



City of La Verne, City Council Agenda Report

**Approved on 5/1/23 at the
regular meeting of the
La Verne City Council.**

DATE: May 1, 2023
TO: Honorable Mayor and City Council
FROM: Ken Domer, City Manager
SUBJECT: TICKET DISTRIBUTION POLICY

SUMMARY

The City Council is requested to approve a Ticket Distribution Policy to be included with the City of La Verne's Administrative Regulations. The Policy outlines the City's methods for ticket distribution and reporting that falls in line with regulatory requirements from the Fair Political Practices Commission (FPPC).

RECOMMENDATION

It is recommended that the City Council approve Resolution 23-15, titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY."

DISCUSSION

City of La Verne staff regularly review our Administrative Regulation policies to ensure that the City's operations abide by the current government statutes and regulations. During the review, it was identified that a "Ticket Distribution Policy" should be developed to clearly outline the City's methods for ticket distribution and reporting that falls in line with regulatory requirements from the Fair Political Practices Commission (FPPC).

Usually, Administrative Regulations are simple policy statements developed and administered by the City Manager. In this case, because of the financial nature of the regulation, the City Council should establish this Administrative Regulation by Resolution and any future modification would also be made by Council Resolution.

Section 18944.1 of the FPPC sets forth a procedure for agencies that provide tickets to their City Officials that, if utilized, will result in the tickets not qualifying as gifts under the Act. Under this procedure, the official may accept the ticket if there is a public purpose achieved through that official's use of the ticket and will not need to report the ticket as a gift on their annual Statement of Economic Interests. Tickets distributed under the policy, including tickets distributed at the behest of a City Official, must be identified on a Form 802 and posted on the agency's website to comply with this regulation. The form must be completed within 45 days of distribution of a ticket or pass. Where the distribution is made pursuant to the public purpose exception, that purpose must also be described on the

pursuant to the public purpose exception, that purpose must also be described on the form.

FISCAL ANALYSIS

None.

ENVIRONMENTAL ANALYSIS

None.

LEGAL REVIEW

This report and the attached Resolution and Ticket Distribution Policy were approved by the City Attorney.

ATTACHMENTS

1. Resolution 23-15
2. Ticket Distribution Policy

Report Prepared By:
Andrea Blockinger, Administrative Clerk

Coordinated With:
Kimberly Hall Barlow, City Attorney

RESOLUTION NO. 23-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY

WHEREAS, the City of La Verne (City), from time to time, receives event tickets and/or passes from public and private entities and individuals or purchases event tickets and/or passes for events; and

WHEREAS, under Title 2 of the California Code of Regulations, Section 18944.1, these tickets and/or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, the Fair Political Practices Commission (FPPC) Regulations requires that receipt of tickets and passes by a public official would need to be disclosed by the City and the circumstances they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interest; and

WHEREAS, the City finds that the receipt of all such tickets and/or passes are public resources; and

WHEREAS, the City desires to distribute these public resources in a manner that furthers the City's purposes as reasonably described herein, such as the promotion of the City, its resources, and facilities; and

WHEREAS, according to Section 18944.1, these tickets and/or passes are not gifts to public officials if the City distributes these tickets and/or passes in accordance with a duly adopted written policy, when distributed under Section 18944.1, subdivision (b)(2); and

WHEREAS, the FPPC has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose, provided that the determination is consistent with state law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Verne as follows:

Section 1. Purpose of Policy. The purpose of this Policy is to ensure that all tickets that the City receives from any third party are distributed in furtherance of governmental and/or public purposes and are reported as provided in this policy.

Section 2. Applicability. This Policy shall only apply to the City's distribution of tickets to, or at the behest of, a City Official.

Section 3. Public Purpose Requirement. The distribution of any ticket by the City to, or at the behest of, a City official shall accomplish a governmental and/or public purpose.

1 **Section 4. Exemptions.** This policy does not apply to tickets provided to officials of the following nature:

- 2 a. Admission provided to a school, college, or university district official, coach,
3 athletic director, or employee to attend an amateur event performed by
4 students, which are neither gifts nor income.
5 b. Admission identified in Regulation 18942(a)(13) relating to an official performing
6 a ceremonial role.
7 c. Tickets that are taxable income to the official.
8 d. Tickets for which the Public Official reimburses the agency the value within 30
9 days of receipt by the Official.

10 **Section 5. Ticket Distribution and Public Purpose.** The City has the sole
11 discretion to determine who shall receive the tickets received or acquired by the City.
12 The City may accomplish a public purpose through the distribution of tickets, including,
13 but not limited to, through the following:

- 14 a. Promotion of business activity within the City;
15 b. Promotion of City-owned businesses;
16 c. Promotion of community resources available to City residents, including
17 charitable and nonprofit organization resources;
18 d. Promotion of City resources available to City residents;
19 e. Promotion of community programs available to City residents, including
20 charitable and nonprofit organization programs;
21 f. Promotion of City-run, sponsored or supported community programs;
22 g. Promotion of private facilities available for City resident use, including charitable
23 and nonprofit organization facilities;
24 h. Promotion of City facilities available for City resident use;
25 i. Promotion of City growth and development;
26 j. Promotion of City tourism on a local, state, national or worldwide scale;
27 k. Promotion of City recognition, visibility, and/or profile on a local, state, national
28 or worldwide scale;
29 l. Promotion of employee morale and to incentivize achievement;
30 m. Promotion of open government by City Official appearances, participation
31 and/or availability at business and/or community events; and
32 n. Increasing public exposure to, and awareness of, the various public
33 recreational, cultural, and education facilities available to the public within the
34 City.

35 **Section 6. Transfer Prohibition.** City Officials are prohibited from
36 transferring any ticket distributed pursuant to this Policy to any other person, except to
37 members of the City Official's immediate family for their personal use.

38 **Section 7. Disclosure.** The distribution of a ticket pursuant to this Policy
39 shall be posted on the City website and reported to the FPPC within forty-five (45) days
40 after the ticket distribution. Such posting shall use FPPC California Form 802 or such
41 alternate form that the FPPC may designate. The form must include the following
42 information:

- 43 a. The name of the City Official receiving the ticket;

- b. A description of the event;
- c. The date of the event;
- d. The fair value of the ticket or pass as defined in Regulation 18946(d)(1);
- e. Number of tickets or passes provided to each person;
- f. If the ticket or pass is behested, the name of the official who behested the ticket;
- g. If the ticket was transferred to a member of the official's immediate family; and
- h. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities.

Section 8. Effective Date. This policy shall be effective upon City Council approval and shall be distributed to the FPPC and City website within 30 days of adoption.

PASSED, APPROVED AND ADOPTED this 1st of May, 2023.

/S/ TIM HEPBURN

Mayor Tim Hepburn

ATTEST:

/S/ LUPE GAETA ESTRELLA

Lupe Gaeta Estrella, Assistant City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LA VERNE)

I hereby certify that the foregoing **Resolution No. 23-15** was duly and regularly adopted by the City Council of the City of La Verne at a meeting thereof held on the **1st day of May, 2023**, by the following vote:

AYES: Kashifalghita, Johnson, Lau, Crosby, and Mayor Hepburn.
NOES: None.
ABSENT: None.
ABSTAIN: None.

/S/ LUPE GAETA ESTRELLA

Lupe Gaeta Estrella, Assistant City Clerk

City of La Verne
Ticket Distribution Policy

1. Definitions

- a. "Agency Head" shall mean and refer to the City Manager of the City of La Verne.
- b. "City" shall mean and refer to the City of La Verne.
- c. "City Official" shall mean and refer to the City's "public officials," as that term is defined by Government Code section 82048.
- d. "FPPC" shall mean and refer to the California Fair Political Practices Commission.
- e. "Policy" shall mean and refer to this Ticket Distribution Policy.
- f. "Ticket" or "tickets" shall mean and refer to a "ticket or pass" as that term is defined in FPPC Regulation 18946, as amended from time to time.

2. Purpose of Policy. The purpose of this Policy is to ensure that all tickets that the City receives from any third party are distributed in furtherance of governmental and/or public purposes and are reported as provided in this policy.

3. Applicability. This Policy shall only apply to the City's distribution of tickets to, or at the behest of, a City Official.

4. Public Purpose Requirement. The distribution of any ticket by the City to, or at the behest of, a City official shall accomplish a governmental and/or public purpose.

5. Exemptions. This policy does not apply to tickets provided to officials of the following nature:

- a. Admission provided to a school, college, or university district official, coach, athletic director, or employee to attend an amateur event performed by students, which are neither gifts nor income.
- b. Admission identified in Regulation 18942(a)(13) relating to an official performing a ceremonial role.
- c. Tickets that are taxable income to the official.
- d. Tickets for which the Public Official reimburses the agency the value within 30 days of receipt by the Official.

6. Ticket Distribution and Public Purpose. The City has the sole discretion to determine who shall receive the tickets received or acquired by the City. The City may accomplish a public purpose through the distribution of tickets, including, but not limited to, through the following:
 - a. Promotion of business activity within the City;
 - b. Promotion of City-owned businesses;
 - c. Promotion of community resources available to City residents, including charitable and nonprofit organization resources;
 - d. Promotion of City resources available to City residents;
 - e. Promotion of community programs available to City residents, including charitable and nonprofit organization programs;
 - f. Promotion of City-run, sponsored or supported community programs;
 - g. Promotion of private facilities available for City resident use, including charitable and nonprofit organization facilities;
 - h. Promotion of City facilities available for City resident use;
 - i. Promotion of City growth and development;
 - j. Promotion of City tourism on a local, state, national or worldwide scale;
 - k. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale;
 - l. Promotion of employee morale and to incentivize achievement;
 - m. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events; and
 - n. Increasing public exposure to, and awareness of, the various public recreational, cultural, and education facilities available to the public within the City.

7. Transfer Prohibition. City Officials are prohibited from transferring any ticket distributed pursuant to this Policy to any other person, except to members of the City Official's immediate family for their personal use.

8. Disclosure. The distribution of a ticket pursuant to this Policy shall be posted on the City website and reported to the FPPC within forty-five (45) days after the ticket distribution. Such posting shall use FPPC California Form 802 or such alternate form that the FPPC may designate. The form must include the following information:
 - a. The name of the City Official receiving the ticket;
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 - d. The fair value of the ticket or pass as defined in Regulation 18946(d)(1);
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 - f. If the ticket or pass is behested, the name of the official who behested the ticket;

- g. If the ticket was transferred to a member of the official's immediate family;
and
- h. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities.

Effective Date

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