

RESOLUTION NO. 2019-43

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

WHEREAS, from time to time the City of Visalia (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 section 18944.1 of Title 2 of the California Code of Regulations ("Regulations"), 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, 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, BE IT RESOLVED by the Council of the City of Visalia as follows:

SECTION 1. The recitals set forth above are true and correct.

SECTION 2. The City Council hereby adopts the "Tickets and Passes Distribution Policy" attached hereto as Exhibit "A."

SECTION 3. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED: August 19, 2019 RANDY GROOM, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Randy Groom, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2019-43 passed and adopted by the Council of the City of Visalia at a regular meeting held on August 19, 2019.

Dated: August 21, 2019

RANDY GROOM, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk

EXHIBIT A

CITY OF VISALIA TICKETS AND PASSES DISTRIBUTION POLICY

Section A. Purpose of Policy

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

Section B. Definitions

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

1. "City Official" shall mean any council member, officer or employee of the City.
2. "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.
3. "Third party" shall mean the source of any ticket or pass, other than the City.
4. "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.

Section C. Administration of Policy

The City Manager or designee shall be responsible for administering this Policy.

Section D. Tickets and Passes Distribution Policy

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

1. The City shall not accept from any third party any ticket or pass that is specifically earmarked for use by a particular City Official whether by name or position, unless:
 - a. The ticket or pass is offered or provided to the City pursuant to the terms of a contract for use of City owned property.

- b. The ticket or pass is offered or provided to the City as a result of an official City event that the City controls.
 - c. The ticket or pass is purchased by the City from the third party for full market value.
2. 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.
3. Tickets and passes shall only be provided by the City Manager or his or her designee to City officials for a legitimate public purpose of the City, as set forth in this Policy.
4. 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, except that in the case of a ticket or pass that has been purchased from funds designated by a specific Council Member from that Council Member's discretionary funds, that ticket or pass shall be provided to that Council Member first and then if declined shall be distributed as determined by the City Manager. The City Manager shall provide written guidelines governing the distribution of tickets or passes under this policy, subject to amendment from time to time by the City Manager.
5. City officials shall be provided no more than one ticket or pass to an event for themselves and, if available pursuant to City Manager guidelines, no more than one guest who accompanies the City official.
6. 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, with such posting to remain on the website for a period of at least 4 years and a hard copy of said form shall be retained for a minimum of seven (7) years.

Section E. 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. Promoting (including providing financial support for) community programs and resources available to City residents, such as nonprofit organizations and programs that provide economic and social service support to City residents.
2. Highlighting the achievements or honoring the exemplary service of City employees, local residents and businesses.
3. Promoting (including providing financial support for) charitable, non-profit or public facilities available to City residents.

Section F. 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 both the City Official and the City treat and report 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 pursuant to the provisions of this Policy.

Section G. Prohibition Against Transfer

A City Official who receives a ticket or pass pursuant to this Policy is prohibited from transferring or selling the ticket or pass to any other person.

Section H. Posting and Disclosure Requirements

This Policy shall be prominently posted on the City's website.