

RESOLUTION NO. 13-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING A POLICY REGARDING THE RECEIPT OF COMPLIMENTARY TICKETS OR PASSES TO FACILITIES, EVENTS, SHOWS OR PERFORMANCES PURSUANT TO TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS SECTION 18944.1

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, public officials and employees are required to report "gifts" as defined under Government Code Section 82028 on his or her Statement of Economic Interest "Form 700"; and

WHEREAS, Title 2 of the California Code of Regulation Section 18944.1 ("Section 18944.1") was adopted by the Fair Political Practices Commission ("FPPC") and provides that public officials and employees receiving tickets or passes that serve a public purpose is not treated as a gift or income, if the tickets or passes are used for a public purpose in accordance with a written policy adopted by the City Council; and

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; and

WHEREAS, as members of the community, the distribution and use of tickets and passes by public officials frequently serves a public purposes; and

WHEREAS, based on such practice and in conformance to the requirements of Section 18944.1, the City Council wishes to adopt a policy regarding the distribution of tickets and/or passes pursuant to Section 18944.1.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the Ticket Distribution Policy attached hereto as Attachment B, and incorporated herein by this reference, is hereby adopted.


SECTION 2. That the City Clerk shall certify to the passage and adoption of this Resolution. This Resolution shall become effective immediately from and after its passage.

PASSED AND ADOPTED this 16th day of April, 2013.




James M. Righheimer, Mayor

ATTEST:



Brenda Green, City Clerk

APPROVED AS TO FORM:



Thomas Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 13-11 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16th day of April, 2013, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: Genis, Leece, Mensinger, Monahan, Righheimer

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS:None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17th day of April, 2013.



BRENDA GREEN, CITY CLERK

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

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1.0 **Application of Policy.**

- 1.1 This policy applies to tickets or passes which provide admission to a facility, event, show or performance 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. acquired by the City as consideration pursuant to the terms of a contract for the use of a city venue; or
 - d. acquired and distributed by the City in any other manner.
- 1.2 This policy does not apply to any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided.

2.0 **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 from time to time be amended). The following terms shall be defined as follows:

- 2.1 "City" or "City of Costa Mesa" shall mean and include the City of Costa Mesa, the Costa Mesa Housing Authority, any other affiliated agency created or activated by the Costa Mesa City Council, and any departments, boards and commissions thereof.
- 2.2 "City Official" means every member, officer, employee or consultant of the City of Costa Mesa, as defined in Government Code Section 82048 and FPPC Section 18701. Such 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 700).
- 2.3 "Immediate family" means the spouse and dependent children.

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2.4 "Ticket" or "Pass" means and includes any form of admission privilege to a facility, event, show or performance.

3.0 **General Provisions.**

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

3.2 Limitation on Transfer or Receipt of Tickets: Tickets distributed to a City Official pursuant to this policy shall not be transferred or used by any other person, except to members of such City Official's immediate family and no more than one guest solely for their attendance at the event.

3.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.

4.0 **Ticket Administrator.**

4.1 The City Chief Executive Officer (CEO) shall be the Ticket Administrator for purposes of implementing the provisions of this policy.

4.2 The Ticket Administrator shall have the authority, in his or her sole discretion, to distribute tickets in accordance with this policy.

4.3 The Ticket Administrator shall determine the face value or actual value, as the case may be, of tickets distributed by the City for purposes of Sections 5.1, 5.2 and 7.1, subparagraph d., of this policy.

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

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5.0 **Conditions Under Which Tickets May be Distributed.**

Subject to the provisions of this policy, tickets may be distributed to City Officials under one of the following conditions:

- 5.1 The City Official Reimburses the City for the face value or actual value of the ticket(s), as appropriate to the type of ticket involved.
 - a. Reimbursement at face or actual value shall be made at the time the ticket(s) is/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 The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws.
- 5.3 The City Official uses or orders the use of such tickets for one or more of the following public purposes:
 - a. Performance of a ceremonial role or function representing the City at the event at the request of the event holder.
 - b. The job duties of the City Official require his or her attendance at the event.
 - c. Economic or business development purposes on behalf of the City.
 - d. Intergovernmental relations purposes, 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.
 - e. Attracting or rewarding volunteer public service.
 - f. Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Costa Mesa residents.

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- g. Encouraging or rewarding significant academic, athletic, or public service achievements by Costa Mesa students, residents or businesses.
- h. Attracting and retaining highly qualified employees in City service.
- i. As special recognition or reward for meritorious service by a City employee.
- j. For use in connection with a City employee competition or drawing.
- k. For personal use by or to support general morale of a City employee.
- l. Recognition of contributions made to the City by former City Council Members or City Executive Managers.

6.0 Tickets Distributed at the Behest of a City Official.

- 6.1 Only the following City Officials shall have authority to behest tickets: City Council Members, the CEO, the Assistant CEO, and Department Heads.
- 6.2 Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 5.3 above.
- 6.3 If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets so distributed to attend the event.

7.0 Disclosure Requirements.

- 7.1 Tickets distributed by the City to any City Official for one or more public purposes described in Section 5.3 above, shall be identified on a form provided by the FPPC and made available as a public record. The form shall include the following information:
 - a. name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of tickets provided to the organization in lieu of posting the names of each recipient;
 - b. description of the event;

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- c. date of the event;
 - d. face value of the ticket;
 - e. number of tickets provided to each person;
 - f. if the ticket was distributed at the behest of a City Official, the name of the City Official who made such behest; and
 - g. description of the public purpose(s) under which the distribution was made, or, alternatively, that the City Official is treating the ticket as income.
- 7.2 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above shall not be subject to the disclosure provisions of Section 7.1.