

RESOLUTION NO. 2014-59

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY
ESTABLISHING A TICKET POLICY PURSUANT TO THE
REQUIREMENTS OF THE FAIR POLITICAL PRACTICES
COMMISSION REGULATIONS**

WHEREAS, the California Fair Political Practices Commission “FPPC” has amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to facilities or events for entertainment purposes distributed by the City to, or at least at the behest of, public officials to further restrict the use of event tickets and passes by city officials and employees; and

WHEREAS, from time to time, the City of Gilroy receives gifted tickets and passes from public and private entities and individuals, and the city finds that the receipt of such tickets and passes are public resources; and

WHEREAS, in accordance with the FPPC Regulation Section 18944.1, the City desires to use such tickets and passes to further public purposes such as for the promotion of city businesses, resources, programs and facilities, and the furtherance of said public purposes may require the distribution to “public officials” as defined in Government code Section 82048 and FPPC Regulation 18701; and,

WHEREAS, FPPC Regulation 18944.1 provides for the circumstances and procedures for which the receipt of tickets and passes, and the distribution of said tickets and passes may take place.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF GILROY
HEREBY RESOLVES** to adopt the City of Gilroy Ticket Policy included here as Exhibit “A” consistent with the requirements of the California Code of Regulations Section 18944.1.

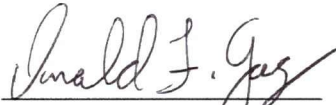
PASSED AND ADOPTED this 1st day of December, 2014 by the following roll call vote:

AYES: **COUNCILMEMBERS: ARELLANO, AULMAN,
BRACCO, LEROE-MUÑOZ, TUCKER, WOODWARD
and GAGE**

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

APPROVED:


Donald Gage, Mayor

ATTEST:


Shawna Freels, City Clerk

**CITY OF GILROY TICKET POLICY ADOPTED PURSUANT TO THE
REQUIRMENTS OF FAIR POLITICAL PRACTICES COMMISSION
REGULATIONS - SECTION 18944.1 OF TITLE TWO OF THE CALIFORNIA
CODE OF REGULATIONS**

1. **Purpose:** This policy applies to tickets or passes which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose and which are acquired by the City, to address the Fair Political Practices Commission (“FPPC”) Regulation 18944.1, relating to the distribution of event tickets to public officials. As a result of this regulation, all elected, appointed or designated employees of the City of Gilroy who receive complimentary tickets must report their acceptance of the same.

2. **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 be amended from time to time.

2.1 “City” or “City of Gilroy” means the City of Gilroy and any other affiliated agency created or activated by the Gilroy City Council, and any departments, boards, and commissions, thereof.

2.2 “City Official” means every member, elected officer, appointed officer, employee or consultant of the City, as defined in Government Code Section 82048 and FPPC Regulation 18701. This 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 Statement of Economic Interests).

2.3 “Immediate Family” means the spouse (including the registered domestic partner) and dependent children of a City Official.

2.4 “Ticket” or “Pass” means any form of admission privilege which allows an individual to gain admission to a facility, building, or real property where an event, show or performance for an entertainment, amusement, recreational, or similar purpose will occur (defined in FPPC regulations 18944.1 and 18946(d)).

2.5 “Ticket Administrator” means the City Administrator of the City of Gilroy or his/her designee.

2.6 “City Venue” Any facility, building or real property owned, controlled, or operated by the City of Gilroy at which events, shows or performances are held, performed or conducted.

3. General Provisions

3.1 No Right to City Tickets: The use by a City Official of complimentary tickets received by the City is a privilege extended by the City and is not the right of any person to which the privilege may from time to time be extended.

3.2 Limitation on Transfer of City Tickets: Tickets distributed to a City Official pursuant to this Policy shall not be transferred to any other person except to a member of such City Official’s immediate family solely for their own personal use.

3.3 Prohibition Against Sale of or Receiving Compensation for City Tickets: No person who receives a ticket pursuant to this policy may sell or receive any form of compensation for the value of such ticket(s).

4. Procedures of Distributing Tickets

4.1 The Ticket Administrator has the sole authority, in his or her discretion, to establish procedures for the distribution of tickets supplemental to and in accordance with this Policy. All requests for tickets from City Officials which fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.

4.2 If the ticket does not have a stated face value, the Ticket Administrator will determine the face value of tickets distributed by the City for purposes of this policy.

4.3 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the ticket privileges of any City Official or person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of City tickets in accordance with this Policy.

5. Conditions Under Which Tickets May Be Distributed

Subject to the provisions of this Policy, complimentary tickets may be distributed to City Officials by the Ticket Administrator under either of the following conditions:

5.1 The City Official reimburses the City for the established face value of the ticket(s) as follows:

- a. Reimbursement shall be made at the time the tickets are distributed to the City Official.

- b. The Ticket Administrator shall, in his or her sole discretion, determine which event tickets, if any, shall be available under this section.

5.2 In accepting the ticket(s), the City Official acknowledges that the value of the tickets will be treated as income in a manner consistent with applicable federal and state income tax laws; or

5.3 The City Official expressly acknowledges to the Ticket Administrator that such ticket(s) will be used for one or more of the following public purposes:

- a. In connection with the Official's performance of a ceremonial role or function representing the City at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- b. The job duties of the City Official require his or her attendance at an event which has been financially sponsored or supported by the City (whether in whole or in part) and the Official will provide a report to the City Administrator or City Council on whether the City's goals in sponsoring the event appear to have been fulfilled - for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- c. For purposes of fostering positive intergovernmental relations, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members, and their guests.
- d. Rewarding volunteer public service by a City employee.
- e. Supporting or showing appreciation for programs or services rendered to the community by non-profit organizations which programs or services have benefited Gilroy residents.
- f. Encouraging or rewarding significant academic, athletic, or public service achievements by Gilroy students, residents, or businesses.
- g. As special recognition for meritorious service by a City employee - for which such employee may receive no more than four (4) tickets per event.
- h. For use in connection with a City employee competition or drawing, for which there shall be made available no more than (4) tickets per event.

6. Tickets Received by a City Official or City Employee other than Through the City Ticket Administrator

6.1. Only the Ticket Administrator shall have authority to receive and accept a gift of tickets given or donated to the City.

6.2 Any City employee who receives an offer to donate tickets to the City shall refer the donor to the City Administrator's Office.

7. Public Disclosure Requirements

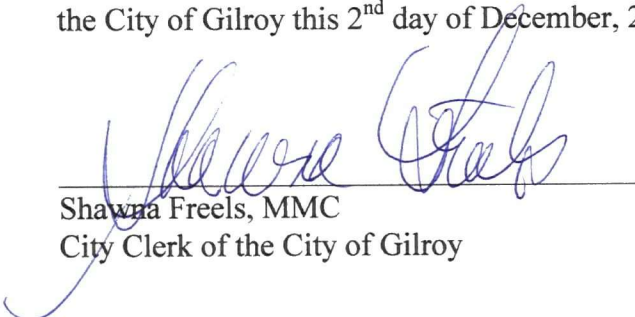
7.1 Tickets distributed by the Ticket Administrator to any City Official pursuant to this policy shall be disclosed on FPPC Agency Report of Ticket Distributions (Form 802) to be posted in a prominent fashion on the City's website and shall be sent to the FPPC within thirty (30) days after distribution, and shall include the following information:

- the name of the Ticket recipient or City Department, if applicable;
- the date of the event and a description of it;
- the face value of the ticket or, if none, the value of the ticket as determined by the Ticket Administrator;
- the number of tickets provided to each person;
- if the tickets were distributed to another person at the request of a City Official, the name of the City Official who made such request and;
- a description of the public purpose(s) (as described in Section 5.2 above) under which the distribution was made, or, alternatively, that the City Official is treating the ticket as income (as described in Section 5.1 above).

7.2 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above are not subject to the disclosure requirements.

I, SHAWNA FREELS, City Clerk of the City of Gilroy, do hereby certify that the attached Resolution No. 2014-59 is an original resolution, or true and correct copy of a city Resolution, duly adopted by the Council of the City of Gilroy at a regular meeting of said Council held on the 1st day of December, 2014, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 2nd day of December, 2014.



Shawna Freels, MMC
City Clerk of the City of Gilroy

(Seal)