 18944.1 of the Fair Political Practices Commission (FPPC) for the acceptance and/or distribution of tickets by, to, or at the request of City officials, employees and consultants to attend a facility, event, show or performance for a specific future event or function made available to or for the City. This Policy is to ensure that all Tickets shall be distributed in furtherance of the governmental and/or public purposes described herein. Proper approval shall be obtained prior to acceptance of Tickets. All Tickets that are donated to the City shall be accounted for in accordance with the procedures set forth in this Policy.

POLICY

1. GENERAL

The City finds that Tickets provided to the City are public resources. The City desires to distribute these public resources in a manner that furthers its governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs and facilities. The City declares that Tickets may only be distributed in accordance with this Policy. Unless exempted otherwise under state law, any Ticket received or directed for use by a City Official not in conformance with this Policy remains subject to separate disclosure requirements on the City Official's Statement of Economic Interests (Form 700) and the Political Reform Act's annual gift limit.

2. DEFINITIONS

- a. "Ticket" shall mean and refer to a "ticket" or "pass" as those terms are defined in Title 2 of the California Code of Regulations, Section 18946, and referenced in 18944.1, as amended from time to time, but which currently defines a "ticket" as 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, and which currently defines a "pass" as 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.
- b. "City Official" shall mean and refer to the City's public officials, as that term is defined by Government Code Section 82048 and Title 2 of the California Code of Regulations, Section 18701. Such term shall include, without limitation, any City board, commission, or committee member or other elected or appointed official or employee required to file an annual Statement of Economic Interests (Form 700).

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3. APPLICATION

This Policy shall apply to the City’s distribution of Tickets to, or at the behest of, a City Official. Ticket distributions pursuant to this Policy shall be reported on FPPC Form 802, and posted to the City’s website within forty-five days of distribution, as required by Title 2 of the California Code of Regulations, Section 18944.1.

This Policy applies to Tickets which are:

- a. gratuitously provided to the City by an outside source;
- b. acquired by the City by purchase;
- c. provided to the City because the City controls the event;
- d. acquired by the City as consideration pursuant to the terms of a contract for the use of public property; or
- e. acquired and distributed by the City in any other manner.

This Policy does not apply to any other item of value or gift provided to the City or provided directly to any City Official, regardless of whether received gratuitously or for which consideration is provided.

The distribution of Tickets pursuant to this Policy ordinarily will not constitute a “gift” to the City Official receiving the Ticket. However, other benefits, such as food or beverage or other gifts provided to the City Official that are not a part of the admission provided by the Ticket, are subject to separate disclosure requirements on the City Official’s Statement of Economic Interests (Form 700) and the Political Reform Act’s annual gift limit.

4. PROCEDURES

- a. Implementation of Policy. The City Manager, or his or her designee, shall be responsible for implementing this Policy, managing the distribution of Tickets, and accounting, inventorying, and reporting of all Tickets.
- b. Distribution of Tickets. Subject to the provisions of this Policy, Tickets may be distributed to City Officials under any of the following conditions:
 - i. Reimbursements. The City Official reimburses the City for the Ticket within thirty days of receipt.
 - ii. Income. The City Official treats the Ticket as income consistent with applicable federal and state income tax laws.
 - iii. Public Purpose. The City shall only provide a Ticket to a City Official, or at the behest of a City Official, for one or more of the following public and governmental purposes:

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- Promotion of local and regional businesses and economic development within the City, including conventions and conferences.
- Promotion of City-controlled or sponsored events, activities, or programs.
- Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- Marketing promotions highlighting the achievements of local residents and businesses.
- Promotion and marketing of private facilities available for City resident use, including charitable and nonprofit facilities.
- Promotion of public facilities available for City resident use.
- Promotion of City growth and development, including economic development and job creation opportunities.
- Promotion of City landmarks and/or community events.
- Promotion of special events in accordance with any City contract.
- Exchange programs with foreign officials and dignitaries.
- Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- Promotion of open government by City Official appearances, participation and/or availability at business or community events.
- Promoting the improvement of intergovernmental relations by encouraging City Officials to attend functions and events with public officials of other entities, thereby fostering an open dialogue and better understanding of intergovernmental issues.
- Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- Employment retention programs.
- Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.

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- Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.
 - Promotion of City tourism on a local, state, national or worldwide scale.
 - Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
 - Attracting or rewarding volunteer public service.
 - Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.
 - Recognizing or rewarding meritorious service by a City employee or contract employee.
 - Promoting enhanced City employee performance or morale.
 - Recognizing contributions made to the City by former City Council Members or City employees.
- c. Employee Morale. A Ticket distributed to City Official for the official's personal use, other than a member of the City Council, the City Manager, a political appointee, or a department head, to support general employee morale, retention, or to reward public service is deemed to serve a public purpose. For purposes of this paragraph, "personal use" is limited to the City Official and the official's family, or no more than one guest.
- d. Return of Tickets. Any City Official may return any ticket unused to the City for redistribution pursuant to this Policy.
- e. Transfer Prohibition. The transfer by any City Official of any Ticket distributed pursuant to this Policy to any other person, except to members of the City Official's immediate family or no more than one guest solely for their attendance at the event, is prohibited. No person who receives a Ticket pursuant to this Policy shall sell or receive compensation for the value of the Ticket.
- f. No Earmarking of Ticket to City. No Ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official. If Tickets are earmarked or designated for a particular City Official, the Tickets will be considered gifts to that particular City Official and will be subject to separate disclosure requirements on the City Official's Statement of Economic Interests (Form 700) and the Political Reform Act's annual gift limit.

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- g. No Disproportionate Use of Tickets. A disproportionate use of Tickets by members of the City Council, political appointees, department heads, or the City Manager, is prohibited.
- h. Ceremonial Role. A Ticket provided to a City Official and one guest at which the City Official performs a ceremonial role, as defined in Title 2 of the California Code of Regulations, Section 18942.3, on behalf of the City must be disclosed on Form 802 as set forth below. Any additional effort by the City to either limit or expand permissible ceremonial roles will require that the revised policy be forwarded to the FPPC.
- i. Valuation of Tickets. The value of any Ticket shall be the fair value of the Ticket. The “fair value” is the face value of the Ticket, or the price at which the Ticket would otherwise be offered for sale to the general public by the operator or host. Where the Ticket does not reflect the actual cost for a Ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of Tickets available for that box or suite.

5. DISCLOSURE REQUIREMENTS

- a. Website Posting of Policy. The City Clerk will be responsible for posting this Policy on the City’s website in a prominent fashion and reporting amendments to the FPPC in accordance with Title 2 of the California Code of Regulations, Section 18944.1.
- b. Form 802 Reporting. The City Clerk will be responsible within forty-five (45) days after distribution of a Ticket pursuant to this Policy, to report on FPPC Form 802 and post on the City’s website in a prominent fashion. Form 802 shall contain the following information:
 - i. Name of person receiving Ticket;
 - ii. Description and date of event;
 - iii. Fair value of Ticket;
 - iv. Number of Tickets provided to each person;
 - v. Name of City Official who behested the Ticket, if applicable
 - vi. Description of public purpose for distribution of Ticket or that Ticket was distributed as income;
 - vii. If the ticket was transferred to a member of the City Official’s immediate family or a guest solely for their attendance at the event, the relationship of the transferee;
 - viii. A written inspection report of findings and recommendations by the City Official receiving the Ticket if received for oversight or inspection of facilities.
- c. Exception. Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 4(b)(i) of this Policy shall not be subject to the above disclosure requirements.

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- d. Distribution to Department. If Tickets are distributed to a department or other unit of the City, and not used by a member of the City Council, the City Manager, a political appointee, or a department head, the City may report the name of the department or other unit of the City receiving the Tickets and the number of Tickets provided to the department or unit in lieu of reporting the names of the individual employees as otherwise required.

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