

RESOLUTION NO. 15-18

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
APPROVING A POLICY FOR DISTRIBUTING TICKETS AND PASSES TO CITY
OFFICIALS**

WHEREAS, from time to time, the City of Richmond receives tickets or passes from third party sources, both public and private; and

WHEREAS, under Title 2 of the California Code of Regulations, section 18944.1, these tickets and/or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose; and

WHEREAS, the City finds that the receipt of all such tickets and/or passes are public resources; and

WHEREAS, the City desires to distribute these public resources in a manner that furthers the City's governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs and facilities; and

WHEREAS, according to Section 18944.1, these tickets and/or passes are not gifts to "public officials" if these tickets and/or passes are disseminated in accordance with a duly adopted written policy; and

WHEREAS, the Fair Political Practices Commission ("FPPC") has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of the City, provided that the determination is consistent with state law.

NOW, THEREFORE, BE IT RESOLVED, that the Richmond City Council does hereby adopts the "City of Richmond Ticket Policy" attached hereto as Exhibit A.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held March 6, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN

CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

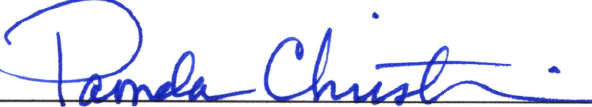
TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 15-18**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on March 6, 2018.



Pamela Christian, Clerk of the City of Richmond

**CITY OF RICHMOND
TICKET POLICY**

A. Purpose

This policy establishes a city-wide procedure for the distribution, use and reporting of tickets or passes to a facility, event, show or performance in compliance with section 18944.1 of the Fair Political Practices Commission (hereinafter "FPPC Regulation"). FPPC Regulation 18944.1 sets out the circumstances under which a public agency's distribution of tickets or passes for which no consideration of equal or greater value is provided by the public official or employee does not result in a gift to the public official or employee. Tickets or passes distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1 will not be considered as gifts to the City officials and employees who make use of such tickets and passes.

B. Policy

1. **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 Sections 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).
 - a. "City Official" means every member, officer, employee or consultant of the City of Richmond, 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).
 - b. "Immediate Family" means the spouse and dependent children.
 - c. "Ticket" means and includes any form of admission privilege to a facility, event, show or performance.
2. **Application of Policy.** 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) received by the City as consideration pursuant to the terms of a contract or because the City owns or controls the facility or venue at which the event occurs or sponsors the event.
3. **Public Purpose.** Any distribution of tickets or passes in accordance with this policy to a City official, or to an individual or organization outside the City at the request of a City Official, must be in furtherance of a governmental and/or public purposes and be reported as provided in this policy.

C. Exemptions to Policy

1. **Ceremonial Role of Function.** Tickets or passes provided to a City official to carry out his or her job duties or where the City official will perform a ceremonial role or function on behalf of the City at the event are not considered gifts to the City

Official and are exempt from disclosure and reporting requirements of this policy.

2. **Income**. The City Official treats the tickets or passes as income consistent with federal and state income tax laws and the City reports distribution of the tickets or passes as income to the City Official on the FPPC Form 802.
3. **Reimbursement**. The City Official purchases or reimburses the City for the face value of the tickets or passes.

D. Procedure for Distribution and Reporting

1. The City Manager or his/her designee has sole discretion to determine who shall receive the tickets or passes received or acquired by the City.
 - a. Tickets or passes that are donated or provided by an outside source and are earmarked for use by a specific City Official are considered gifts to the City Official and are subject to the disclosure and reporting requirements applicable to gifts, unless one of the exemptions listed above apply.
 - b. Tickets or passes received by the City from an outside source without designation to a specific City Official shall be forwarded to the City Manager. The City Manager shall determine the face value of the tickets or passes, the City Official(s) who may use them, and report their distribution as provided in section D.2 below.
 - c. For tickets or passes received by the City pursuant to the terms of a contract or because the City owns or controls the facility or venue at which the event occurs or the City sponsors the event, a City Official may request use of the tickets or passes, or for distribution to an individual or organization outside the City, by completing Parts 3 and 4 of FPPC Form 802 and submitting the request to the City Manager.
 - d. **Elected City Officials**. For tickets or passes purchased or acquired by the City of use by an elected City Official, or for distribution to an individual or organization outside the City at the request of an elected City Official, the office of the elected City Official shall be responsible for reporting the distribution of the tickets or passes as provided in Section D.2 below.
 - e. If the tickets or passes do not have face value state or state that they are "promotional" or "complimentary," the City Manager will determine the value of the tickets or passes based on the reasonable cost to attend such an event.
 - f. The City Manager may establish an internal procedure for distribution of tickets or passes in accordance with this policy.
2. **Reporting Requirements**. Tickets or passes distributed by the City or 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) 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 location within thirty (30) days after distribution of the tickets or passes. 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 such behest; and
 - g) a description of the public purpose(s) under which the distribution was made, or, alternatively, that City Official is treating the ticket as income.
3. Transfer Prohibition. A City Official who receives tickets or passes distributed by the City according to this policy is prohibited from transferring or giving the tickets or passes to any other person except to members of the City Official's immediate family for their personal use. No person receiving a ticket or pass pursuant to this policy shall sell or receive reimbursement for the value of the ticket or pass.
4. Policy Limited to Tickets/Passes Only. If other benefits such as food or beverages are provided to the City Official, he/she will need to account for these items as gifts to the City Official.

E. Effective Date

This policy shall be effective upon City Council approval and shall be posted on the City website in a prominent fashion.