

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Adopting a Policy for the Distribution of Tickets and Passes to and at the Behest of City Officials) Resolution No. 09-11202

The City Council of the City of Pittsburg DOES RESOLVE as follows:

WHEREAS, Title 2 of the California Code of Regulations, Section 18944.1 ("Section 18944.1") was adopted by the Fair Political Practices Commission to regulate the distribution of tickets and/or passes to public officials providing admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose ("Tickets"); and

WHEREAS, from time to time, the City purchases or receives Tickets from third party sources, both public and private; and

WHEREAS, City desires to distribute Tickets in a manner that furthers the City's governmental and public purposes, including the promotion of local businesses, community resources, programs and facilities; and

WHEREAS, Section 18944.1 was recently amended to further restrict the use of Tickets by public officials; and

WHEREAS, consistent with Section 18944.1, City desires to adopt a written policy related to the distribution of Tickets and establishing procedures for the disclosure of Tickets distributed to, or at the behest of, City public officials.

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

Section 1. Adoption of Ticket Policy

The City Council hereby adopts the City of Pittsburg Ticket Distribution Policy ("Ticket Policy"), incorporated herein by this reference and attached hereto as "Exhibit A."

Section 2. Posting of Ticket Policy

Consistent with the requirements of California Code of Regulations Section 18944.1, the City Council hereby directs the City Clerk to post the Ticket Policy in a prominent fashion on the City's Website.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.


PASSED AND ADOPTED on the 20th day of April, 2009 by the following vote:

AYES: Members Casey, Evola, Johnson, Kee and Mayor Parent.


NOES: None.

ABSTAINED: None.

ABSENT: None.


Nancy L. Parent, Mayor

ATTEST:


Rhonda K. Basore, Deputy City Clerk

CITY OF PITTSBURG
TICKET DISTRIBUTION POLICY

1.0 Purpose of Policy.

1.1 The purpose of this Policy is to ensure that all Tickets the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.

2.0 Application of Policy.

2.1 This Policy applies to Tickets which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are:

- a) gratuitously provided to the City by an outside source;
- b) acquired by the City by purchase; or
- c) acquired and distributed by the City in any other manner.

2.2 This Policy shall only apply to the City's distribution of Tickets to, or at the behest of a City Official. 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.

2.3 This Policy, together with the procedures established pursuant to Section 4.4 below, shall supersede and replace any prior City policy governing the distribution of Tickets to City Officials.

3.0 Definitions: Unless otherwise expressly provided herein, words and terms used in the Policy shall have the same meaning as in the California Political Reform Act of 1974 (Government Code Sections 81000 *et seq.*, as amended from time to time) and the related Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as amended from time to time).

3.1 "City" or "City of Pittsburg" means and includes the City of Pittsburg, the Redevelopment Agency of the City of Pittsburg, the Housing Authority of the City of Pittsburg, the Pittsburg Power Company, the Pittsburg Southwest Geologic Hazard Abatement District and any other affiliated agency created or activated by the Pittsburg City Council, and any departments, boards and commissions thereof.

3.2 "City Official" means the City's "public officials," as that term is defined by the California Political Reform Act, and shall include, without limitation, any City board, commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

3.3 "FPPC" means the California Fair Political Practices Commission.

3.4 "Immediate family" means an individual's spouse and dependent children.

3.5 "Policy" means this Ticket Distribution Policy.

3.6 "Ticket" means any form of admission privilege to a facility, event, show or performance.

4.0 General Provisions.

4.1 No Right to Tickets: The distribution of Tickets pursuant to this Policy is a privilege extended by the City and not the right of any person to whom the privilege may from time to time be extended.

4.2 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 the City Official's immediate family solely for their personal use.

4.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this policy shall sell, receive reimbursement for, or receive any other consideration in exchange for the Ticket.

4.4 Implementation of Policy: The City Manager 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 which fall within the scope of this Policy shall be made in accordance with the procedures established by the City Manager.

4.5 Designation of Agency Head: The City Manager or his or her designee shall be the "Agency Head" for purposes of implementing the provisions of this Policy and posting the disclosure forms required by the FPPC.

4.6 No Earmarking of the Ticket to City: No Ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of a City Official pursuant to this Policy shall be earmarked by the original source for distribution to a particular City Official.

4.7 Valuation of Tickets: The City Manager shall determine the face value of all Tickets distributed by the City pursuant to this Policy.

4.8 Revocation of Privileges: The City Manager, 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 City Manager for the distribution of Tickets in accordance with this Policy.

5.0 Distribution of Tickets: Subject to the provisions of this Policy, complimentary Tickets may be distributed to City Officials under any of the following conditions:

5.1 The City Official reimburses the City for the face value of the Ticket(s).

5.2 The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.

5.3 The distribution of the Ticket(s) to, or at the behest of the City Official accomplishes a governmental and/or public purpose, including but not limited to any of the following:

- a) The performance of a ceremonial role or function by a City Official on behalf of the City at an event.
- b) The official duties of the City Official require his or her attendance at the event.
- c) Promotion of intergovernmental relations and/or cooperation with other governmental agencies, 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.
- d) Promotion of City resources and/or facilities available to Pittsburg residents.
- e) Promotion of City initiated, sponsored or supported community programs or events.
- f) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organization benefitting Pittsburg residents.
- g) Promotion of business activity, development, and/or redevelopment within the City.
- h) Promotion of City-owned businesses.
- i) Promotion of City tourism.
- j) Increasing public awareness of the various recreational, cultural, and educational venues and facilities available to the public within the City.
- k) Attracting and/or rewarding volunteer public service.
- l) Encouraging or rewarding significant academic, athletic, or public service achievements by Pittsburg students, residents or businesses.
- m) Attracting and retaining highly qualified employees in the City service.
- n) Recognizing or rewarding meritorious service by a City employee.
- o) Promoting enhanced City employee performance or morale.
- p) Recognizing contributions made to the City by former City Council Members or City employees.

6.0 Disclosure Requirements.

6.1 This Policy shall be posted on the City's website in a prominent fashion.

6.2 Tickets distributed pursuant to this Policy shall be disclosed on a form provided by the FPPC and posted on the City's website in a prominent fashion within thirty (30) days from the date the Tickets are received by, or distributed at the behest of, a City Official. The disclosure form 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) furthered by the Ticket distribution, or, alternatively, that the City Official is treating the Ticket as income.

6.3 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 6.2.



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

DATE: 04/14/2009
TO: Mayor and Council Members
FROM: Marc S. Grisham, City Manager
SUBJECT: Adoption of a City Council Resolution Adopting the City of Pittsburg Ticket Distribution Policy
MEETING DATE: 4/20/2009

EXECUTIVE SUMMARY

The California Fair Political Practices Commission ("FPPC") recently amended Section 18944.1 of the California Code of Regulations ("Section 18944.1") relating to tickets or passes distributed by the City to, or at the behest of, public officials. Section 18944.1 now requires that the City adopt a written policy related to the distribution of tickets and passes. Both the written policy and information related to the distribution of tickets must be posted on the City's website in prominent fashion. The attached resolution, if approved, will adopt a formal ticket distribution policy in compliance with Section 18944.1.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

That the City Council adopt the attached Resolution establishing a ticket distribution policy for the City of Pittsburg.

BACKGROUND

In December of 2008, the FPPC revised Section 18944.1 relating to tickets or passes distributed by the City to, or at the behest of, public officials. The revised Section 18944.1 became effective in February of 2009 and further restricts the use of tickets and passes by City officials and employees.

From time to time, the City receives complimentary or discounted tickets or passes from outside sources for distribution to City officials and/or employees. In addition, the City occasionally purchases tickets or passes for its employees or officials for governmental

purposes. Section 18944.1 now requires that tickets be distributed in accordance with an officially adopted written policy, which must be posted in a “prominent fashion” on the City’s website.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

Section 18944.1 requires that the City’s written ticket distribution policy include, at minimum, the following provisions:

- a. A provision setting forth the public purposes to be accomplished by the distribution of tickets or passes;
- b. A provision requiring that the distribution of any ticket or pass by the City to, or at the behest of an official accomplish a public purpose of the City; and
- c. A provision prohibiting any official who receives a ticket or pass pursuant to the policy from transferring the ticket or pass to any other person (except a member of the official’s immediate family).

Section 18944.1 provides the City with wide discretion to identify legitimate “public purposes” when distributing tickets pursuant to a written policy. Section 18944.1 states in part that “the Commission recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of a ticket or pass serves a legitimate public purpose of the agency, provided the determination is consistent with state law.” The proposed ticket distribution policy identifies several categories of uses that may qualify as “public purposes,” but does not provide an exhaustive list.

All tickets distributed pursuant to Section 18944.1 must be accounted for and reported on FPPC Form 802, which must be posted “in a prominent fashion” on the City’s website within 30 days of the distribution of the tickets. The “Agency Head” must sign each disclosure form verifying that the distribution of tickets is in accordance with Section 18944.1.

The attached ticket distribution policy has been prepared by City staff to meet the requirements of Section 18944.1. If adopted by Council, the City Manager will be responsible for implementing the proposed policy, distributing tickets, and ensuring that both the written policy and future FPPC disclosure forms are posted on the City’s website.

ATTACHMENTS: Resolution
Exhibit A - Ticket Distribution Policy

Report Prepared By: Marc S. Grisham