

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 15,106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING A TICKETS AND PASSES DISTRIBUTION POLICY

WHEREAS, under section 18944.1 of Title 2 of the California Code of Regulations (“Regulations”), tickets and passes are those that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, the City of Oxnard (the “City”) desires to ensure that any ticket or pass provided to the City by any third party or obtained directly by the City shall be distributed to City Officials in a manner that serves or promotes a public purpose of the City; and

WHEREAS, under section 18944.1 of the Regulations, tickets and passes are not considered gifts to public officials if the City distributes said tickets and passes in accordance with a duly adopted written policy consistent with section 18944.1.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

Part 1. The City Council hereby adopts the following “Tickets and Passes Distribution Policy” attached hereto as Exhibit A.

PASSED AND ADOPTED THIS 10th day of April, 2018, by the following vote:

AYES: Councilmembers Flynn, Ramirez, MacDonald, Perello and Madrigal.

NOES: None.

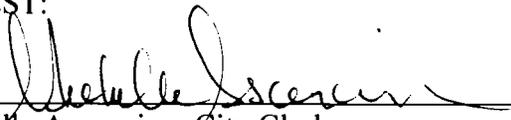
ABSENT: None.

ABSTAIN: None.



Tim Flynn, Mayor

ATTEST:



Michelle Ascencion, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

Exhibit A

PURPOSE

The purpose of this Policy is to ensure that any ticket or pass provided to the City by any third party or obtained directly by the City shall be distributed to City Officials by the City Manager or his or her designee in a manner that serves or promotes a public purpose of the City of Oxnard (the "City").

DEFINITIONS

For purposes of this Policy, the following words, terms and phrases shall have the following meanings:

1. "City Official" shall mean any member, officer, employee or consultant of the City, as defined in Government Code Section 82048.
2. "City Venue" shall mean any facility owned, controlled or operated by the City.
3. "Gift" shall mean anything that is received by a City Official that the City Official did not provide consideration of equal or greater value for or that represents a rebate or discount that is not provided in the regular course of business to members of the public without regard to official status.
4. "Immediate family" shall mean a spouse, domestic partner or dependent child.
5. "Ticket" or "pass" shall mean any ticket, pass, etc. that provides admission to a facility, event, show, or performance for entertainment, amusement, recreation or other similar purpose.
6. "Third party" shall mean the source of any ticket or pass, other than the City.

ADMINISTRATION OF POLICY

The City Manager shall be responsible for administering this Policy.

TICKETS AND PASSES DISTRIBUTION POLICY

All tickets and passes provided to the City by a third party or otherwise obtained directly by the City shall be subject to the following provisions:

1. The City Manager or his or her designee shall document in writing the receipt of all tickets and passes provided to the City by a third party, or otherwise obtained directly by the City.
2. Tickets and passes shall only be provided to City officials by the City Manager or his or her designee for a legitimate public purpose of the City, as set forth in this Policy.

3. The City Manager or his or her designee shall decide, consistent with this Policy, which City Officials should be provided with a ticket or pass.
4. Within 30 days of distributing any ticket or pass pursuant to this Policy, the City Manager or his or her designee, shall complete and cause to be posted an FPPC Form 802 on the City's website.

LEGITIMATE PUBLIC PURPOSES

Any ticket or pass provided to a City Official by the City shall not constitute a gift if provided and used by the City Official for any of the following purposes:

1. Promotion of community resources and programs available to City residents including but not limited to those resources and programs involving charitable and non-profit organizations.
2. Promotion of City resources available to City residents.
3. Promotion of City-operated, sponsored or supported community programs.
4. Promotion of private facilities available for City residents' use including but not limited to those facilities involving charitable and non-profit organizations.
5. Promotion of City facilities available for City residents' use.
6. Promotion of City tourism on a local, state, national or worldwide scale.
7. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.
8. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
9. Promotion of the improvement of inter-governmental relations.
10. Attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City.
11. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
12. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.
13. Recognizing contributions made to the City by former or current City Council members or other City employees.

EXEMPTIONS

The following tickets and passes shall be exempt from the provisions of this Policy:

1. A ticket or pass received by a City Official directly from a third party that the City Official uses to perform a ceremonial role or function on behalf of the City.
2. A ticket or pass received by a City Official from the City where the City Official treats and reports the value of the ticket or pass as income consistent with applicable state and federal income tax laws and the ticket is reported as income to the City Official on the FPPC Form 802.
3. A ticket or pass that the City Official purchases or reimburses the City for the face value of the ticket or pass.

PROHIBITIONS

1. Earmarking. No Ticket gratuitously provided to the City by an outside source and distributed to a City Official pursuant to this Policy shall be earmarked by the original source to a particular City Official.
2. Reimbursement and Sale. A City Official who receives a ticket or pass pursuant to this Policy shall not sell or receive reimbursement for the value of such ticket.
3. Transfer. A City Official who receives a ticket or pass pursuant to this Policy shall not transfer or sell the ticket or pass to any other person, except to a member of the City Official's immediate family solely for their personal use.
4. No Right to Tickets. The use of complimentary tickets or passes 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.

POSTING AND DISCLOSURE REQUIREMENTS

This Policy shall be posted on the City's website. The distribution of a ticket or pass pursuant to this Policy shall be posted on the City's website within thirty (30) days after the ticket or pass distribution and shall include the following information required under Section 18944.1 and FPPC Form 802:

1. The name of the recipient;
2. A description of the Event;
3. The date of the Event;
4. The face value of the ticket or pass;
5. The number of tickets or passes provided to each City Official; and
6. A description of the public purpose(s) under which the distribution was made, or alternatively, that the City Official is treating the ticket or pass as income.

**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 (if applicable)			For Official Use Only
Designated Agency Contact (Name, Title)			
Area Code/Phone Number	E-mail	<input type="checkbox"/> Amendment (Must Provide Explanation in Part 3.) Date of Original Filing: _____ <small>(month, day, year)</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? 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 (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"/> <small>If checking "Ceremonial Role" or "Other" describe below</small>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <small>If checking "Ceremonial Role" or "Other" describe below</small>
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

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

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