

REPORT TO CITY COUNCIL

DATE: FEBRUARY 12, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: KIMBERLY M. RODRIGUES, CITY CLERK

SUBJECT: ADOPTION OF RESOLUTION NO. 20-1924; ADOPTING A TICKET AND PASS DISTRIBUTION POLICY PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1

The Fair Political Practices Commission ("FPPC") has amended its Regulation 18944.1 that applies to complimentary event tickets or passes distributed to government officials by their agency.

FPPC Regulation 18944.1 provides that when an agency distributes a ticket or pass to an official of that agency and said official uses the ticket or pass, such ticket or pass is not considered a gift under the Political Reform Act and therefore does not have to be reported on an official's Form 700 Statement of Economic Interest and is not subject to the annual gift limit (currently \$500 per year) if all of the following criteria are met:

- (1) The distribution of the ticket or pass by the City is made in accordance with an adopted written policy that meets the requirements of FPPC Regulation 18944.1, and is maintained as a public record;
- (2) The distribution of the ticket or pass is reported on FPPC Form 802 pursuant to Regulation 18944.1(d);
- (3) The ticket or pass is not earmarked by an outside source for use by a specific agency official; and
- (4) The agency determines, in its sole discretion, who uses the ticket or pass.

On June 27, 2012, pursuant to Resolution No. 12-1675, the City previously adopted a Ticket Distribution Policy in accordance with the FPPC Regulations. However, the FPPC has revised Regulation 18944.1, so it is necessary to amend the existing policy to conform to the amendments.

FPPC Regulation 18944.1 was amended to add language requiring an agency's ticket distribution policy include a provision prohibiting the disproportionate use of tickets or passes by a member of the governing body, the chief administrative officer, or a

department head. In addition, a written inspection report of the official will be required that includes findings and recommendations if the public purpose related to the use of tickets involves the oversight or inspection of facilities.

The attached Ticket and Distribution Policy has been reviewed by the City Attorney and revised to reflect these amendments.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution No. 20-1924; A Resolution of the City of Agoura Hills, California Adopting a Ticket and Pass Distribution Policy Pursuant to Fair Political Practices Commission Regulation 18944.1.

Attachments:

1. Resolution No. 20-1924
2. Exhibit A - City of Agoura Hills Ticket and Pass Distribution Policy
3. FPPC Form 802

RESOLUTION NO. 20-1924

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING A TICKET AND PASS 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, FPPC regulation 18944.1 provides that complimentary tickets or passes provided to an official by his or her agency, if distributed in accordance with an adopted written policy that meets the requirements of Regulation 18944.1, is not considered a gift under the Political Reform Act; and

WHEREAS, the FPPC has recently amended Regulation 18944.1 so it is necessary to adopt a new policy that conforms to the revised regulation.

WHEREAS, on June 27, 2012, the City of Agoura Hills previously adopted a ticket distribution policy pursuant to Resolution No. 12-1675, which is hereby repealed and replaced in its entirety with the attached resolution and policy.

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 and Pass Distribution Policy, attached hereto as Exhibit A and incorporated herein by this reference.

PASSED, APPROVED, and ADOPTED this 12th day of February, 2020, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

BY:

Illece Buckley Weber, Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly M. Rodrigues, MMC, City Clerk

Candice K. Lee, City Attorney

CITY OF AGOURA HILLS
ADMINISTRATIVE POLICY

SUBJECT: TICKET AND PASS DISTRIBUTION POLICY

EFFECTIVE DATE: FEBRUARY 12, 2020

I. Purpose:

This policy governs the distribution of complimentary tickets or passes purchased or received by the City, 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"). The City may receive complimentary tickets or passes to events, including City-sponsored Events. 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 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.

II. Authority: FPPC Regulation 18944.1

III. Assigned Responsibility: City Council, City Manager

IV. Applicability: All City Officials

V. Definitions:

- A. "City Official" shall mean every official, officer, agent and employee of the City who is obligated to file an annual Statement of Economic Interests (Form 700) under the Political Reform Act or the City's conflict of interest code.
- B. "FPPC" shall mean and refer to the California Fair Political Practices Commission.
- C. "FPPC Regulations" shall mean the Fair Political Practices Commission regulations contained in Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may be amended from time to time.
- D. "Immediate Family" shall mean the spouse and dependent children of the City Official. The term spouse includes registered domestic partners recognized by state law. The term dependent children shall mean a child, including an adoptive child or stepchild, of a City Official who is under 18

years old and who the City Official is entitled to claim as a dependent on his or her federal tax return.

- E. "Pass" shall mean a Ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public.
- F. "Policy" shall mean and refer to this Ticket and Pass Distribution Policy.
- G. "Political Reform Act" shall mean California Political Reform Act of 1974 (Government Code Sections 81000, et seq., as the same may be amended from time to time) and the FPPC Regulations.
- H. "Ticket" shall mean anything that provides access, entry, or admission to a specific future event or function, and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.

VI. General Policy:

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

Any distribution of a ticket or pass to, or at the behest of, a City Official must be made pursuant to this Policy, and must accomplish or further a public purpose as outlined below. The City shall have sole discretion to determine who shall use the complimentary tickets or passes. There shall be no disproportionate use of tickets or passes by any member of the City Council, the City Manager, or a Department Head.

1. The City Manager may provide two (2) complimentary tickets or passes 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, or (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 immediate family or one guest solely for their attendance at the event. 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 fair value additional tickets or passes, 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 pursuant to FPPC Regulation 18942(c)(13), 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 to a City employee on an equitable basis, with the option that such employee be allowed to purchase at fair 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; (iii) enhance employee morale; or (iv) reward public service.
 - (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 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 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 City Officials 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 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. Exceptions.

1. Other Benefits. The distribution of complimentary tickets or passes pursuant to this Policy shall not constitute a “gift” to the City Official pursuant to the terms of FPPC Regulation 18944.1. However, other benefits, such as food or beverage or items provided or presented to the City Official that are not provided to all members of the public with the same class of ticket or pass are considered gifts.
2. Earmarked Tickets. 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.
3. Taxable Income. A ticket or pass is not a gift under the Political Reform Act to a City Official if the ticket or pass is treated as taxable income to such City Official.
4. Reimbursement. A ticket or pass is not a gift under the Political Reform Act to the City Official if such City Official reimburses the City for the ticket within 30 days of receipt.

C. Posting and Reporting Requirements.

1. Within 30 days of adoption or amendment of this Policy, the Policy shall be posted on the City’s website and a link to the website that displays the City’s Policy shall be e-mailed to the FPPC in order for the FPPC to post the link on its website.
2. Within 45 days of distribution of a Ticket or Pass, the City must report the distribution on FPPC Form 802 containing the information required to be reported under Regulation 18944.1(d), and post the Form 802 on the City’s website and a link to the website that displays the City’s Form 802s shall be e-mailed to the FPPC in order for the FPPC to post the link on its website. In addition, a written inspection report of findings and recommendations by the City Official receiving the ticket or pass must be provided if such ticket or pass was used for the oversight or inspection of facilities.
3. This Policy and the City’s Form 802s are public records and are subject to inspection and copying under Government Code Section 81008.

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 are reportable as gifts on that official's FPPC Form 700 (Statement of Economic Interests) and are subject to the annual gift limit (currently \$500 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 directly from a 501(c)(3) organization to its fundraising event that is deemed to have no value. Additional tickets or admission privileges provided to the City Official, and any tickets not provided directly by the 501(c)(3) organization to the City Official, are gifts subject to the annual gift limit (and shall be valued in accordance with FPPC Regulation 18946.4) and reporting requirements.

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.

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 or the laws of another state that is deemed to have no value if the committee or the candidate provided the ticket, pass, or admission privilege to the City Official. Additional tickets or admissions privileges provided to the City Official, and any tickets not provided directly by the committee or candidate sponsoring the event to the City Official, are gifts subject to the annual gift limit (and shall be valued in accordance with FPPC Regulation 18946.4) and reporting requirements.
3. Tickets provided to, and distributed by, the City. 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 are not considered gifts to a City Official if distributed in accordance with 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 FPPC 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. 20-1924 of the Agoura Hills City Council on February 12, 2020.

ATTEST:

BY:

Kimberly M. Rodrigues, City Clerk

Greg Ramirez, City Manager

Approved as to form:

Candice Lee, City Attorney

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

A Public Document

1. Agency Name		Date Stamp	California Form 802
Division, Department, or Region <i>(if applicable)</i>			For Official Use Only
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 <i>(Last, First)</i>	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 <i>(include address and description)</i>	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: _____

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

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.

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.

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