



# City of Aliso Viejo

## COUNCIL POLICY

SUBJECT	RES. NO.	POLICY NO.	EFF. DATE	PAGE
<b>POLICY ON DISTRIBUTION OF TICKETS AND/OR PASSES</b>	<b>2005-056</b>	<b>100-7</b>	<b>02/01/2012</b>	<b>1 of 6</b>

### PURPOSE

To establish a policy in accordance with the requirements and limitations of Title 2 of the California Code of Regulations, Section 18944.1, for the acceptance and/or distribution of Tickets by, to, or at the request of City officials, employees and consultants to attend a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose made available to or for the City. This Policy is to ensure that all Tickets shall be distributed in furtherance of the governmental and/or public purposes described herein. Proper approval shall be obtained prior to acceptance of Tickets. All Tickets that are donated to the City shall be accounted for in accordance with the procedures set forth in this Policy.

### POLICY

#### 1. GENERAL

The City finds that Tickets provided to the City are public resources. The City desires to distribute these public resources in a manner that furthers its governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs and facilities. The City declares that Tickets may only be distributed in accordance with this Policy. Unless exempted otherwise under state law, any Ticket received or directed for use by a City Official not in conformance with this Policy remains subject to separate disclosure requirements on the City Official's Statement of Economic Interests (Form 700) and the Political Reform Act's annual gift limit.

#### 2. DEFINITIONS

a. "Ticket" shall mean and refer to a "ticket or pass" as that term is defined in Title 2 of the California Code of Regulations, Section 18944.1, as amended from time to time, but which currently defines a "ticket or pass" as admission privilege to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose.

b. "City Official" shall mean and refer to the City's public officials, as that term is defined by Government Code Section 82048 and Title 2 of the California Code of Regulations, Section 18701. Such term shall include, without limitation, any City board, commission, or committee member or other elected or appointed official or employee required to file an annual Statement of Economic Interests (Form 700).



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### 3. APPLICATION

This Policy shall only apply to the City's distribution of Tickets to, or at the behest of, a City Official. Tickets provided to City Officials as part of their official duties, or Tickets provided so that the City Official may perform a ceremonial role or function on behalf of the City shall not be subject to this Policy and are exempt from any disclosure or reporting requirements.

This Policy applies to Tickets which provide admission to or use of 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. provided to the City because the City controls the event;
- d. acquired by the City as consideration pursuant to the terms of a contract for the use of public property; or
- e. acquired and distributed by the City in any other manner.

This Policy does not apply to any other item of value or gift provided to the City or provided directly to any City Official, regardless of whether received gratuitously or for which consideration is provided. This Policy does not apply to gifts that are governed by City Council Policy No. \_\_\_\_.

The distribution of Tickets pursuant to this Policy shall not constitute a "gift" to the City Official receiving the Ticket. However, other benefits, such as food or beverage or other gifts provided to the City Official that are not a part of the admission provided by the Ticket, are subject to separate disclosure requirements on the City Official's Statement of Economic Interests (Form 700) and the Political Reform Act's annual gift limit.

### 4. PROCEDURES

- a. Implementation of Policy. The City Manager, or his or her designee, shall be responsible for implementing this Policy, managing the distribution of Tickets, and accounting, inventorying, and reporting of all Tickets.
- b. Distribution of Tickets. Subject to the provisions of this Policy, Tickets may be distributed to City Officials under any of the following conditions:



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i. Reimbursements. The City Official reimburses the City for the face value of the Ticket.

ii. Income. The City Official treats the Ticket as income consistent with applicable federal and state income tax laws.

iii. Public Purpose. The City shall only provide a Ticket to a City Official, or at the behest of a City Official, for one or more of the following public and governmental purposes:

- Promotion of local and regional businesses and economic development within the City, including conventions and conferences.
- Promotion of City-controlled or sponsored events, activities, or programs.
- Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- Marketing promotions highlighting the achievements of local residents and businesses.
- Promotion and marketing of private facilities available for City resident use, including charitable and nonprofit facilities.
- Promotion of public facilities available for City resident use.
- Promotion of City growth and development, including economic development and job creation opportunities.
- Promotion of City landmarks and/or community events.
- Promotion of special events in accordance with any City contract.
- Exchange programs with foreign officials and dignitaries.



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- Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- Promotion of open government by City Official appearances, participation and/or availability at business or community events.
- Sponsorship agreements involving private events where the City specifically 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.
- All written contracts where the City, as a form of consideration, has required that a certain number of tickets or suites be made available for its use.
- Employment retention programs.
- Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
- Charitable 501 (c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- Promotion of City tourism on a local, state, national or worldwide scale.
- Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- Attracting or rewarding volunteer public service.
- Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.
- Recognizing or rewarding meritorious service by a City employee or contract employee.



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- Promoting enhanced City employee performance or morale.
  - Recognizing contributions made to the City by former City Council Members or City employees.
- c. Return of Tickets. Any City Official may return any ticket unused to the City for redistribution pursuant to this Policy.
- d. Transfer Prohibition. The transfer by any City Official of any Ticket distributed pursuant to this Policy to any other person, except to members of the City Official's immediate family solely for their personal use, is prohibited. No person who receives a Ticket pursuant to this Policy shall sell or receive compensation for the value of the Ticket.
- e. No Earmarking of Ticket to City. No Ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official. If Tickets are earmarked or designated for a particular City Official, the Tickets will be considered gifts to that particular City Official and will be subject to separate disclosure requirements on the City Official's Statement of Economic Interests (Form 700) and the Political Reform Act's annual gift limit.

### 5. DISCLOSURE REQUIREMENTS

- a. Website Posting of Policy. This Policy shall be posted on the City's website in a prominent fashion.
- b. Form 802 Reporting. Within thirty (30) days after distribution of a Ticket pursuant to this Policy, such distribution shall be reported on FPPC Form 802 and posted on the City's website in a prominent fashion. Form 802 shall contain the following information:
- i. Name of person receiving Ticket;
  - ii. Description and date of event;
  - iii. Face value of Ticket;
  - iv. Number of Tickets;



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- v. Name of City Official who behested the Ticket, if applicable
- vi. Description of public purpose for distribution of Ticket or that Ticket was distributed as income

c. Exception. Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 2(b)(i) of this Policy shall not be subject to the above disclosure requirements.