RESOLUTION NO. 5770

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, 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 event 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 official to use a ticket or pass to attend a facility, event, show or performance for an entertainment, amusement, recreational, or similar event so that the ticket or pass given to a City employee 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;

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 a facility, event, show or performance for an entertainment, amusement, recreational, or similar event;

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Rialto hereby adopts the policy contained herein pertaining to the distribution of tickets or passes to employees and officials of the City of Rialto, City of Rialto Redevelopment Agency, Rialto Housing Authority and Rialto Utility Authority.

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CITY OF RIALTO

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 Rialto, the Rialto Redevelopment Agency, Rialto Housing Authority and Rialto Utility Authority and any other affiliated agency created or activated by the Rialto 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 dependent children.

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

2.6 "Ticket" of "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 Administrator 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 Administrator.

3.5 Designation of Agency Head: The City Administrator 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 particulare 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 Rialto 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 Rialto 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 Rialto 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.

APPROVED AND ADOPTED this 10th day of November, 2009.

GRACE VARGAS, Mayor

ATTEST:

BARBARA A. McGEE, City Clerk

APPROVED AS TO FORM:

JIMMY L. GUTIERREZ, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No. 5770 was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the 10th day of November, 2009.

Upon motion of Council Member Baca Jr., seconded by Council Member Palmer, the foregoing Resolution No. 5770 was duly passed and adopted.

Vote on the motion:

AYES: Mayor Vargas, Council Members: Scott, Baca Jr. and Palmer

NOES: None

ABSENT: Council Member Robertson

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this 2nd day of December, 2009.

Barbara A McGee

BARBARA A. McGEE, CITY CLERK

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