

RESOLUTION NO. 12-1675

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1

WHEREAS, the Fair Political Practices Commission (FPPC) regulates complimentary tickets or passes distributed to government officials and employees by their agency;

WHEREAS, the FPPC regulation requires the City Council to adopt a written policy governing the distribution of complimentary tickets and passes that includes a statement describing the public purpose to be accomplished by such policy; and

WHEREAS, the proposed Ticket Distribution Policy seeks to establish a fair and equitable process for the distribution to City Council members and employees of complimentary tickets and passes received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes, in compliance with the requirements of FPPC Regulations.

WHEREAS, the proposed Ticket Distribution Policy also seeks to establish an open and transparent process for the purchase and distribution of tickets by the City and on behalf of Council members, for fundraising events supporting local 501(c)(3) and community based organizations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, HEREBY FINDS AND RESOLVES AS FOLLOWS:

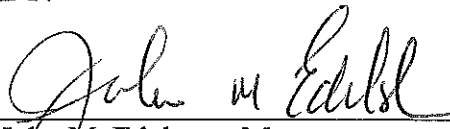
Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves and adopts the Ticket Distribution Policy, attached hereto as Exhibit A and incorporated herein by this reference.

PASSED, APPROVED, and ADOPTED this 27th day of June, 2012 by the following vote to wit:

AYES: (5) Edelston, Weber, Buckley Weber, Koehler, Schwarz
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

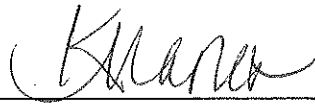
BY:



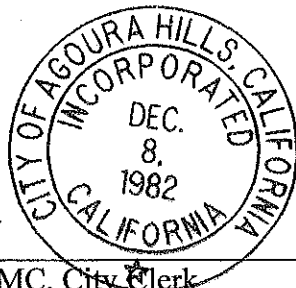
John M. Edelston, Mayor
City of Agoura Hills

Resolution No. 12-1675

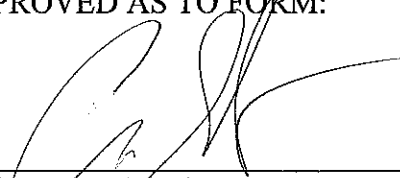
ATTEST:



Kimberly Rodrigues, MMC, City Clerk
City of Agoura Hills



APPROVED AS TO FORM:



Craig A. Steele, City Attorney
City of Agoura Hills

CITY OF AGOURA HILLS
ADMINISTRATIVE POLICY

SUBJECT: TICKET DISTRIBUTION POLICY

EFFECTIVE DATE: JUNE 27, 2012

I. Purpose:

This policy governs the receipt and distribution of both complimentary tickets or passes received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes ("Event") and City-purchased tickets for fundraising events supporting 501(c)(3) and community based organizations. The City sponsors many events in the community, providing funds or in-kind services to support such events ("City-sponsored Event"). Organizers of these City-sponsored Events often provide the City with complimentary tickets or passes. The purpose of this policy is to establish a fair and equitable process for the distribution of tickets or passes to the City in compliance with the requirements of the Fair Political Practices Commission ("FPPC") Regulation 18944.1. This policy is subject to all applicable FPPC Regulations and the Political Reform Act, as they now exist or hereafter may be added or amended, including, without limitation, definitions.

II. Authority: FPPC Regulation 18944.1

III. Assigned Responsibility: City Council, City Manager

IV. Applicability: All City officials and employees

V. General Policy:

A. Distribution of Complimentary Tickets or Passes by the City.

The City shall have sole discretion to determine who shall use the complimentary tickets or passes that are provided to the City. For purposes of this Policy, a "ticket or pass" means admission to a facility, event, show, or performance for entertainment, amusement, recreational, or similar purposes. An "Event," as described above, includes one performance during each engagement at a City-sponsored Event or other event.

1. The City Manager may provide two (2) complimentary tickets or passes for an Event to each Councilmember.

(a) The public and governmental purpose of providing complimentary tickets or passes to Councilmembers is to enable them to (i) advertise and promote the City of Agoura Hills, and (ii) monitor and evaluate the value of City-sponsored Events and their compliance with City policies, agreements, and other requirements.

- (b) The tickets or passes shall be used by the Councilmember and his or her spouse or dependent children solely for their personal use. The Councilmember receiving complimentary tickets or passes shall not transfer or sell such tickets or passes to any other person.
 - (c) Councilmembers may purchase at face value additional tickets or passes to the Event, but no more than two (2) complimentary tickets or passes shall be provided as described in this Section.
 - (d) If a complimentary ticket or pass is provided to a City official for an Event at which the official performs a ceremonial role, such ticket or pass shall not be deemed a gift but shall be reported as provided in this Policy.
2. The City Manager may distribute one (1) ticket or pass for an Event to a City employee on an equitable basis, with the option that such employee be allowed to purchase at face value a second ticket or pass for use by the employee's immediate family or personal guest.
- (a) The public and governmental purpose of providing the complimentary tickets or passes to a City employee is to enable the employee to (i) advertise and promote the City of Agoura Hills; (ii) monitor and evaluate the value of City-sponsored Events and their compliance with City policies, agreements, and other requirements; and (iii) enhance employee morale.
 - (b) The City employee receiving the complimentary ticket or pass shall not transfer or sell such ticket or pass.
 - (c) The attendance of a City employee at an Event for the purpose of carrying out the employee's duties or providing services on the City's behalf shall not be deemed to be a distribution of a complimentary ticket or pass and need not be reported as otherwise provided in this Policy.
3. The City Manager may distribute complimentary tickets or passes for an Event to non-profit community service groups in the City if there is a public purpose for doing so. Non-profit community service groups that receive such tickets or passes shall not transfer or sell the tickets or passes.
4. The City Manager may distribute complimentary tickets or passes for an Event to persons participating in recreational, educational or cultural programs administered by the City or for other lawful purposes; provided, however, that complimentary tickets or passes shall only be distributed to Councilmembers and City employees in accordance with Sections 1 and 2, respectively. Persons receiving such tickets or passes under this Section shall not transfer or sell the tickets or passes.

5. Complimentary tickets and passes to Events shall be distributed to City officials and employees under procedures designated by the City Manager, provided the manner of distribution conforms to this Policy and can be documented and reported as required by this Policy.

B. Complimentary Tickets or Passes Under This Policy Not Subject to Gift Regulations; Other Benefits Could be Gifts.

1. The distribution of complimentary tickets or passes pursuant to this Policy shall not constitute a "gift" to the Councilmember or City employee pursuant to the terms of FPPC Regulation 18744.1. However, other benefits, such as food or beverage or items provided or presented to the City official or employee that are not included with the admission provided by the complimentary ticket or pass must be accounted for as gifts.
2. If the City receives complimentary tickets or passes that are earmarked for a particular City official, such tickets or passes are considered gifts to that particular official. If the complimentary tickets or passes are not returned unused to the provided within thirty (30) days of receipt, the official must comply with applicable FPPC gift limit and reporting regulations.

C. Reporting of Complimentary Tickets or Passes.

The distribution and use of complimentary tickets or passes pursuant to this Policy shall be documented on FPPC Form 802 (Tickets Provided by Agency Report). The City Manager or his designee shall prepare and certify Form 802 and shall post it on the City's Website within thirty (30) calendar days of the distribution of such tickets or passes. This Policy shall also be posted in a prominent fashion on the City's Website.

D. Complimentary Tickets or Passes to Political and Non-Profit Fundraisers.

FPPC Regulation 18946.4 governs the reporting requirements for complimentary tickets, passes, or other admission privilege to political and non-profit fundraising events. Such tickets, passes, or other admission privilege are referenced in this Policy as a convenience to persons seeking information regarding the distribution of such tickets, passes, or other admission privilege. Pursuant to Regulation 18946.4, all complimentary tickets, passes, or other admission privilege to a political or non-profit fundraising event provided directly to a City official that are received after October 4, 2008 are reportable as gifts on that official's FPPC Form 700 (Statement of Economic Interests) and are subject to the annual gift limit (currently \$420 per calendar year) unless one of the following narrow exceptions applies:

1. 501(c)(3) Organizations. A City official may receive two (2) complimentary tickets, passes, or admission privileges from a 501(c)(3) organization to its fundraising event so long as the cumulative value of the

non-deductible portion of the tickets, passes, or admission privileges received by the official from the same organization during a calendar year does not exceed the annual gift limit. "Non-deductible portion" means the face value of the ticket (reduced by any stated donation portion) or, if there is no ticket indicating a face value, the pro rata share of the cost of any food and beverage plus any other specific item presented to the official at the event.

Note: The official should make sure the organization is a valid 501(c) organization under the Internal Revenue Code because not all "non-profit organizations" are 501(c)(3) organizations.

A ticket, pass, or other admission privilege to a 501(c)(3) organization's fundraising event from a third party other than the 501(c)(3) organization is a gift to the official from that third party. Such gift is subject to the annual gift limit and reportable on Form 700.

2. Political Fundraisers. A City official may receive two (2) complimentary tickets, passes, or admission privileges to a fundraising event for a political committee as defined in Government Code Section 82013(a) or a comparable committee regulated under federal law. The committee or the candidate must provide the ticket, pass, or admission privilege.

Note: A ticket, pass, or other admission privilege to a political fundraiser from a third party other than the committee or candidate sponsoring the event is a gift to the official from that third party. Such gift is subject to the annual gift limit and reportable on Form 700.

FPPC Regulation 18946.4 contains detailed provisions about how to calculate the value of tickets to political and non-profit fundraisers as well as when such tickets must be reported.

Complimentary tickets, passes, or other admission privileges to a non-profit organization's fundraising event that are donated to the City without designation of who should attend shall be distributed as otherwise provided in this Policy.

E. City-Purchased Tickets for Fundraising Events Supporting 501(c)(3) or Community Based Organizations for Councilmember Use

1. Local Non-Profit or Community-Based Organizations Only: The City may purchase tickets only to those fundraising events supporting local non-profit or community-based organizations for the public and governmental purpose of advertising and promoting the City of Agoura Hills subject to the limitations listed below.

2. Annual Limit: The maximum dollar amount per Councilmember per fiscal year for City purchased tickets shall not exceed the gift limit amount applicable to a given year as set forth in the Fair Political Practices Commission's Regulations.
3. One Ticket per Councilmember: The City shall purchase only one ticket per Councilmember per requested event, up to the annual limit. The City shall not purchase additional tickets for the spouses or family members of Councilmembers.

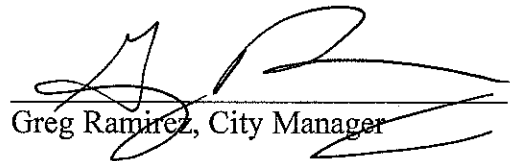
This Ticket Distribution Policy was approved by Resolution No. 12-1675 of the Agoura Hills City Council on June 27, 2012.

ATTEST:

BY:



Kimberly M. Rodrigues, City Clerk



Greg Ramirez, City Manager

Approved as to form:



Craig A. Steele, City Attorney

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

A Public Document

1. Agency Name		Date Stamp	California Form 802 <small>For Official Use Only</small>
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: _____ <small><i>(Month, Day, Year)</i></small>	

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? No Yes 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)/Pass(es)	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual <small><i>(Last, First)</i></small>	Number of Ticket(s)/Pass(es)	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <small><i>If checking "Ceremonial Role" or "Other" describe below:</i></small>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <small><i>If checking "Ceremonial Role" or "Other" describe below:</i></small>
C. Name of Outside Organization <small><i>(include address and description)</i></small>	Number of Ticket(s)/Pass(es)	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.

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

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.

Public Posting

This form must be maintained as a public document. A copy of all forms must be forwarded to the FPPC for posting on its website. E-mail delivery is preferred. E-mail: Form802@fppc.ca.gov; Fax: 916.322.0886; 428 J Street, Suite 620, Sacramento, CA 95814.

Forms must be sent to the FPPC as soon as possible. General business practice is no later than 45 days from the distribution.

A local agency may also post the forms on its website, but it is not required to do so.

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)/ Pass(es)	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual <small>(Last, First)</small>	Number of Ticket(s)/ Pass(es)	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 <small>(include address and description)</small>	Number of Ticket(s)/ Pass(es)	Describe the public purpose made pursuant to the agency's policy