

**COUNCIL POLICY
CITY OF CHULA VISTA**

SUBJECT: DISTRIBUTION OF TICKETS OR PASSES	POLICY NUMBER	EFFECTIVE DATE	PAGE
	161-01	03-17-2009	1 of 3

ADOPTED BY: Resolution No. 19072

DATED: 07-14-98

AMENDED BY: Resolution No. 2009-054 (03-17-2009)

BACKGROUND

On December 11, 2008, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of the California Code of Regulations, regarding the distribution of tickets or passes by a public agency to its officials. Section 18944.1, as amended, became effective February 7, 2009 and sets forth the conditions under which a ticket or pass distributed to, or at the behest of, an agency official will not be treated as a gift under the Political Reform Act and FPPC regulations. It also requires the agency to adopt a policy governing ticket distribution and to post information on its website for each ticket that it distributes.

The City of Chula Vista is a party to a sublease for the venue commonly known as "Cricket Amphitheater." Pursuant to the terms of that sublease, the City receives 24 tickets to each event promoted by the sublessee and held at Cricket Amphitheater. In addition, from time-to-time, the City may purchase or receive tickets or passes for admission to other events and receives vouchers for general admission to Cricket events. Accordingly, the City adopts this Policy, in compliance with Section 18944.1. This Policy shall govern the distribution of tickets and passes by the City and shall supersede any other City policies, practices or procedures relating to tickets provided by the City to, or at the behest of, City Officials.

POLICY

I. PURPOSE OF POLICY

The purpose of this Policy is to ensure that all tickets and passes provided to the City shall be distributed to accomplish public purposes of the City, as identified in this Policy.

II. APPLICATION OF POLICY

A. As used in this Policy, the term "Ticket" shall mean: tickets or passes that provide admission to a facility or event for entertainment, amusement, recreation or similar purposes, and are obtained by the City through one of the following means:

1. gifted by an outside source;
2. purchased by the City;
3. given to the City pursuant to the terms of a contract for the use of public property; or
4. made available to the City due to the City's control of the event.

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B. This Policy does not apply to:

1. tickets provided to a City Official¹ by an outside source to an event at which the Official performs a ceremonial role or function on behalf of the City;
2. tickets provided to an Official by sources other than the City;
3. tickets for which the Official pays the City the value of the ticket

III. POLICY PROVISIONS

A. Ticket Distribution. The City may distribute Tickets to City Officials under the following conditions:

1. the City Official treats the Tickets as income consistent with applicable state and federal income tax laws; or
2. the City Official uses, or directs, the Tickets to be used for one or more of the following public purposes:
 - a. promotion of the City as a good place to live, work, do business or recreate;
 - b. recognition of exceptional City employees and community leaders for their contributions to the well-being of the City;
 - c. support of local, and locally active, non-profit organizations, and their programs, which are dedicated to charitable, educational, cultural and social service activities;
 - d. promotion of local and regional businesses, economic development and tourism activities within the City;
 - e. marketing of City-controlled or sponsored events, activities or programs;
 - f. attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City;
 - g. information-gathering and education regarding matters of local, regional or state-wide concern that affect the City;
 - h. recognition of residents or local businesses, governmental agencies or community service organizations for providing services or benefits to

¹ The term "City Official" shall refer to the City's "Public Officials," as that term is defined in California Government Code §82048 and Fair Political Practices Commission Regulation §18701, and shall include all commission and board members, or other elected or appointed officials, and employees required to file an annual Statement of Economic Interests (FPPC Form 700).

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- i. the City, its residents or businesses;
 - i. promotion of City programs, resources or facilities available for public use;
 - j. exchange programs with foreign officials or dignitaries;
 - k. employment retention, recognition or appreciation; or
 - l. attendance of one member of the City Official's immediate family (spouse, child or parent) to accompany the Official to any of the above events.

- B. Prohibition Against Transfer. A City Official who receives a Ticket pursuant to this Policy is prohibited from transferring or selling the Ticket to any other person, except to a member of the Official's immediate family (spouse, child or parent) for the family member's personal use.

- C. City Manager Duties:
 - 1. The City Manager, or designee, shall be responsible for implementing this Policy. The City Manager shall oversee the distribution of Tickets in compliance with this Policy and is authorized to take all steps necessary to ensure that Ticket recipients are aware of, and comply with, this Policy.
 - 2. The City Manager is designated as the "Agency Head" for purposes of completing and posting FPPC Form 802.
 - 3. In the event that the City Manager desires to obtain a Ticket for his or her use, the City Council authorizes the City Manager to exercise the City's discretion in determining whether the City Manager's use of Tickets is in accordance with this Policy.

IV. POSTING AND DISCLOSURE REQUIREMENTS

This Policy shall be posted on the City's website. Within 30 days of distributing Tickets pursuant to this Policy, the City Manager, or designee, shall complete FPPC Form 802 and post the completed form on the City's website.

Attachment: California Form 802

Tickets Provided by Agency Report

A Public Document

This form is for use by all state and local government agencies to disclose the distribution of tickets or passes that allow admission to facilities, events, shows, or performances for entertainment, amusement, recreational, or similar purposes. The agency must complete Form 802 identifying agency officials who receive tickets or passes from the agency as well as other individuals and organizations that receive tickets or passes at the behest of agency officials. Form 802 must be posted in a prominent fashion on the agency's website.

Gifts of Tickets or Passes to Public Officials

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets or passes to or at the behest of an official in the agency does not result in a gift to the official. (Regulation 18944.1 is available on the FPPC website at www.fppc.ca.gov.) Even though the distribution of tickets or passes to a public official under the regulation is not a gift to the official, the agency must disclose the distribution on Form 802. The official does not have to disclose tickets or passes received or distributed under the regulation on his or her Statement of Economic Interests (Form 700), but tickets or passes received or distributed by the official that do not fall under the regulation may be subject to disclosure on the official's Form 700 and subject to gift limits.

Posting Form 802

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.

Part 1. Agency Identification

List the agency's name, address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Event For Which Tickets Were Distributed

Provide the date(s) of the event, a description of the event, and the face value (i.e. the cost to the public) of the ticket or pass. Check the box indicating whether the event was an "agency event" (such as a county fair, or an event for which the agency purchased tickets). If the agency received the tickets from an outside source, identify the source, the number of tickets received, and check the box to identify whether the tickets or passes were provided to the agency:

- Gratuitously; or
- Pursuant to a contract.

Part 3. Agency Official(s) Receiving Ticket(s)

Disclose the name of each agency official that received a ticket or pass and the number of tickets or passes the official received. Also state whether the distribution is income to the official or describe the public purpose for which the official received the tickets or passes.

Part 4. Individual or Organization Receiving Ticket(s)

If tickets or passes were distributed to an individual or organization outside the agency, at the behest of an official of the agency, provide the name of the official. Disclose the name(s) of the individual(s) who received the tickets or passes and the number of tickets or passes provided. If the tickets or passes were provided to an organization, the agency may post the name, address, a description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the name of each individual that received a ticket or pass. Also, describe the public purpose for the distribution to the individual or organization.

Part 5. Verification

The agency head or his or her designee must sign the form.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations Sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Act Notice, please contact the FPPC.

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