

RESOLUTION NO. 19-5214

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST HOLLYWOOD AMENDING THE
POLICY FOR THE DISTRIBUTION OF TICKETS
AND PASSES RECEIVED BY THE CITY OF WEST
HOLLYWOOD

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY
RESOLVE AS FOLLOWS:

WHEREAS, the Fair Political Practices Commission ("FPPC") adopted Section 18944.1, Title 2, California Code of Regulations (Regulation 18944.1) to regulate the distribution and disclosure by public agencies of certain tickets and passes to public officials and employees; and

WHEREAS, Regulation 18944.1 provides that a ticket and pass distributed pursuant to an adopted policy and properly disclosed by the agency is not a gift to the public official and does not trigger a disclosure requirement on the official's Statement of Economic Interests, Form 700; and

WHEREAS, the City Council of the City of West Hollywood (the "City") adopted a ticket distribution policy pursuant to Regulation 18944.1 to provide for the distribution of such tickets or passes; and

WHEREAS, on May 16, 2019, the FPPC amended and adopted Regulation 18944.1 in order to clarify the valuation of tickets and passes, and include revisions affecting public agency distribution policy requirements; and

WHEREAS, from time to time, the City may receive complimentary or discounted tickets or passes from third party sources, both public and private, for distribution to City officials; and

WHEREAS, the distribution to and use of such tickets and passes by officials frequently serve legitimate governmental and/or public purposes; and

WHEREAS, based on such practice and the amended Regulation 18944.1, the City desires to update its policy regarding the distribution of tickets and/or passes; and

WHEREAS, the proposed City Policy for the Distribution of Tickets and Passes incorporates the recent revisions to Regulation 18944.1 by the FPPC to ensure that the policy establishes a fair and equitable process for the distribution to City officials of such tickets and passes by the City, in compliance with the requirements of FPPC Regulations.

NOW THEREFORE, the City Council of the City of West Hollywood does hereby resolve and order as follows:

- Section 1. The foregoing recitals are true and correct.
- Section 2. The City Council hereby approves and adopts the City Policy for the Distribution of Tickets and Passes in accordance with FPPC Regulation 18944.1, and attached hereto as Exhibit "A."
- Section 3. The City Manager is directed to implement this policy.
- Section 4. The Resolution shall take effect immediately upon adoption.
- Section 5. All previous ticket distribution policies adopted by the City under FPPC Regulation 18944.1 are hereby repealed in their entirety.
- Section 6. The City Clerk shall certify the adoption of this Resolution; record this Resolution in the book of the City's original resolutions; and make a minute of the adoption of the Resolution in the City Council's records and the minutes of this meeting.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 19th day of August, 2019 by the following vote:

AYES:	Councilmember:	Duran, Heilman, Meister, Mayor Pro Tempore Horvath, and Mayor D'Amico.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



JOHN D'AMICO, MAYOR

ATTEST:



YVONNE QUARKER, CITY CLERK

EXHIBIT 'A'

CITY OF WEST HOLLYWOOD DISTRIBUTION POLICY OF TICKETS AND/OR PASSES

Section 1. Purpose of Policy. The purpose of this policy is to ensure all tickets and passes received by the City are distributed in furtherance of governmental and/or public purposes as required under Section 18944.1, Title 2, California Code of Regulations ("Regulation18944.1").

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 days of distribution, as required by Regulation 18944.1.

Section 2. Application. This policy applies to tickets or passes 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.

Section 3. Scope. This policy applies to all Public Officials, as defined in Section 4b, below.

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 18110 et seq., as the same may from time to time be amended).

- a. "City" means the City of West Hollywood, California.
- b. "Public Official" means every member, officer, employee or consultant of the City, as defined by Government Code section 82048 and Regulation 18700.3. Such term shall include, without limitation, any City Council member, other appointed official, employee or consultant required to file an annual Statement of Economic Interests (Form 700).

- c. "Immediate family" means the Public Official's spouse and dependent children.
- d. "Policy" means this Policy for the Distribution of Tickets and/or Passes.
- e. "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 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. 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.
- b. Tickets distributed to a Public Official pursuant to this policy shall not be transferred to any other person, except to members of such Public Official's immediate family solely for their personal use or to no more than one guest solely for their attendance at the event.
- c. No person who receives a ticket pursuant to this policy shall resell or receive compensation for the value of such ticket.
- d. The City Manager 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 City Manager.
- e. The City Manager or his/her designee shall be the "agency head" for purposes of implementing the provisions of this policy and completing and posting the Form 802. In such case, where the City Manager desires to obtain a ticket, the Council members authorize the City Manager to exercise the City's sole discretion in determining whether the City Manager's use or behest of tickets is in accordance with the terms of this policy.
- f. No ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a Public Official pursuant to this policy shall be earmarked by the original source for provision to a particular Public Official.
- g. A ticket provided to a Public Official and one guest of the Official at which the Official performs a ceremonial role, as defined in Regulation 18942.3, on behalf of the City must be disclosed on Form 802 as set forth below. Any additional effort by the City to either limit or expand permissible ceremonial roles will require that the revised policy be forwarded to the FPPC.

- h. The disproportionate use of tickets and passes, distributed pursuant to this policy by a member of the governing body, political appointee, department head, and City Manager is prohibited.
- i. The value of any ticket shall be the fair value of the ticket. The "fair value" is the face value of the ticket, or the price at which the ticket would otherwise be offered for sale to the general public by the operator or host. Where the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.

Section 6. Public Purposes for Which Tickets May be Distributed. Subject to the provisions of this policy, the City shall only provide tickets and/or passes to a Public Official, or at the behest of a Public Officer, under one of the following public purposes:

- a. If the distribution is to a Public Official and the Official reimburses the City for the fair value of the ticket(s).
- b. If the distribution is to a Public Official, the 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 7, below.
- c. If the distribution is to a Public Official, or is at the behest of a Public Official, such distribution must accomplish a governmental and/or 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 Public Official on behalf of the City at an event.
 - 2. Facilitating the attendance of a Public Official at an event where the job duties of the Official require his or her attendance.
 - 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 that serve or may potentially serve the City's residents, including conventions and conferences.
 - 5. Promotion of City-run, sponsored or supported events, activities, or programs.

6. Promotion of private facilities available for City resident use, including charitable and nonprofit facilities.
7. Promotion of public facilities available for City resident use.
8. Promotion of any City owned sites or facilities.
9. Promotion of community programs and resources available to the City's residents from sources other than the City.
10. Promotion of specific community events provided by or sponsored by the City.
11. Promotion or acknowledgement of the achievements or accomplishments of local residents or businesses of the City.
12. Encouraging or rewarding significant academic, athletic, or public service achievements by residents or businesses of the City service area.
13. All written contracts where the City, as a form of consideration, has required that a certain number of tickets be made available for City use.
14. Fostering or promotion of City growth and development, including outreach efforts, economic development and job creation opportunities.
15. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
16. Promotion of City services on a local, state, national or worldwide scale.
17. Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts or sponsors providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
18. Exchange programs with foreign officials and dignitaries.
19. Employee retention programs.
20. Attracting and retaining highly qualified employees in the City's service.
21. Recognizing or rewarding meritorious service by a City employee.
22. Promoting enhanced City employee performance or morale.

23. Recognizing contributions made to the City by former Council members or City employees.
 24. Attracting or rewarding volunteer public service.
 25. Promotion of open government and/or community relations by Public Official appearances, participation and/or availability at business or community events.
 26. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
 27. Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders.
 28. Promotion of and participation in intergovernmental relations and activities.
 29. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting City residents.
 30. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City's service area.
 31. Spouses of Public Officials in order to accompany him/her to any of the events listed above.
 32. Any purpose similar to the above included in any City contract.
- d. When a public purpose involves the oversight or inspection of facilities by a Public Official, the Public Official is required to provide a written inspection report and/or recommendation.
 - e. If the distribution is to an organization outside of the City such distribution is done pursuant to a public purpose outlined in Section 6c, above.
 - f. 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 Public Officials. Any distribution must accomplish a governmental and/or public purpose in accordance with Section 6c, above.
 - g. Any ticket or pass obtained pursuant to Section 6f which is distributed to a Public Official other than an elected official or member of the governing board of the City, for the Official's personal use to support general employee morale, retention or to reward public services is also

deemed to serve a public purpose. Such ticket distribution shall be disclosure pursuant to Section 7, below. For purposes of this subsection "personal use" is defined as use by the Public Official, his or her immediate family, or no more than one guest solely for their attendance at the event.

- h. Any Public Official, member of the Public Official's family, or guest of the Public Official may return any unused ticket or pass to the City for redistribution pursuant to this policy.
- i. The provisions of this policy apply only to benefits the Public Official receives that are provided to all members of the public with the same class of ticket.

Section 7. 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 Public Official which the Public Official treats as income pursuant to Section 6b, above, or which are distributed for one or more public purposes described in Section 6c, above, must be recorded on FPPC Form 802 or on such alternative form(s) as may from time to time be designated by the FPPC. This form must be maintained as a public record, and be subject to inspection and copying as required under Government Code section 81009(a). Within 45 days the City must post these forms on its website and email a website link to the FPPC that displays the form.
- c. Tickets distributed by the City for which the City receives reimbursement from the Public Official as provided under Section 6a, above, shall not be subject to the disclosure provisions of Section 7b.
- d. For tickets distributed to a department or other unit of the City, and not used by a member of the Council, political appointee, a department head or the City Manager, the City may report 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 pursuant to Section 6e, above, shall be disclosed in accordance with Section 7b but may be done by reporting 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.