

RESOLUTION NO. 2009-039

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO,
CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY
UNDER SECTION 18944.1 OF CALIFORNIA CODE OF
REGULATIONS**

WHEREAS, The California Fair Political Practices Commission ("FPPC") has amended Section 18944.1 of the California Code of Regulations in order to establish whether or not a ticket or pass that provides admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose constitutes a gift under Government Code Section 82028 when the ticket or pass is given to a City employee or official; and

WHEREAS, in order for a City employee or official to use a ticket or pass to attend a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose so that the ticket or pass given to a City employee or official does not constitute a gift, a policy in accordance with Regulation 18944.1 is necessary; and

WHEREAS, the City receives complimentary tickets and passes from outside sources as a way of facilitating the participation of City employees and officials at various events of interest to the City and the City, for the same reason, occasionally will purchase tickets or passes to events; and

WHEREAS, the distribution and use of such tickets and passes by City employees and officials serve a variety of public purposes; and

WHEREAS, based on such practices and Regulation 18944.1, the City Council desires to adopt a clear policy regarding the distribution of tickets and passes to facilities, events, shows or performances for an entertainment, amusement, recreational, or similar purpose.

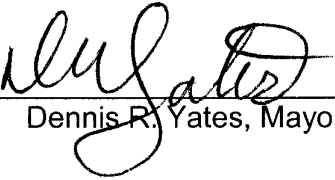
NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Chino, California, hereby adopts the policy contained herein as Exhibit A pertaining to the distribution of tickets and passes to employees and officials of the City of Chino.

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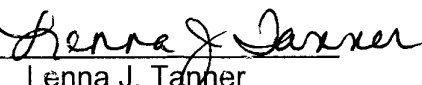
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APPROVED AND ADOPTED ON December 1, 2009.

By: 
Dennis R. Yates, Mayor

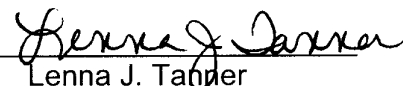
ATTEST:

By: 
Lenna J. Tanner
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF CHINO)

I, Lenna Tanner, City Clerk of the City of Chino, California, do hereby certify that the foregoing Resolution was duly adopted by said City Council at a regular meeting held on the 1st day of December 2009 by the following vote:

AYES: COUNCIL MEMBERS: *Yates, Elrod, Duncan, Haughey, Ulloa*
NOES: COUNCIL MEMBERS: *None*
ABSENT: COUNCIL MEMBERS: *None*

By: 
Lenna J. Tanner
City Clerk

Attachment – Exhibit A

**CITY OF CHINO
TICKET DISTRIBUTION POLICY**

1.0 Purpose and Scope of Policy.

1.1 The purpose of this Policy is to ensure that all tickets and passes the City receives or purchases are distributed in furtherance of the public purposes set forth in this policy.

1.2 Types of Tickets: This Policy applies to Tickets, which provide admission to 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) acquired by the City pursuant to the terms of a contract for the use of City property;
- d) acquired by the City pursuant to its control over the event;
- e) acquired by the City in any other manner.

1.3 Policy Applicable to Tickets or Passes: This Policy shall only apply to the City's distribution of tickets or passes to, or at the behest of, a City employee or official. This Policy does not apply to any other item of value provided to the City or any City Official.

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).

2.1 "City" shall mean and include the City of Chino; and any other affiliated agency created or activated by the Chino City Council, and any departments, boards and commissions thereof.

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

2.3 "FPPC" shall mean and refer to the California Fair Political Practices Commission.

2.4 "Immediate family" shall mean and refer to the spouse and only dependent children.

2.5 "Policy" shall mean and refer to this Ticket Distribution Policy.

2.6 "Ticket" or "Pass" shall mean and refer to a "ticket or pass" as that term is defined in FPPC Regulation 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.

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 of Tickets: Tickets distributed to a City Official pursuant to this Policy shall not be transferred to any other person, except to members of such City Official's immediate family solely for their personal use.

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

3.4 Implementation of Policy: The City Manager shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets in accordance with this Policy. All requests for Tickets, which fall within the scope of this Policy, shall be made in accordance with the procedures established by the City Manager.

3.5 Designation of Agency Head: The City Manager or his/her designee shall be the "Agency Head" for purposes of implementing the provisions of this Policy, and completing and posting the FPPC California Form 802.

3.6 No Earmarking of Tickets: No Ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official shall be earmarked by the original source for provision to a particular City Official. In the event that an outside source earmarks any Ticket for a particular City Official, such Ticket shall be returned to the source within 72 hours of its receipt.

4.0 Conditions Under Which Tickets May be Distributed: Subject to the Provisions of this Policy, complimentary Tickets may be distributed to City Officials under the following conditions:

4.1 The City Official reimburses the City for the face value of the Ticket(s).

4.2 The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.

4.3 The distribution of the Ticket(s) to, or at the behest of, the City Official accomplishes a governmental and/or public purpose. The following list of governmental and/or public purposes the City may accomplish through the distribution of Tickets is illustrative rather than exhaustive:

- a) Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event.
- b) Facilitating the attendance of a City Official at an event where the job duties of the City Official require his or her attendance at the event.
- c) Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, 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) Promotion of City resources and/or facilities available to Chino residents.
- e) Promotion of City-run, sponsored, or supported community programs or events.

- f) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Chino residents.
- g) Promotion of business activity, development, and/or redevelopment within the City.
- h) Promotion of City-owned businesses.
- i) Promotion of City tourism on a local, state, national or worldwide scale.
- j) Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- k) Promotion of open government by City official appearances, participation and/or availability at business and/or community events.
- l) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- m) Attracting or rewarding volunteer public service.
- n) Encouraging or rewarding significant academic, athletic, or public service achievements by Chino students, residents, or businesses.
- o) Attracting and retaining highly qualified employees in the City service.
- p) Recognizing or rewarding meritorious service by a City employee.
- q) Promoting enhanced City employee performance or morale.
- r) Recognizing contributions made to the City by former City Council Members, City employees, or other elected officials.

5.0 Disclosure Requirements.

5.1 This Policy shall be posted on the City website in a prominent fashion.

5.2 Tickets distributed by the City to any City Official either i) which the City Official treats as income pursuant to Section 4.2 above, or ii) for one or more public purposes described in Section 4.3 above, shall be posted on the City website in a prominent fashion, within thirty (30) days after distribution. Such posting shall incorporate the use of FPPC California Form 802, attached to and incorporated in this Policy as Exhibit A, or such alternative form(s) as may from time to time be designated by the FPPC.

5.3 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 4.1 above shall not be subject to the disclosure provisions of Section 5.2.