

**RESOLUTION NO. 2011-17-2503**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF IRWINDALE, CALIFORNIA, ADOPTING A  
TICKET AND PASS DISTRIBUTION POLICY**

**WHEREAS**, under Title 2 of the California Code of Regulations, Section 18944.1 (“Section 18944.1”) tickets and passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

**WHEREAS**, on December 11, 2008, the Fair Political Practices Commission (“FPPC”) adopted new regulations defining the circumstances under which the receipt of tickets and passes by a public official must be disclosed by the City and the recipient public official; and

**WHEREAS**, the City finds that tickets and passes distributed by the City are public resources; and

**WHEREAS**, the City desires to use these public resources in a manner that furthers the City’s governmental and public purposes as described herein, such as the promotion of local business activity and the development of community resources, programs, and facilities; and

**WHEREAS**, according to Section 18944.1(b)(2) tickets and passes are not reportable gifts to public officials if the City distributes these tickets and passes in accordance with a duly adopted written policy that is posted on the City’s website; and

**WHEREAS**, the FPPC recognizes the discretion of the City Council to determine the circumstances under which the distribution of tickets and passes serves a purpose of the City and when only private interests are served such that the receipt of a ticket or pass should be viewed as a reportable gift to the public official who receives it.

**NOW THEREFORE**, be it resolved by the City Council of the City of Irwindale, California, as follows:

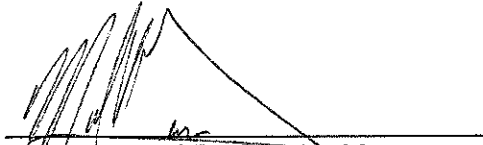
Section 1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The City Council hereby finds and determines that the Ticket and Pass Distribution Policy attached hereto as Exhibit “A” would serve the public purposes outlined at Section 4 therein.

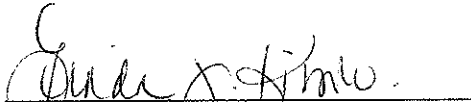
Section 3. To promote such public purposes, the City Council hereby adopts the Ticket and Pass Distribution Policy attached hereto as Exhibit “A”.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED, this 25<sup>th</sup> day of May 2011.

  
\_\_\_\_\_  
Manuel R. Garcia, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda J. Kimbro, MMC  
Deputy City Clerk

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES    } ss.  
CITY OF IRWINDALE            }

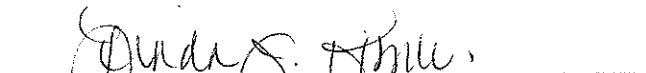
I, Linda J. Kimbro, Deputy City Clerk, do hereby certify that the foregoing Resolution No. 2011-17-2503 was adopted at a regular meeting of the City Council held on May 25, 2011, by the following vote:

AYES:           Councilmembers:   Burrola, Fuentes, Ortiz, Mayor Garcia

NOES:           Councilmembers:   None

ABSENT:        Councilmembers:   Breceda

ABSTAIN:       Councilmembers:   None

  
\_\_\_\_\_  
Linda J. Kimbro, MMC  
Deputy City Clerk  
City of Irwindale

## **Exhibit A**

### **CITY OF IRWINDALE TICKET AND PASS DISTRIBUTION POLICY**

#### **SECTION 1. Purpose of Policy.**

The purpose of this policy is to ensure that all tickets and passes (collectively, "ticket(s)") distributed by the City are issued in furtherance of public purposes of the City as required under Section 18944.1 of the Rules of the Fair Political Practices Commission ("FPPC"). This Policy applies to any ticket which the City: (i) receives from a third party, (ii) controls as a sponsor of, or otherwise because it has control over, an event; or (iii) purchases.

This policy shall be applicable to every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (Form 700) under State law or the City's current Conflict of Interests Code.

#### **SECTION 2. Limitation.**

This Policy shall only apply to the City's distribution of tickets to a public official or at the request of a public official for which no consideration of equal or greater value is provided by the public official. Reimbursement of actual and necessary expenses of any member of the City Council or any City Commission incurred in the performance of official duties shall be governed by the City's reimbursement policy.

#### **SECTION 3. Official Duties; Ceremonial Roles.**

Tickets provided to public officials as part of their official duties, or tickets provided so that the public official may perform a ceremonial role or function or other public purpose on behalf of the City, as described in Section 4 below, are exempt from the definition of "gift" per the Political Reform Act, at Government Code section 82028. However, information required by Form 802, a copy of which is attached to this Policy, including the number of tickets received, face value of the ticket(s), and description of public purpose shall be reported on such Form 802 and posted on the City's website per Section 5 below. Any distribution or use of tickets that do not serve a public purpose described in Section 4 or otherwise do not meet the requirements of this Policy shall be reported as a gift, as described in Section 7.

#### **SECTION 4. Public Purposes.**

The City may provide a ticket or pass to a person subject to this policy for any of the following City purposes providing that the City Manager or his designee determines that providing the ticket or pass actually benefits the City by accomplishing one or more of the following:

- a. Promotion of local and regional businesses and economic 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. Highlighting the achievements of local residents and businesses.
- e. Promotion of private facilities available to City residents, including charitable and nonprofit facilities.
- f. Promotion of public facilities available to City residents.
- g. Promotion of City growth and development, including economic development and job creation opportunities.
- h. Promotion of City landmarks and community events.
- i. Promotion of special events conducted pursuant to a contract to which the City is party.
- j. Promotion of the City on a local, regional, state, or national scale.
- k. Promotion of open government by participation of public officials at business or community events.
- l. Sponsorship agreements involving private events by which the City seeks to enhance the City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- m. Implementation of written contracts under which tickets are required to be made available for City use.
- n. Employment retention programs.
- o. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
- p. Any similar purpose stated in any City contract.

## **SECTION 5. Reporting Requirement**

Reporting Requirement. Tickets distributed by the City to a City official, or to an individual or organization outside the City at the behest of a City official, pursuant to this

Policy shall be documented in a completed FPPC Form 802 (see Attachment 1) or such other form(s) as the FPPC may designate. The completed Form 802 shall be filed with the City Clerk and posted on the City's website in a prominent fashion within 30 days after distribution of the tickets.

#### **SECTION 6. Return of Tickets.**

Any public official may refuse to accept or return any ticket or pass to the City and not be required to report the tickets under either Form 802 or 700.

#### **SECTION 7. Use of Tickets Not for Public Purpose – Reported as Income.**

Any distribution of a ticket, whether to the official's immediate family or otherwise or use of a ticket by the official that does not meet the requirements of Section 3 shall be subject to the "gift" definition of Government Code section 82028 and reported by the official under Form 700 and as income consistent with federal and state income tax laws.

#### **SECTION 8. Transfer Prohibition.**

A City official who receives tickets distributed by the City according to this Policy is prohibited from transferring or giving the tickets to any other person except to members of the official's immediate family for their personal use. "Immediate Family" means spouse and dependent children. No person receiving a ticket or pass pursuant to this Policy shall sell or receive reimbursement for the value of the ticket or pass. If a public official transfers a ticket he or she has received from the City to another person, as opposed to returning the ticket to the City for redistribution, then the value of the ticket or tickets he or she transfers shall constitute a gift to him or her and shall be reportable as provided by the regulations of the FPPC.

#### **SECTION 9. Policy Limited to Just Tickets.**

If other benefits, such as food, beverages or other items, are provided to the City official at an event and they are not included as part of the admission to the event, those benefits will need to be accounted for as gifts to the City official.

#### **SECTION 10. City Manager.**

The City Council delegates the authority to distribute any ticket and pass in accordance with this policy to the City Manager or his/her designee and such authority includes the power to distribute such a ticket to the City Manager provided that doing so is otherwise consistent with this Policy.

**SECTION 11. Website Posting.**

This policy and Form 802 reports required by Section 18944.1 of the FPPC Rules shall be posted on the City's website as required by that Section.

**Agency Report of:  
Ceremonial Role Events and  
Ticket/Admission Distributions**

**A Public Document**

Agency Name		Date Stamp	<div style="background-color: black; color: white; padding: 5px; display: inline-block;"><b>California Form 802</b></div> For Official Use Only
Division, Department, or Region (if applicable)			
Street Address			
Designated Agency Contact (Name, Title)		<input type="checkbox"/> Amendment (Must provide explanation in Part 3.)	
Area Code/Phone Number	E-mail	Date of Original Filing: _____ <small>(month, day, year)</small>	

**2. Function, Event, or Ceremonial Role Information**

Title \_\_\_\_\_ Face Value of Each Admission \$ \_\_\_\_\_

Description \_\_\_\_\_ Date(s) \_\_\_\_/\_\_\_\_/\_\_\_\_ \_\_\_\_/\_\_\_\_/\_\_\_\_

Ticket(s)/Admission(s) provided by agency? Yes  No  If no: \_\_\_\_\_  
Name of Source

Was the distribution to persons identified below made at the behest of an agency official?

Yes  No  If yes: \_\_\_\_\_  
Official's Name (Last, First) and Title

**The identity of recipient(s) and the explanation:**

Name (Last, First) or Organization (Name, Address, Description)	Number of Admission(s)/ Ticket(s)	Agency Official	<ul style="list-style-type: none"> <li>• Check the income box if the agency official claims admission as taxable income. If the agency official performed a ceremonial role, also provide a description.</li> <li>• If not income, describe the public purpose, including ceremonial roles, performed by an agency official, individual, or organization.</li> </ul>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>	Income <input type="checkbox"/>

**3. Verification**

*I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution of admissions, set forth above, is in accordance with the provisions.*

\_\_\_\_\_  
 Signature of Agency Head or Designee                      Print Name                      Title                      (month, day, year)

Comment: (Use this space or an attachment for any additional information including amendment explanation.)

**Agency Report of:  
Ceremonial Role Events and  
Ticket/Admission Distributions**

**California Form 802**

A Public Document

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions and then must post the policy on the agency's website. The Form 802 serves to detail each event and the public purpose of each agency distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or specific individuals.

### Website Posting

The Form 802 must be posted on the agency's website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

### Privacy Information Notice

Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any questions regarding this notice, please contact the FPPC General Counsel at Fair Political Practices Commission 428 J Street, Suite 620 Sacramento, CA 95814 (916) 322-5660.

### Instructions

#### Part 1 Agency Identification:

List the agency's name and street address. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

#### Part 2 Function, Event, or Ceremonial Role Information:

Provide the title of the event, the face value (i.e., the cost to the public) of each admission, a brief description of the event, and the date(s) of the event. Check the box indicating whether the tickets or admissions were provided by the agency. If the answer is no, identify the outside source.

Check the box indicating whether the distribution was made at the behest of an agency official. If the answer is yes, provide the full name and title of the agency official.

In the table, Column 1, identify the recipient of the distributed admissions. The full name is required for individuals. If admission is provided to an organization, individual names are not required but the organization's name, address, and brief description must be identified.

In the table, Column 2, disclose the total number of tickets/admissions distributed.

In the table, Column 3, check the box indicating whether the recipient was an agency official.

In the table, Column 4, if an agency official claims admission as taxable income, mark the income box. A description of a ceremonial role conducted by an agency official must be identified even if the official will claim the ticket as income. Alternatively, provide the public purpose for the distribution that is associated with the agency's policy that is posted on the agency's website.

#### Part 3 Verification:

The agency head or a designee must sign this form acknowledging that he or she has read, understands, and verifies compliance with FPPC Regulations 18944.1 and 18942.