

RESOLUTION NO. 2012- 70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, ADOPTING A POLICY FOR THE DISTRIBUTION OF TICKETS AND/OR PASSES TO CONFORM TO SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of Title 2 of the California Code of Regulations ("Regulation 18944.1"), which amendment became operative on February 7, 2009, that set forth the circumstances under which the City's distribution of certain tickets and passes to a public official would need to be disclosed by the City and not trigger a disclosure requirement for the purposes of the public official's Statement of Economic Interest Form 700; and

WHEREAS, tickets or passes subject to Regulation 18944.1 are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the City's distribution of tickets and/or passes to City officials serves a legitimate public purpose of the City, provided the determination is consistent with state law; and

WHEREAS, from time to time the City may receive complimentary or discounted tickets or passes from outside sources or receive tickets or passes pursuant to the City's co-sponsorship of an event, or may purchase tickets or passes for both public and private events for distribution to City officials; and

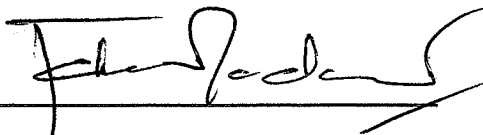
WHEREAS, the distribution to and use of such tickets and passes by officials frequently serve legitimate governmental and/or public purposes; and

WHEREAS, based on such practice and the amended regulations, the City Council desires to adopt a policy regarding the distribution of tickets and/or passes pursuant to Regulation 18944.1;

NOW, THEREFORE, the City Council of the City of Rohnert Park, California, DOES HEREBY RESOLVE AS FOLLOWS:

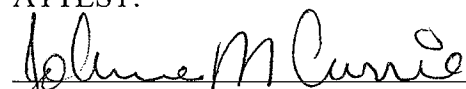
The City Council Policy for Distribution of Tickets and/or Passes in accordance with Section 18944.1 of Title 2 of the California Code of Regulations, as amended by the FPPC and set forth in Exhibit A to this Resolution, is hereby adopted.

DULY AND REGULARLY ADOPTED on this 26th day of June, 2012.





ATTEST:


CITY CLERK

AHANOTU: <u>AYE</u>	BELFORTE: <u>AYE</u>	CALLINAN: <u>Absent</u>	STAFFORD: <u>AYE</u>	MACKENZIE: <u>AYE</u>
AYES: (<u>4</u>) NOES: (<u>0</u>) ABSENT: (<u>1</u>) ABSTAIN: (<u>0</u>)				



CITY OF ROHNERT PARK
CITY COUNCIL POLICY

SUBJECT	RESO. NO.	POLICY NO.	EFF. DATE	PAGE
DISTRIBUTION OF TICKETS AND/OR PASSES	2012- 70	490.15	6/26/12	

Section 1. Purpose of Policy. The purpose of this policy is to ensure all tickets and/or passes provided to the City are distributed in furtherance of governmental and/or public purposes as required under Title 2, Section 18944.1 of the California Code of Regulations.

Section 2. Tickets Covered by this Policy. Tickets covered by this policy include those:

- a. Gratuitously provided to the City by an outside source;
- b. Acquired by the City by purchase;
- c. Acquired by the City as consideration to the terms of a contract for the use of a City venue, or the use of a venue incorporating services provided by the City.

Section 3. Limitations.

- a. This Policy shall apply only to the City's distribution of tickets and/or passes to, or at the behest of, a public official for which equal or greater value is provided by the public official. Consideration of equal or greater value shall be presumed if the tickets or passes are distributed pursuant to this policy.
- b. This Policy shall apply only if the tickets and/or passes that are (i) not earmarked by the original source for use by the specific city official who uses the tickets and/or passes and (ii) the City Manager or authorized designee determines in his/her sole discretion which official may use the tickets and/or passes.
- c. This Policy shall not apply to any other item of value provided to the City or City Official regardless of whether received gratuitously or for which consideration is provided as part of admission, such as food and beverages. Any such item other than tickets and/or passes may be reportable on the City Official's Form 700 and be subject to state law and FPPC regulations related to gifts to public officials.
- d. This Policy does not apply to any tickets and/or passes received by a City Official that: (i) The City Official treats as income consistent with applicable state and federal income tax laws and regulations and the City reports the distribution of the Ticket as income to the City Official; or (ii) for which the City Official pays the fair market value, or for which the City Official reimburses the original source of the Ticket in

accordance with FPPC Regulations, or for which the City Official pays or reimburses the City for the fair market value; or (iii) is a "gift" to the City Official in accordance with FPPC Regulations whether or not the City Official reports the gift on the City Official's Form 700.

Section 3. Official Duties; Ceremonial Roles. Tickets provided to public officials as part of their official duties, or so that the public official may perform a ceremonial role or function on behalf of the City, shall not be subject to this Policy, as these tickets are exempt from any disclosure or reporting requirements.

Section 4. Public Purpose. The City shall only provide a ticket and/or pass to a public official, or at the behest of a public official, when an event meets one of the following public or governmental purposes:

- a. Promotion of local and regional businesses, or economic development and tourism activities within the City, including conventions and conferences.
- 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. Marketing promotions highlighting the achievements of local residents and businesses.
- e. Promotion and marketing of private facilities available for City resident use, including charitable and nonprofit facilities.
- f. Promotion of public facilities available for City resident use.
- g. Promotion of City growth and development, including economic development and job creation opportunities.
- h. Promotion of specific City community events provided by or sponsored by the City.
- i. Promotion of any City owned sites such as parks, soccer fields, and golf courses.
- j. City recognition, visibility, and/or profile on a local, state, or national scale.
- k. Promotion of open government through public official appearances, participation and/or availability at business or community events.
- l. Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as host or sponsor, providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.

- m. When the City, as a form of consideration, has required by written contract that a certain number of tickets or suites be made available for City use.
- n. Employee retention programs.
- o. Special outreach programs for veterans, teachers, emergency and medical personnel, and other civil service occupations.
- p. Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- q. Promotion of and participation in intergovernmental relations and activities.
- r. In order for a spouse of a public official to accompany him or her to any qualifying event.
- s. Any purpose similar to the above included in any City contract.

Section 5. Return of Tickets. Prior to the event taking place, any public official or any member of the public official's immediate family may return any unused ticket to the City for redistribution pursuant to this policy and is not required to report the returned ticket or pass on the Form 802. Government Code section 8209 has defined immediate family to mean spouse and dependent children. Neither public officials nor members of their immediate families may sell or further transfer any ticket and/or pass provided under this policy.

Section 6. City Manager. The City delegates the authority to distribute any tickets and/or passes in accordance with this policy to the City Manager or his or her designee. In any circumstance where the City Manager desires to obtain a ticket or pass for himself or herself, the City Council authorizes the Mayor to exercise the City's sole discretion in determining whether the City Manager's use or behest of tickets and/or passes is in accordance with the terms of this policy.

Section 7. Transfer Prohibition. The transfer of any tickets and/or passes distributed pursuant to this policy, by any public official to any person other than members of the public official's immediate family for their personal use, is prohibited.

Section 8. Website Posting. This policy shall be posted on the City's website in a prominent fashion. The Form 802 shall be posted for twelve (12) months and may be removed at the City's discretion anytime thereafter.

Section 9. Website Disclosure. Notice of the distribution of tickets or passes pursuant to this policy shall be posted on the City's website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time