RESOLUTION NO. 2019-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING AND ADOPTING AN EVENT TICKET DISTRIBUTION POLICY FOR FAIR POLITICAL PRACTICES COMMISSION COMPLIANCE

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

WHEREAS, the Fair Political Practices Commission ("FPPC") adopted Section 18944.1, Title 2, California Code of Regulations (Regulation 18944.1) to regulate the distribution and disclosure of public agencies of certain tickets and passes to public officials and employees.

WHEREAS, Regulation 18944.1 provides that a ticket and pass distributed pursuant to an adopted policy and properly disclosed by the agency is not a gift to the public official and does not trigger a disclosure requirement on the official's Statement of Economic Interest Form 700.

WHEREAS, the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the City's distribution of tickets and / or passes to City officials serves a legitimate public purpose of the City, provided that the determination is consistent with state law.

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.

WHEREAS, the proposed Event Ticket Distribution Policy incorporates the revisions to Regulation 18944.1 by the FPPC since its adoption date to ensure that the policy establishes a fair and equitable process for the distribution to City officials of such tickets and passes by the City, in compliance with the requirements of FPPC Regulations.

WHEREAS, this Resolution rescinds Resolution No. 09-20 and adopts a new Event Ticket Distribution Policy to conform to FPPC Regulations, which will rescind, supersede and replace the previous policy.

NOW, THEREFORE, the City Council of the City of Fullerton does hereby resolve as follows:

1. The foregoing recitals are true and correct.
2. To adopt the Ticket Distribution Policy attached to this resolution as Exhibit A.
3. The Resolution shall take effect immediately upon adoption.

4. Resolution No. 09-29 is rescinded, superseded and replaced by Resolution No. 2019-72.

ADOPTED BY THE FULLERTON CITY COUNCIL ON NOVEMBER 19, 2019.

Jesus J. Silva, Mayor

ATTEST:

Lucinda Williams, City Clerk

December 4, 2019
Date

Exhibit A

	ADMINISTRATIVE POLICY Originating Department: City Manager Subject: Ticket Distribution	**NO.**

TICKET DISTRIBUTION POLICY

1. Definitions
   a. "Agency Head" means the City Manager or his designee.
   b. "City" shall mean and refer to the City's "public officials" as that term is defined by Government Code Section 82048 and the Fair Political Practices Commission Regulation 18701.
   c. "Immediate family" means the City Official's spouse or dependent children.
   d. "Event" shall mean an event, show or performance for entertainment, amusement, recreational or similar purpose for which a ticket is required to gain admission.
   e. "FPPC" shall mean refer to this Ticket Distribution Policy.
   f. "Policy" shall mean and refer to this Ticket Distribution Policy.
   g. "Ticket" shall mean and refer to a "ticket or pass" to an Event as that term is defined in FPPC Regulation 18944.1 as amended from time to time.

2. Purpose of Policy. The purpose of this Policy is to ensure that all tickets and/or passes the City receives from public and private entities and individuals are distributed in a fair and equitable manner, and in furtherance of a valid governmental and/or public purpose. All tickets distributed by the City under this policy are disclosed on Form 802 and posted to the City's website within forty-five days of distribution in accordance with the provisions of the Political Reform Act FPPC Regulation 18944.1, and any other applicable laws or regulations.

3. The Agency Head is hereby designated as having primary responsibility for distributing tickets under this policy completing and posting FPPC Form 802, and otherwise implementing this policy in accordance with applicable law.

4. Limitation. This policy shall only apply to the City's distribution of tickets to a City Official or at the request of a City Official.

5. Ceremonial Roles. A ticket provided to a City Official and one guest of the Official at which the Official performs a ceremonial role, on behalf of the City must be disclosed on Form 802 as set forth below. Any additional effort by the City to either limit or expand permissible ceremonial roles will require that the revised policy be forwarded to the FPPC.

6. Ticket Monopolization. The disproportionate use of tickets and passes, distribution pursuant to this policy, by a member of the governing body, political appointee, department head, and City Manager is prohibited.

7. Ticket Distribution Public Purposes. Subject to the provisions of this policy, the City shall only provide a ticket and/or pass to a City Official, or at the behest of a City Official, under one of the following public and governmental purposes:

    a. If the distribution is to a City Official, and the City Official reimburses the City for the face value of the ticket(s).
    b. If the distribution is to a City Official, and the City Official reimburses the City of face value of the ticket(s) as income consistent with applicable federal and state income tax laws.
    c. If the distribution is to a City Official, or is at the behest of a City Official, such distribution must accomplish a governmental and/or public purpose. The following is a list of the type of events which meet this requirement. The list is intended to be illustrative rather than exhaustive:

        i. Promotion of business activity within the City.
        ii. Promotion of City owned businesses.
        iii. Promotion of community resources available to City residents including charitable and nonprofit organization resources. This shall specifically include representation by City Officials at fundraising events for local charitable or nonprofit organizations that provide a direct and material benefit to the City.
        iv. Promotion of City resources available to City residents.
        v. Promotion of community programs available to City residents.
        vi. Promotion of City run sponsored or supported community programs.
        vii. Promotion of private facilities available for City resident use including charitable and nonprofit organization facilities.
        viii. Promotion of City facilities available for City resident use.
        ix. Promotion of City growth and development in the City.
        x. Promotion of City tourism on a local state national or worldwide scale.
        xi. Promotion of City recognition visibility and or profile on a local state national or worldwide scale.
        xii. Increasing public exposure to and awareness of the various public recreational cultural and education facilities available to the public within the City.
        xiii. The following is a non-exclusive list of specific business community and nonprofit events in the City where a City Official s presence has been determined to serve a valid public purpose. This list is not intended to be exhaustive but is merely illustrative of the types of events where the distribution of tickets has been clearly authorized.
            1. Fullerton Museum Exhibit Openings
            2. Muckenthaler Annual Car Show
            3. Muckenthaler Theatre on the Green
            4. Fullerton Civic Light Opera
            5. CSUF Fund Raising Events
            6. St. Jude Hospital Medical Center Fund Raising Events
            7. Fullerton State of the City Luncheon
            8. Fullerton Chamber of Commerce Annual Educator of the Year.

9. Fullerton Chamber of Commerce Business of the Year
10. Fullerton Chamber of Commerce Mayor s Cup Golf Tournament
11. Fullerton Boys and Girls Club Fund Raising Events
12. Fullerton YWCA/NWCA Fundraising Events
13. Fullerton Airport Days
14. Fullerton Arboretum Fund Raising Events

d. When a public purpose involves the oversight or inspection of facilities by a City Official, the City Official is required to provide a written inspection report and/or recommendation.

8. Reporting Requirements. The City shall comply with the following reporting requirements:

   a. This policy shall be posted on the City's website and a link to the web location forwarded to the FPCC so that the FPCC may also post a link to the policy.
   b. All tickets distributed by the City under this policy are disclosed on Form 802 and posted to the City's website within forty-five (45) days of distribution.

9. Transfer Prohibition. The transfer by any City Official of any ticket distributed to such City Official pursuant to this Policy to any other person except to members of the City Official's immediate family for their personal use is prohibited.

10. Return of Tickets. Any City Official or any member of the City Official's immediate family may return any ticket unused to the City for redistribution pursuant to this policy Government Code Section 82029 has defined immediate family to mean spouse and dependent children. Under no circumstances may either the City Official or a member of his or her immediate family sell or further transfer any ticket provided under this policy.

City of Fullerton

RESOLUTION CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

RESOLUTION NO. 2019-72

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certify that the whole number of the members of the City Council of the City of Fullerton is five and that the above and foregoing Resolution No. 2019-72 was adopted at the November 19, 2019 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES:	Silva, Fitzgerald, Flory, Whitaker, Zahra
COUNCIL MEMBER NOES:	None
COUNCIL MEMBER ABSTAINED:	None
COUNCIL MEMBER ABSENT:	None

Lucinda Williams, City Clerk