

CITY COUNCIL

CITY OF PALMDALE, CALIFORNIA

RESOLUTION NO. CC 2019-064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE  
APPROVING A POLICY FOR DISTRIBUTING TICKETS AND PASSES  
TO CITY OFFICIALS

WHEREAS, from time to time the City of Palmdale (the "City") receives event tickets and passes from third party private sources or obtains them directly for use by various City Officials; and

WHEREAS, under the Fair Political Practices Commission (FPPC) Regulation 18944.1, such tickets and passes are defined as those that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, the City desires to use and distribute such tickets and passes to further governmental and public purposes, such as the promotion of City businesses, resources, programs, facilities, etc.; and

WHEREAS, the City desires to adopt a Ticket Policy in conformance with the requirements of the FPPC regulations regarding tickets as potential gifts prohibited by the California Political Reform Act;

WHEREAS, under section 18944.1 of the FPPC 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, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF PALMDALE DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

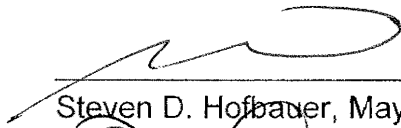
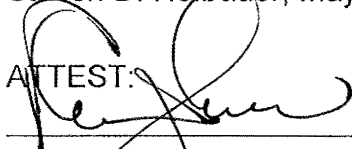
**SECTION 1.** The attached CITY OF PALMDALE TICKET DISTRIBUTION AND REPORTING POLICY (Administrative Policy No. A-2) is hereby adopted and effective immediately.

SECTION 2. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 9th day of July, 2019.

Approved as to form:

  
Wm. Matthew Ditzhazy  
City Attorney

  
Steven D. Hofbauer, Mayor  
ATTEST:  
  
Rebecca J. Smith, City Clerk

I, Rebecca J. Smith, City Clerk of Palmdale, California, do hereby certify that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 9th day of July, 2019 by the following roll call vote:

AYES: Hofbauer, Bishop, Bettencourt, Carrillo, Loa

NOES: None

ABSTAIN: None ABSENT: None

Date: July 17, 2019  
  
Rebecca J. Smith, City Clerk

Attachment: Ticket Distribution and Reporting Policy

## City of Palmdale Administrative Policy

<b>TITLE: Ticket Distribution and Reporting Policy</b>	<b>PAGE</b> 1 OF 5	<b>POLICY NUMBER</b> A-2
<b>ADOPTED</b> July 9, 2019, authorized by Resolution No. 2019-064	<b>REVISED</b>	
<b>PREPARED BY</b> Administrative Services	<b>POLICY APPLIES TO</b> All Employees, Elected and Appointed Officials	
<b>APPROVED BY</b>	<b>STEVEN D. HOFBAUER, MAYOR</b>	

### I. PURPOSE

To establish a policy regarding distribution and reporting of tickets which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose.

1. It is important to the local economy and is in the public interest to promote, support, and encourage attendance at events held at various facilities in the City, including but not limited to, City-owned venues such as the Palmdale Amphitheater, DryTown Waterpark and Palmdale Playhouse.
2. The distribution of any ticket by the City to, or at the behest of, a City official must accomplish a "public purpose" of the City. The public purposes to be accomplished by the distribution of tickets or passes by the City include, but are not limited to:
  - a) Promoting and supporting City employee morale;
  - b) Rewarding or recognizing meritorious service by a City employee;
  - c) Attracting and retaining highly qualified City employees;
  - d) Promoting and encouraging attendance at and use of City-owned facilities;
  - e) Supporting City-sponsored or City-run events, activities and programs;
  - f) Rewarding or recognizing the service of local members of the armed forces;
  - g) Rewarding and promoting service to the community by local charitable, religious, educational, fraternal and civic organizations;
  - h) Promoting and supporting local events by ensuring attendance by City representatives as well as local business owners, teachers, health care professionals and other community leaders;
  - i) Rewarding and/or encouraging academic, athletic, artistic or public service achievements by City students, residents, and businesses;
  - j) Encouraging and rewarding volunteerism;

## Administrative Policy

**TITLE: Ticket Distribution  
and Reporting Policy**

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- k) Promoting strong intergovernmental relations through attendance at local events by officials and staff of other jurisdictions;
- l) Promoting economic development;
- m) Attracting and retaining businesses in the City;
- n) Promoting City tourism;
- o) Promoting civic pride.

### **II. AUTHORITY**

City Council Resolution No. 2019-064 adopted July 9, 2019

### **III. APPLICATION**

This policy applies to tickets which provide admission to a facility or event for entertainment, amusement, recreational or similar purpose and are:

- a) For a City-controlled or sponsored event;
- b) Gratuitously provided to the City by an outside source, and not earmarked by that source for a particular City Official;
- c) Acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; or
- d) Acquired by the City by purchase at fair market value.

### **IV. REFERENCES**

California Government Code Sections 82048 and 82019

FPPC Regulations Sections 18701, 18942, 18942.3, and 18944.1

### **V. DEFINITION OF TERMS**

1. "City" shall mean the City of Palmdale.
2. "City Officials" shall mean and refer to the City's "public officials," meaning every member, officer, or employee of the City of Palmdale, Palmdale City Council, Palmdale Successor Agency, Palmdale Planning Commission, Palmdale Housing Authority, Palmdale Audit Committee, Palmdale Recycled Water Authority members from the City of Palmdale, and Palmdale Library Board as defined by Government Code Sections 82048 and 82019 and FPPC Regulation Section 18701, as these sections are amended from time to time.
3. "FPPC" shall mean the California Fair Political Practices Commission.
4. "Ticket" shall mean 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 to a facility, event, show or performance for an entertainment,

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amusement, recreational, or similar purpose. A Ticket or pass provided to an official for his or her admission to an event at which the official performs a ceremonial role or function on behalf of the agency as defined in Section 2 is not a gift to the official.

5. "Ticket Administrator" shall mean the City Manager or designee who shall be responsible for implementing the provisions of this policy.

### **VI. POLICY**

#### General Provisions:

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.
2. 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.
3. Prohibition against Transfer of Tickets: No official receiving Tickets in accordance with this policy shall transfer any Tickets or pass distributed pursuant to this policy to any other person, except to members of the official's immediate family solely for their personal use.
4. Prohibition against Entry without a Ticket: No official receiving Tickets shall enter a City sponsored event without their Ticket or bring additional guests without Tickets.

### **VII. PROCEDURE**

1. The Ticket 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 Ticket Administrator.
2. The Ticket Administrator may distribute Tickets to a City Official, for himself/herself and his/her family or one guest, under the following circumstance:
  - a. The City Official reimburses the City for the face value of the Tickets;
  - b. The City Official treats the Tickets as income consistent with applicable state and federal income tax laws and the City reports the distribution of the Tickets as income pursuant to Section 5 of this policy;
  - c. The City official will perform a ceremonial role on behalf of the City at the events;
  - d. The City official attends the event as part of his/her job duties to assist an Official who is performing a ceremonial role at the event;

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- e. The distribution of the Tickets to a City Official furthers one of the public purposes set forth in Section I.2 of this policy.
3. A limited number of Tickets, established at the sole discretion of the Ticket Administrator, may be distributed at the behest of the following City Officials, provided that the distribution furthers one of the public purposes set forth in Section I.2 of this policy and the behesting City Official does not use one of the Tickets so distributed:
  - a. Mayor;
  - b. City Councilmembers;
  - c. City Manager;
  - d. Assistant City Manager;
  - e. Department Directors.
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 the procedures established by the Ticket Administrator for the distribution of tickets in accordance with this policy.
5. Disclosure Requirements: Tickets distributed by the City to any City Official shall be reported on a form provided by the FPPC within thirty (30) days after distribution. Such reporting shall use FPPC California Form 802 or such alternate form as from the time to time the FPPC may designate, and in accordance with the reporting requirements specified under FPPC Regulation Section 18944.1(d). The City shall maintain the form as a public record on the City's website and a copy shall be forwarded to the FPPC for posting on its website.

Such reporting shall include the following information:

- a. The 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. A description of the event;
- c. The date of the event;
- d. The face value of the Ticket;
- e. The 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

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- g. A description of the public purpose(s) under which the distribution was made.
- h. If the Tickets are distributed to a Department for the use by City employees, pursuant to one of the public purposes set forth in Section 1.2 of this policy, the City may report the name of the Department and the total number of Tickets provided to the Department in lieu of posting the name of the individual employee(s).

Attachment: FPPC Form 802





# 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](http://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](mailto: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](mailto: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