

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

**IN THE MATTER OF APPROVING A POLICY }
GOVERNING THE RECEIPT AND }
DISTRIBUTION OF TICKETS AND/OR }
PASSES TO CITY OFFICIALS }**

RESOLUTION NO. 2010-009

WHEREAS, from time to time the City of Turlock receives event tickets and passes from third party private sources or obtains them directly for use by various City Officials; and

WHEREAS, under section 18944.1 of Title 2 of the California Code of Regulations (“Regulations”), such tickets and passes are defined as those that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, the City desires to use and distribute such tickets and passes to further governmental and public purposes, such as the promotion of City businesses, resources, programs, facilities, etc.; and

WHEREAS, under section 18944.1 of the Regulations, tickets and passes are not considered gifts to public officials if the City distributes said tickets and passes in accordance with a duly adopted written policy consistent with section 18944.1.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby approve a policy governing the receipt and distribution of tickets and/or passes to City officials.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 12th day of January, 2010, by the following vote:

AYES: Councilmembers Bublak, Howze, Jackson, Spycher and Mayor Lazar
NOES: None
ABSTAIN: None
NOT PARTICIPATING: None
ABSENT: None

ATTEST:

Rhonda Greenlee, MMC
City Clerk, City of Turlock, County of Stanislaus, State of California



TICKETS AND PASSES DISTRIBUTION POLICY

Section A. Purpose of Policy

The purpose of this Policy is to ensure that any ticket or pass provided to the City by any third party or purchased or obtained directly by the City shall be distributed to City Officials by the City Manager in a manner that serves or promotes a public purpose of the City of Turlock.

Section B. Definitions

For purposes of this Policy, the following words, terms and phrases shall have the following meanings:

1. "City Official" shall mean any member, officer, employee or consultant of the City.
2. "Gift" shall mean anything that is received by a City Official that the City Official did not provide consideration of equal or greater value for or that represents a rebate or discount that is not provided in the regular course of business to members of the public without regard to official status.
3. "Third party" shall mean the source of any ticket or pass, other than the City.
4. "Ticket" or "pass" means admission to a facility, event, show, or performance for entertainment, amusement, recreation or other similar purpose.

Section C. Administration of Policy

The City Manager shall be responsible for administering this Policy.

Section D. Tickets and Passes Distribution Policy

When the City provides a ticket or a pass to a City official that would otherwise meet the definition of gift, the City official will meet the burden that equal or greater value has been provided in exchange therefore, provided the following requirements are met:

1. With respect to tickets or passes from an outside source provided to the City Official by the City:

- a. The ticket or pass is not earmarked by the original source for use by the City official who uses the ticket or pass
 - b. The City determines, in its sole discretion, which City official may use the ticket or pass
 - c. The distribution of the ticket or pass is made in accordance with this policy and is accompanied by a certification setting forth the following:
 - i. The public purpose of the City to be accomplished by the distribution of the tickets or passes;
 - ii. The distribution of the ticket or pass by the City to, or at the behest of, a City official accomplish a public purpose of the City; and
 - iii. The City official receiving the ticket or pass pursuant to this policy is prohibited from transferring the ticket or pass to any other person, except a member of the City official's immediate family solely for their personal use.
2. With respect to a ticket or pass provided by the City to a City Official which ticket or pass the City obtains (i) pursuant to the terms of a contract for use of public property (ii) because the agency controls the event (such as a state or county fair), or (iii) that is purchased by the agency at fair market value, the distribution of the ticket or pass will be made in accordance with this policy and will be accompanied by a certification setting forth the following:
- a. The public purpose of the City to be accomplished by the distribution of the tickets or passes;
 - b. The distribution of the ticket or pass by the City to, or at the behest of, a City official accomplish a public purpose of the City; and
 - c. The City official receiving the ticket or pass pursuant to this policy is prohibited from transferring the ticket or pass to any other person, except a member of the City official's immediate family solely for their personal use.

Section E. Posting of FPPC Form 802 on the City's Website

Within 30 days of distributing any ticket or pass pursuant to this Policy, the City Manager or his or her designee, shall complete and cause to be posted an FPPC Form 802 in a prominent fashion on the City's website. This posting will remain on the website for a period of at least four (4) years and a hard copy of said form shall be retained by the City Clerk for a minimum of seven (7) years. The posting shall include the following:

1. The name of the person receiving the ticket or pass, except that if the ticket or pass is distributed to an organization outside the City, the City may post the name, address, description of the organization, and the number tickets or passes provided to the organization in lieu of posting the names of each individual from the organization;
2. A description of the event;
3. The date of the event;
4. The face value of the ticket or pass;
5. The number of tickets or passes provided to each person;
6. If the ticket or pass is behested, the name of the official who behested the ticket or pass; and
7. A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official.

Section F. Legitimate Public Purposes

Any ticket or pass provided to a City Official by the City shall not constitute a gift if provided and used by the City Official for any of the following legitimate public purposes:

1. Promotion of business activity, development, and/or redevelopment within the City.
2. Promotion of community resources and programs available to City residents including but not limited to those resources and programs involving charitable and non-profit organizations.
3. Promotion of City resources available to City residents.
4. Promotion of City-operated, sponsored or supported community programs.
5. Promotion of private facilities available for City residents' use including but not limited to those facilities involving charitable and non-profit organizations.
6. Promotion of City facilities available for City residents' use.
7. Promotion of City growth and development.
8. Promotion of City tourism on a local, state, national or worldwide scale.

9. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.
10. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
11. Promotion of the improvement of inter-governmental relations.
12. Attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City.
13. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
14. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.
15. Recognizing contributions made to the City by former or current City Council members or other City employees.

Section G. Exemptions

The following tickets and passes whether provided by a source other than the City or provided by the City shall not be subject to the provisions of this Policy:

1. A ticket or pass provided to a City Official for his or her admission to an event at which the City Official performs a ceremonial role or function on behalf of the City is not a gift to the official.
2. A ticket or pass provided by the City to a City Official provided the City Official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the City reports the distribution of the ticket or pass as income to the official in complying with the provisions of Section F.

Section H. Posting and Disclosure Requirements

This Policy shall be prominently posted on the City's website.

TICKET/PASS CERTIFICATION

The tickets/passes provided to _____ serves one of the following public purposes of the City:

1. Promotion of business activity, development, and/or redevelopment within the City.
2. Promotion of community resources and programs available to City residents including but not limited to those resources and programs involving charitable and non-profit organizations.
3. Promotion of City resources available to City residents.
4. Promotion of City-operated, sponsored or supported community programs.
5. Promotion of private facilities available for City residents' use including but not limited to those facilities involving charitable and non-profit organizations.
6. Promotion of City facilities available for City residents' use.
7. Promotion of City growth and development.
8. Promotion of City tourism on a local, state, national or worldwide scale.
9. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.
10. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
11. Promotion of the improvement of inter-governmental relations.
12. Attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City.
13. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
14. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.
15. Recognizing contributions made to the City by former or current City Council members or other City employees.

The City official receiving the ticket or pass is prohibited from transferring the ticket or pass to any other person except a member of the City official's immediate family solely for their personal use.

