

RESOLUTION NO. 2009-238

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ESTABLISHING A POLICY GOVERNING THE RECEIPT AND DISTRIBUTION OF TICKETS AND/OR PASSES

WHEREAS, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to events distributed to public officials; and

WHEREAS, the FPPC regulation requires that the receipt and distribution of such tickets be governed by a written policy that sets forth the permissible use of covered tickets for public purposes.

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

Section 1. The City Council of the City of Elk Grove hereby finds, determines and declares as follows:

- A. From time to time, the City may receive tickets or passes to various facilities, events or performances or shows from third party sources, both public and private, which the City may distribute to various persons including City employees and officials; and
- B. The Fair Political Practices Commission ("FPPC") has promulgated regulations regarding when disclosure of receipt of these tickets as gifts may be required for those city officials deemed to be who file annual Statements of Economic Interest ("Form 700") under the City's Conflict of Interest Code; and
- C. FPPC Regulation 18944.1 permits covered tickets to be distributed to these city officials without being treated as gifts on Form 700 if the City distributes these tickets in accordance with a duly adopted written policy consistent with Regulation 18944.1; and
- D. The FPPC has clearly stated that it recognizes the discretion of the City Council to determine whether the distribution of such tickets serves a legitimate public purpose of the City.

Section 2. *Policy Governing the Receipt and Distribution of Tickets and/or Passes.*

The following standards shall apply to the distribution by the City of tickets and/or passes for admission to a facility, event, show, or performance for entertainment, amusement, recreation, or similar purposes as defined by FPPC Regulation Section 18944.1.

A. Definitions:

1. "Designated Official" shall mean a City public official required by the City's Conflict of Interest Code, as may be amended from time to time, to file a Statement of Economic interest.
2. "Ticket" shall mean a ticket and/or pass for admission to a facility, event, show, or performance for entertainment, amusement, recreation, or similar purposes (as defined by FPPC Regulation 18944.1, as amended and interpreted from time to time) that is obtained by the City, a) from an outside source, b) acquired by the City pursuant to a contract for use of City owned property, c) for a City controlled event, or d) purchased by the City at fair market value. This definition shall not include a ticket to an event where there is no admission fee, or to civic, political, community and/or cultural activities including, but not limited to, employee recognitions, neighborhood events, and state of the city addresses, unless expressly determined otherwise by the FPPC or judicial decision.
3. "Immediate Family" shall mean spouse and dependent children as set forth in Government Code Section 82029.

B. Purpose of Policy.

The purpose of this policy is to ensure that all Tickets provided to the City shall be distributed in accordance with FPPC Regulation 18944.1.

C. Limitations.

1. This Policy shall only apply to the City's distribution of Tickets to, or at the behest of a Designated Official.
2. Tickets provided to a Designated Official as part of their official duties, or tickets provided so that the Designated Official may perform a ceremonial role or function on behalf of the City, shall not be subject to this Policy. These tickets are exempt from any FPPC disclosure or reporting requirements.

D. Public purpose.

The City Council hereby finds and determines, in its sound discretion that the City will accomplish one or more of the following public purposes through distribution of Tickets to Designated Officials, or provided to third persons at the behest of a Designated Official. The list is intended to be illustrative rather than exhaustive of the public purposes that may be served by Designated Officials utilization of Tickets:

1. Economic, employment and business development on behalf of the City and businesses within the City, including conventions and conferences.
2. Promotion of City-controlled or sponsored events, activities, or programs, public facilities and resources.
3. Promotion of tourism within the City and the surrounding area.
4. Information gathering and education regarding matters of local, regional and statewide concern that affect the City, including enhancing intergovernmental relations through including attendance at events with or by elected and appointed officials from other jurisdictions.
5. Promoting or showing City appreciation for programs and services rendered by community and other nonprofit and charitable resources for the benefit of the community, including artistic and cultural organizations and institutions.
6. Promoting, encouraging and rewarding educational and athletic achievements by students and officials of local and regional educational institutions.
7. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale including exchange programs with national and foreign officials and dignitaries.
8. Promotion of open government by Designated Official appearances, participation and/or availability at business or community events.
9. Promotion of City landmarks and/or community events.
10. Marketing promotions highlighting the achievement of local residents and businesses.
11. Promotion of intergovernmental relations, i.e., cooperation and coordination of resources between the City and other governmental agencies or entities within Sacramento County.
12. Attracting and retaining highly qualified employees in City service.
13. Special recognition or reward of meritorious service by a City employee or for use in a City employee competition or drawing.
14. Performance of a ceremonial or official function on behalf of the City, including the attendance of the Designated Official's Immediate Family.

15. Recognition of contributions made to the City by former City Council Members and City officials.
16. Promotion of special events in accordance with any City contract, including those contracts where the City as a form of consideration has required that a certain number of Tickets be made available for City use.
17. Events sponsored by the City where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts by providing the necessary opportunities to meet and greet visitors, dignitaries, public officials from neighboring jurisdictions, residents of the City , and their guests.

E. City Manager.

The City Council hereby delegates the authority to distribute any Tickets in accordance with this policy to the City Manager or his or her designee. In such case where the City Manager desires to obtain a Ticket, the City Council authorizes the City Manager to exercise the City's sole discretion in determining whether the City Manager's use or distribution of tickets and/or passes is in accordance to the terms of this policy.

F. Return of Tickets.

Any Designated Official or the Designated Official's Immediate Family may return any Ticket unused to the City for redistribution pursuant to this policy. Under no circumstances may either the Designated Official or the Designated Officials' Immediate Family sell or further transfer any Ticket provided under this policy.

G. Transfer Prohibition.

The transfer by any Designated Official of any Ticket distributed pursuant to the policy to any other person, except to members of the Designated Official's Immediate Family for their personal use, is prohibited.

H. Policy Limited to Tickets.

Pursuant to FPPC Regulation 18944.1(f), this policy applies only to Tickets and is not applicable to any other benefits received as a part of admission, such as food and beverages.

I. Website Posting.

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

J. Website Disclosure.

The distribution of any Ticket pursuant to this policy shall be prominently posted on the City website within 30 days after the ticket distribution and shall include all of the information as required under FPPC Regulation 18944.1(d). Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time. Such posting shall be for a period of 30 days, unless a specific duration is otherwise provided for by FPPC regulation.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of December 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-238

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

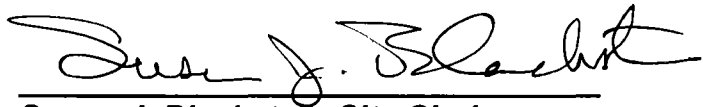
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 9, 2009 by the following vote:

AYES : COUNCILMEMBERS: *Hume, Scherman, Cooper, Davis, Detrick*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



Susan J. Blackston, City Clerk
City of Elk Grove, California