



CITY COUNCIL AGENDA REPORT

MEETING DATE: February 5, 2013

ITEM NUMBER: CC-6

SUBJECT: RESOLUTION ESTABLISHING RECEIPT AND DISTRIBUTION POLICY REGARDING TICKETS AND/OR PASSES IN CONFORMANCE WITH THE CALIFORNIA CODE OF REGULATIONS § 18944.1 AS RECENTLY AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION.

DATE: JANUARY 24, 2013

FROM: OFFICE OF THE CITY CLERK

PRESENTATION BY: BRENDA GREEN, INTERIM CITY CLERK

FOR FURTHER INFORMATION CONTACT: BRENDA GREEN, INTERIM CITY CLERK
AT (714) 754-5221

RECOMMENDATION:

Staff recommends that the City Council adopt the Resolution establishing a ticket distribution policy regarding tickets and/or passes in conformance with the California Code of Regulations §18944.1.

BACKGROUND:

The Fair Political Practices Commission (FPPC) has adopted regulations set forth in Title 2 of the California Code of Regulation Section 18944.1 relating to the City's distribution of tickets or passes to employees and elected officials ("public officials"). Consistent with the FPPC regulations, the Office of the City Attorney has prepared the attached resolution for consideration and possible action by the City Council.

ANALYSIS:

The FPPC regulates complimentary tickets, passes or admission to a facility, event, show or performance for an entertainment, amusement, recreation or similar purpose distributed to city officials by their agency.

Typically, a city official would have to treat free tickets received by the city as income on their Form 700. However, under Section 18944.1, if the public official receives the tickets or passes under a public purpose exception, then he or she is not required to report the tickets as either a gift or income. Those exceptions are set forth in Section 5.3 of the attached policy.

In 2012, the FPPC made additional modifications to Section 18944.1 which include:

- 1) Re-characterizing the "ceremonial exception" to Section 18942;
- 2) Public purpose exception for the morale, retention or to reward public service of city employees,
- 3) Permitting a city official to transfer tickets to one guest that will accompany an immediate family member,

- 4) Making Form 802 available as a public record without requiring the city to post the form to its website,
- 5) Mandating disclosure of organizations receiving tickets under this policy; and
- 6) Authorizing the city to limit disclosure of names of city employees receiving tickets.

The policy attached hereto reflects those changes.

FISCAL REVIEW

There is no fiscal impact to the City.

LEGAL REVIEW:

The City Attorney has reviewed the Resolution and proposed Council Policy 800-5 and approved it as to form.

CONCLUSION:

In conclusion, staff recommends that the City Council adopt the Resolution and Council Policy 800-5 establishing a ticket distribution policy regarding tickets and/or passes in conformance with the California Code of Regulations §18944.1.

BRENDA GREEN
Interim City Clerk

RICK FRANCIS
Assistant CEO

DISTRIBUTION: Department Directors

ATTACHMENTS: A [Resolution 13-_____](#)
B [Proposed Council Policy 800-5](#)
C [California Code of Regulations §18944.1](#)