

RESOLUTION NO. 2871

RESOLUTION OF THE LEMON GROVE CITY COUNCIL ESTABLISHING A TICKET POLICY FOR TICKETS RECEIVED BY THE CITY FROM THIRD PARTIES TO CONFORM WITH CALIFORNIA CODE OF REGULATIONS, SECTION 18944.1, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, on December 11, 2008, 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 new regulation, which became effective February 8, 2009, sets forth the conditions under which a ticket or pass to an entertainment event distributed by an agency to its officials will not be treated as a gift to the official under the Political Reform Act and FPPC regulations; and

WHEREAS, under the new regulation, tickets to an event for entertainment purpose distributed by an agency to its public officials will not be considered a gift if: 1) the public official uses or behests the tickets for a public purpose, or 2) the public official treats the tickets as income in accordance with applicable state and federal income tax laws (tickets provided by an agency to its officials for which the agency is reimbursed are not subject to the regulation); and

WHEREAS, in order to avoid a distribution of tickets from an agency to its officials from being treated as a gift, Section 18944.1 requires an agency to adopt a ticket policy which contains, at a minimum: 1) provisions setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes; 2) a provision requiring that the distribution of any ticket or pass by the agency to, or at the behest of, an official accomplish a public purpose of the agency; and 3) a provision prohibiting the transfer by any official of any ticket or pass, distributed to such official pursuant to the agency policy, to any other person, except to members of the official's immediate family, solely for their personal use; and

WHEREAS, the amended regulation requires that the agency disclose on its website all tickets distributed to its officials for a public purpose as well as those which the official will treat as income. Such disclosure is to be made within 30 days after the distribution on a form provided by the FPPC, which shall include 1) the name of the person or organization receiving the tickets, 2) a description of the event, 3) the date of the event, 4) the face value of the ticket, 5) the number of tickets provided to each person/organization, 6) if the ticket was behested, the name of the official who behested the ticket, and 7) a description of the public purpose under which the distribution was made or, alternatively, that the ticket will be treated as income by the official; and

WHEREAS, the policy conforms to the requirements of Section 18944.1 as set forth above; and

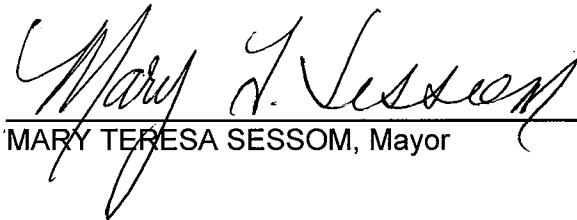
WHEREAS, it designates the City Manager or his/her designee(s) as the Ticket Administrator for purposes of implementing the policy and establishing the ticket distribution procedures in accordance with the policy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby approves the "Ticket Policy for Tickets Received by the City from Third Parties" (Exhibit 1) to conform with California Code of Regulations, Section 18944.1, as amended by the Fair Political Practices Commission.

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PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on June 2, 2009 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary England	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Gastil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


 MARY TERESA SESSOM, Mayor

Attest:



 SUSAN GARCIA, City Clerk

CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby certify the foregoing to be a true and exact copy of Resolution No. 2871 duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

 SUSAN GARCIA, City Clerk

EXHIBIT 1

CITY OF LEMON GROVE TICKET POLICY FOR TICKETS RECEIVED BY THE CITY FROM THIRD PARTIES

1.0 Application of Policy.

- 1.1 This policy applies to tickets, which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are either:
 - a) gratuitously provided to the City by an outside source;
 - b) acquired by the City by purchase;
 - c) acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; or
 - d) acquired and distributed by the City in any other manner.
- 1.2 This policy does not apply to any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided.
- 1.3 This policy shall supersede any other inconsistent written policy applicable to tickets.

2.0 Definitions: Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code section 81000, et seq., as the same may from time to time be amended) and the Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may from time to time be amended).

- 2.1 "City" or "City of Lemon Grove" shall mean and include the City of Lemon Grove, the Lemon Grove Redevelopment Agency, any other affiliated agency created or activated by the Lemon Grove City Council, and any departments, boards and commissions thereof.
- 2.2 "City Official" means every member, officer, employee or consultant of the City of Lemon Grove, 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).
- 2.3 "City Venue" means and includes any facility owned, controlled or operated by the City of Lemon Grove.
- 2.4 "Immediate family" means the spouse and dependent children.
- 2.5 "Ticket" means and includes any form of admission privilege to a facility, event, show or performance.

3.0 General Provisions.

- 3.1 Purpose: The purpose of this policy is to ensure that all tickets provided to the City shall be distributed in furtherance of public purposes.

- 3.2 No Right to Tickets: The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- 3.3 Limitation on Transfer of Tickets: Tickets distributed to a City Official pursuant to this policy shall not be transferred to any other person, except to members of such City Official's immediate family solely for their personal use.
- 3.4 Prohibition Against Sale or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.

4.0 Ticket Administrator.

- 4.1 The City Manager or his/her designee(s) shall be the Ticket Administrator for purposes of implementing the provisions of this policy.
- 4.2 The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy. All requests for tickets that fall within the scope of this policy shall be made in accordance with the procedures established by the Ticket Administrator.
- 4.3 The Ticket Administrator shall determine the face value of tickets distributed by the City for purposes of Sections 5.1, 5.2 and 7.1, subparagraph (d), of this policy.
- 4.4 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the ticket privileges of any person who violates any provision of this policy or the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this policy.

5.0 Conditions Under Which Tickets May be Distributed: Subject to the provisions this policy, complimentary tickets may be distributed to City Officials under the following conditions:

- 5.1 The City Official reimburses the City for the face value of the ticket(s).
 - (a) Reimbursement shall be made at the time the ticket(s) is/are distributed to the City Official.
 - (b) The Ticket Administrator shall, in his or her sole discretion, determine which event tickets, if any shall be available under this section.
- 5.2 The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws.
- 5.3 The City distributes such ticket(s) to or at the behest of, an official in order to accomplish a public purpose. The following is a list of public purposes the City may accomplish through the distribution of tickets:
 - (a) Performance of a ceremonial role or function representing the City at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
 - (b) The job duties of the City Official require his or her attendance at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
 - (c) Economic or business development purposes on behalf of the City.

- (d) Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.
- (e) Attracting or rewarding volunteer public service.
- (f) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Lemon Grove residents.
- (g) Encouraging or rewarding significant academic, athletic, or public service achievements by Lemon Grove students, residents or businesses.
- (h) Attracting and retaining highly qualified employees in City service, for which such employee may receive no more than four (4) tickets per event.
- (i) As special recognition or reward for meritorious service by a City employee, for which such employee may receive no more than four (4) tickets per event.
- (j) For use in connection with a City employee competition or drawing, for which there shall be made no more than four (4) tickets per person per event.
- (k) Recognition of contributions made to the City by former City Council Members or City Executive Managers, for which such former City Council Member or Executive Manager may receive no more than four (4) tickets per event.

6.0 Tickets Distributed at the Behest of a City Official.

- 6.1 Only the following City Officials shall have authority to behest tickets: City Council Members, the City Manger, and Department Directors.
- 6.2 Tickets shall be distributed at the behest of the City Official only for one or more public purposes set forth in Section 5.3 above.
- 6.3 If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets so distributed to attend the event.

7.0 Disclosure Requirements.

- 7.1 Tickets distributed by the City to any City Official either i) which the City Official treats as income pursuant to Section 5.2 above, or ii) for one or more public purposes described in Section 5.3 above, shall be posted on a form provided by the FPPC in a prominent fashion on the City's website within thirty (30) days after distribution. Such posting shall include the following information:
 - (a) The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of tickets provided to the organization in lieu of posting the names of each recipient;
 - (b) a description of the event;
 - (c) the date of the event;
 - (d) the face value of the ticket;
 - (e) the number of tickets provided to each person;
 - (f) if the ticket was distributed at the behest of a City Official, the name of the City Official who made the behest; and

(g) a description of the public purpose(s) under which the distribution was made, or alternatively, that the City Official is treating the ticket as income.

7.2 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above shall not be subject to the disclosure provisions of Section 7.1.