

**RESOLUTION NO. 18- 1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING A POLICY FOR THE DISTRIBUTION OF EVENT TICKETS**

**WHEREAS**, the California Fair Political Practices Commission has adopted a regulation regarding the distribution to public officials of event tickets or passes that allow admission to facilities, events, shows or performances for entertainment, amusement, recreation or similar purposes at Title 2 California Code of Regulations §18944.1; and

**WHEREAS**, City of Benicia's *Policy for the Distribution of Event Tickets* sets forth the public purposes for which such event tickets may be used, how they may be distributed and how they must be reported, to comply with this new regulation.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia does hereby adopts the attached *Policy for the Distribution of Event Tickets*, and directs the City Manager to implement such Policy.

\*\*\*\*\*

On motion of Council Member **Hughes**, seconded by Council Member **Schwartzman**, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 16<sup>th</sup> day of January, 2018 by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman, Young, and Mayor Patterson**

Noes: **None**

Absent: **None**

  
Elizabeth Patterson, Mayor

Attest.:

  
Lisa Wolfe, City Clerk

1-19-18  
Date



## POLICY FOR DISTRIBUTION OF EVENT TICKETS

### Section A. Purpose of Policy

The purpose of this policy is to ensure that any ticket or pass provided to the City by any third party, or purchased or obtained directly by the City shall be distributed to City Officials by the City Manager in a manner that serves or promotes a public purpose of the City of Benicia, and is publicly reported so that interested persons can verify the proper use of City resources.

Tickets or passes not covered by this policy remain subject to other applicable provisions of State law regarding disclosure as gifts, or reporting as income.

### Section B. Definitions

For purposes of this policy, the following words, terms and phrases shall have the following meanings:

1. "City Official" means any member, officer, employee or consultant of the City.
2. "Gift" means anything that is received by a City Official for which that City Official did not provide consideration of equal or greater value, or that represents a rebate or discount that is not provided in the regular course of business to members of the public without regard to official status.
3. "Immediate family" means the spouse and dependent children of a public official.
4. "Third party" means the source of any ticket or pass, other than the City.
5. "Ticket" or "pass" means any ticket, pass, etc. that provides right of admission to a facility, event, show, or performance for entertainment, amusement, recreation or other similar purpose.

### Section C. Ticket and Passes Distribution Policy

All tickets and passes offered or provided to the City by a third party or purchased or otherwise obtained directly by the City, shall be subject to the following provisions:

1. The City shall not accept from any third party any ticket or pass that is specifically earmarked for use by a particular City Official whether by name or position, unless:
  - a. The ticket or pass is offered or provided to the City pursuant to the term of contract for the use of City owned property.
  - b. The ticket or pass is offered or provided to the City as a result of an official City event that the City controls.

- c. The ticket or pass is purchased by the City from the third party for full market value.

#### **Section D. Legitimate Public Purposes**

Any ticket or pass provided to a City Official by the City shall not constitute a gift if provided and used by the City Official for any of the following purposes:

1. Promotion of business activity and/or development within the City.
2. Promotion of community resources and programs available to City residents including, but not limited to, those resources and programs involving charitable and non-profit organizations.
3. Promotion of City resources available to City residents.
4. Promotion of City-operated, sponsored or supported community programs.
5. Promotion of private facilities available for City residents' use including, but not limited to, those facilities involving charitable and non-profit organizations.
6. Promotion of City facilities available for City residents' use.
7. Promotion of City growth and development.
8. Promotion of City tourism on a local, state, national or worldwide scale.
9. Promotion of City recognition, visibility and/or profile on a local, state, worldwide scale.
10. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
11. Promotion of the improvement of inter-governmental relations.
12. 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.
13. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
14. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.

15. Recognizing contributions made to the City by former or current City Council members or other City employees.

#### **Section E. Exemptions**

The following tickets and passes shall be exempt from the provisions of this Policy:

1. A ticket or pass received by a City Official directly from a third party that the City Official uses to perform a ceremonial role or function on behalf of the City.
2. A ticket or pass received by a City Official from the City where both the City Official and the City treat and report the value of the ticket or pass as income consistent with applicable state and federal income tax laws and the ticket is reported as income pursuant to the provisions of this Policy.

#### **Section F. Prohibition Against Transfer**

A City Official who receives a ticket or pass pursuant to this Policy is prohibited from transferring or selling the ticket or pass to any other person, except to a member of the City Official's immediate family solely for their personal use.

#### **Section G. Administration of Policy**

1. The City Manager shall be responsible for administering this Policy.
  - a. The City Manager or his or her designee shall document in writing the receipt of all tickets and passes provided to the City by a third party.
  - b. Tickets and passes shall only be provided to City Officials by the City Manager or his or her designee for a legitimate public purpose of the City, as set forth in this Policy.
  - c. The City Manager or his or her designee shall decide, consistent with this Policy, which City Officials should be provided with a ticket or pass.
2. The City Clerk shall be responsible for making this Policy available on the City's website.
3. Within 30 days of distributing any ticket or pass pursuant to this Policy, the City Clerk or his or her designee shall cause to be posted on the City's website an FPPC Form 802 (or any successor form) regarding the use of the ticket or pass.

*Adopted on 1/16/18 by City Council Resolution No. 18-01*

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

**A Public Document**

<b>1. Agency Name</b>		Date Stamp	<b>California Form 802</b> For Official Use Only
Division, Department, or Region <i>(if applicable)</i>			
Designated Agency Contact <i>(Name, Title)</i>			
Area Code/Phone Number	E-mail	<input type="checkbox"/> Amendment <i>(Must Provide Explanation in Part 3.)</i> Date of Original Filing: _____ <i>(month, day, year)</i>	

**2. Function or Event Information**

Does the agency have a ticket policy?    Yes     No     Face Value of Each Ticket/Pass \$ \_\_\_\_\_

Event Description: \_\_\_\_\_    Date(s) \_\_\_\_/\_\_\_\_/\_\_\_\_    \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Provide Title/Explanation*

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

Was ticket distribution made at the behest of agency official?    Yes     No     If yes: \_\_\_\_\_  
*Official's Name (Last, First)*

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A.	Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B.	Name of Individual (Last, First)	Number of Ticket(s)/ Passes	Identify one of the following:
			Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
			Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C.	Name of Outside Organization (Include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

**4. Verification**

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

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

Comment: \_\_\_\_\_

# Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions

California **802**  
Form

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. The Form 802 serves to detail each event and the public purpose of each ticket distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons, organizations, or agencies 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 to specific individuals.

## Exception

FPPC This form is not required for admission provided to a school or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school or university.

## Reporting and Public Posting

**Ticket Distribution Policies:** An agency must post its ticket policy on its website within 30 days of adoption or amendment and e-mail a link of the website location to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

**Form 802:** The use of the ticket or pass under the policy must be reported on Form 802 and posted on the agency's website within 45 days of distribution. A link to the website location of the forms must be e-mailed to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

The FPPC will post on its website the link to each agency's policy and completed forms. It is not necessary to send an e-mail each time a new Form 802 is posted. It is only necessary to submit the link if the posting location changes.

This form must be maintained as a public document.

## Privacy Information Notice

Information requested by the FPPC is 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 are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel.

## Instructions

### Part 1. Agency Identification:

List the agency's name. 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 or Event Information:

Confirm that your agency has a policy for ticket distribution. Unless the ceremonial role or income box in Part 3, Section B, is marked, this form is only applicable if your agency has a policy.

Complete all of the other required fields that identify the ticket value, description of event, date(s) and whether the ticket was provided by the agency or an outside source. If an agency official behests the tickets, the official's name is also required. Use the comment field or an attachment to explain in full.

### Part 3. Ticket Recipients:

This part identifies who uses the tickets. The identification requirements vary depending upon who received the tickets and are categorized into three sections. Each section must list the number of tickets received. Use the comment field or an attachment to explain in full.

**Section A.** Report tickets distributed to agency staff, other than an elected official or governing board member, pursuant to the agency's policy. It is not necessary to list each employee's name, but identify the unit/department for which the employee works. The agency must describe the public purpose associated with the ticket distribution. A reference to the policy is permissible.

**Section B.** Report: 1) any agency official who performs a ceremonial role; 2) any agency official who reports the value as income; or 3) tickets used by elected officials and governing board members (including those distributed pursuant to the agency's policy).

**Section C.** Report tickets provided to an organization. The organization's name, an address (website url is permissible), and a brief description of the public purpose are required.

**Agency Report of:  
Ceremonial Role Events and Ticket/Pass Distributions  
Continuation Sheet**

Agency Name \_\_\_\_\_

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual (Last, First)	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C. Name of Outside Organization (Include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy