

<p style="text-align: center;">CITY OF SOLANA BEACH ADMINISTRATIVE POLICY</p>	<p>Policy No. 35</p> <p>Adopted: April 24, 2019 Resolution 2019-042 Effective Date: April 24, 2019</p>
<p>Subject:</p> <p style="text-align: center;">TICKET DISTRIBUTION POLICY</p>	<p>Approved By:</p> <p style="text-align: center;">CITY COUNCIL</p>

SECTION 1. PURPOSE

The Policy’s purpose is to ensure that all tickets and/or passes provided to the City are distributed in furtherance of governmental and/or public purposes as required under Section 18944.1 of Title 2, California Code of Regulations (“Regulation 18944.1”).

In addition, the purpose of this Policy is to ensure that tickets distributed by the City under this Policy are disclosed on Form 802 and posted to the City’s website within forty-five (45) days of distribution, as required by Regulation 18944.1.

SECTION 2. APPLICATION

This Policy applies to tickets that provide admission to a facility, event, show or performance 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 as consideration pursuant to the terms of a contract for the use of a City venue; or
- d. acquired and distributed by the City in any other manner.

This policy shall supersede any other inconsistent written policy applicable to tickets.

SECTION 3. SCOPE

This policy applies to all elected and appointed City Officials, as well as all designated City employees.

SECTION 4. 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 Political Reform Act of 1974 (Government Code section 81000 *et seq.*, as the same may from time to time be amended) and the Fair Political Practices Commission (“FPPC”) Regulations (Title 2, California Code of Regulations, section 18100 *et seq.*, as the same may from time to time be amended).

“City” means the City of Solana Beach, California, and any other affiliated agency created or activated by the Solana Beach City Council and any departments, boards and commissions thereof.

“City Official” means every member, officer, employee or consultant of the City, as defined by Government Code section 82048 and Regulation 18701. Such term shall include, without limitation, any City board or commission member or other appointed official or employee required to file an annual Statement of Economic Interests (Form 700).

“Immediate family” means the City Official’s spouse or dependent children.

“Policy” means this Policy for the Distribution of Tickets and/or Passes.

“Ticket” shall mean and refer to a “ticket or pass” as those terms are defined in Regulation 18946 and referenced in Regulation 18944.1, both Regulations as being amended from time to time, but which currently define “ticket” or “pass” as anything that provides admission or access to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

SECTION 5. GENERAL PROVISIONS

- a. All tickets provided to the City shall be distributed in furtherance of public purposes as provided under Section 7.
- b. 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.
- c. The provisions of this Policy apply only to benefits the City Official receives that are provided to all members of the public with the same class of ticket.
- d. 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 or to no more than one guest solely for their attendance at the event.

- e. No person who receives a ticket pursuant to this Policy shall sell or receive reimbursement for the value of such ticket.
- f. Any City Official, any member of the City Official's immediate family, or guest of the City Official may return any unused ticket to the City for redistribution pursuant to this Policy.
- g. No ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official.
- h. If the distribution is to an organization outside of the City, such distribution must be made pursuant to a public purpose outlined in Section 7c.
- i. Subject to the provisions of this Policy, tickets obtained by the City pursuant to terms of a contract for use of public property because the City controls the event, or, by purchase at fair market value, may be distributed to City Officials. Any distribution must accomplish a governmental and/or public purpose in accordance with Section 7c below.

SECTION 6. TICKET ADMINISTRATOR AND TICKETS DISTRIBUTED AT THE BEHEST OF A CITY OFFICIAL

- a. The City Manager or his/her designee(s) shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- b. 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.
- c. The value of any ticket shall be the face value of the ticket.
- d. 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.
- e. Only the following City Officials shall have authority to behest tickets: City Council Members, the City Manager or his/her designee.

SECTION 7. TICKET DISTRIBUTION

Subject to the provisions of this Policy, the City shall only provide a ticket and/or pass to a City Official, or at the behest of a City Official, under one of the following public and governmental purposes:

a. If the distribution is to a City Official, the City Official reimburses the City for the face value of the ticket(s). Reimbursement shall be made at the time the ticket(s) is/are distributed to the City Official.

b. If the distribution is to a City Official, the City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws and the City complies with the reporting requirements of Section 8 below.

c. The City distributes such ticket(s) to or at the behest of, an official in order to accomplish a public purpose. The following is a list of governmental and/or public purposes the City may accomplish through the distribution of tickets. The list is illustrative rather than exhaustive:

- 1) Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- 2) The job duties of the City Official require his or her attendance at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
- 3) 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.
- 4) Promotion of local and regional businesses, economic development and tourism activities within the City, including conventions and conferences.
- 5) Promotion of City/Controlled or sponsored events, activities, or programs.
- 6) Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- 7) Promotion of public facilities available for City resident use.
- 8) Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- 9) Employment retention programs.
- 10) Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.

- 11) Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civil leaders.
- 12) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Solana Beach residents.
- 13) Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
- 14) Attracting or rewarding volunteer public service.
- 15) Encouraging or rewarding significant academic, athletic, or public service achievements by Solana Beach students, residents or businesses.
- 16) Attracting and retaining highly qualified employees in the City service.
- 17) Recognizing or rewarding meritorious service by a City employee.
- 18) Promoting enhanced City employee performance or morale.
- 19) For use in connection with a City employee competition or drawing, for which there shall be made no more than six (6) tickets per person per event.
- 20) Any purposes similar to above included in any City contract.
- 21) Any ticket obtained pursuant to Section 5i above, which is distributed to a City Official, other than an elected official or member of the governing body of the City, for the official's personal use, to support general employee morale, retention, or to reward public service is also deemed to serve a public purpose. Such ticket distribution shall be disclosed pursuant to Section 8. For purposes of this subsection, "personal use" is defined as use by the official, his or her family, and no more than one guest.

SECTION 8. DISCLOSURE REQUIREMENTS

a. This Policy shall be posted on the City's website in a prominent manner. The City shall within 30 days of adoption or amendment, send to the FPPC by email a website link that displays the Policy.

b. Tickets distributed by the City to any City Official which the City Official treats as income pursuant to Section 7b above, or, which are distributed for one or more public purposes described in Section 7c above, must be recorded on Form 802 or, on such alternative form(s) as may from time to time be designated by the FPPC. This form shall be posted on the City's website within 45 days of distribution. Such posting shall include the following information:

- 1) The name of the recipient, except as set out in 8d and 8e below;
- 2) A description of the event;
- 3) The date of the event;
- 4) The face value of the ticket;
- 5) The number of tickets provided to each person;
- 6) If the ticket was distributed at the behest of a City Official, the name of the City Official who made the behest; and
- 7) A description of the public purpose(s) under which the distribution was made, or alternatively, that the City Official is treating the ticket as income.

c. Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 7a above shall not be subject to the disclosure provisions of Section 8b.

d. For tickets distributed pursuant to this Policy, the City may post the name of the department or other unit of the City and the number of tickets provided to the department or other unit in lieu of posting the name of the individual employee(s) as otherwise required.

e. Tickets distributed to an organization outside of the City shall be disclosed in accordance with Section 8b above, but, may be done by posting the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization as otherwise required.