

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA REGARDING THE RECEIPT AND DISTRIBUTION POLICY OF TICKETS AND/OR PASSES IN THE FURTHERANCE OF THE TOWN'S REASONABLY DEFINED PUBLIC PURPOSES**

**SUMMARY STATEMENT**

On December 11, 2008, the FPPC adopted new regulations that set up the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the Town 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 Interests ("Form 700").

In accordance with Section 18944.1, these tickets and/or passes are not gifts to public officials if the Town distributes these tickets and/or passes in accordance with a duly adopted written policy. Therefore, staff recommends that the Town Council adopt the attached tickets and/or passes distribution policy.

**Recommended Action:**

Adopt Resolution No. 2009-07, Regarding The Receipt And Distribution Policy Of Tickets And/Or Passes In The Furtherance Of The Town's Reasonably Defined Public Purposes

**Proposed by:** Frank W. Robinson, Town Manager

**Item Number** \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_

**Budgeted Item**  Yes  No  N/A

**RESOLUTION NO. 2009 - 07**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA REGARDING THE RECEIPT AND DISTRIBUTION POLICY OF TICKETS AND/OR PASSES IN THE FURTHERANCE OF THE TOWN'S REASONABLY DEFINED PUBLIC PURPOSES**

**WHEREAS**, every California city by and through its governing body and other public officials, is empowered to exercise all powers necessary or appropriate to a municipal corporation for the general welfare of its inhabitants which are not prohibited by the California Constitution; and

**WHEREAS**, the Town of Apple Valley operates in a highly-competitive environment to grow and maintain its reputation as a vibrant place to live, work and do business and as a desirable visitor destination center and therefore, the Town must take proactive steps to attract private and public investment in a matter that best maximizes the Town's investment of public resources; and

**WHEREAS**, as part of the Town's development and marketing strategies, the Town Council cultivates opportunities to showcase the Town's unique attributes including, but not limited to the Town's business development climate, local tourism base, its highly trained workforce, open government and its diverse array of local attractions, cultural and civic events; and

**WHEREAS**, from time to time, the Town receives "tickets or passes" from third party sources, both public and private; and

**WHEREAS**, under Title 2 of the California Code of Regulations, Section 18944.1 ("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**, on December 11, 2008, the FPPC adopted new regulations that set up the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the Town 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 Interests ("Form 700"); and

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

**WHEREAS**, the Town desires to distribute these public resources in a manner that furthers the Town's governmental and public purposes as reasonably described

herein, such as the promotion of local businesses, community resources, programs and facilities; and

**WHEREAS**, according to Section 18944.1 these tickets and/or passes are not gifts to public officials if Town 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 Fair Political Practices Commission (“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 of the Town, provided that the determination is consistent with state law.

**NOW THEREFORE, BE IT RESOLVED**, the Town Council of the Town of Apple Valley, California hereby adopts the following:

### **TOWN OF APPLE VALLEY TICKETS AND/OR PASSES DISTRIBUTION POLICY**

**Section 1.** Purpose of Policy. The purpose of this policy is to ensure that all tickets and/or passes provided to the Town shall be distributed in furtherance of governmental and/or public purposes as required under Section 18944.1.

**Section 2.** Limitation. This Policy shall only apply to the Town’s distribution of tickets and/or passes to, a public official or at the request of a public official, for which no consideration of equal or greater value is provided by the public official. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this policy.

**Section 3.** Official Duties; Ceremonial Roles. Tickets provided to public officials as part of their official duties, or tickets provided so that the public official may perform a ceremonial role or function on behalf of the Town shall not be subject to this Tickets and/or Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

**Section 4.** Public Purpose. The Town shall only provide a ticket and/or pass to or at the request of a public official, under any of the following Town public and governmental purposes:

- a. Promotion of local and regional businesses, economic development and tourism activities within the Town, including conventions and conferences.
- b. Promotion of Town-controlled or sponsored events, activities, or programs.

- c. Promotion of community programs and resources available to Town residents, including nonprofit organizations and youth programs.
- d. Marketing promotions highlighting the achievements of local residents and businesses.
- e. Promotion and marketing of private facilities available for Town resident use, including charitable and nonprofit facilities.
- f. Promotion of public facilities available for Town resident use.
- g. Promotion of Town growth and development, including economic development and job creation opportunities.
- h. Promotion of Town landmarks and/or community events.
- i. Promotion of special events in accordance with any Town contract.
- j. Exchange programs with foreign officials and dignitaries.
- k. Promotion of Town recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- l. Promotion of open government by public official appearances, participation and/or availability at business or community events.
- m. Sponsorship agreements involving private events where the Town specifically seeks to enhance the Town's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- n. All written contracts where the Town as a form of consideration has required that a certain number of tickets or suites be made available for Town use.
- o. Employment retention programs.
- p. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
- q. Spouses of or immediate dependants of public officials in order to accompany him or her to any of the items listed above.
- r. Any purpose similar to above included in any Town contract.

**Section 5. Return of Tickets and/or Passes.** Any public official or any member of the public official's immediate family may return any ticket and/or pass unused to the Town for redistribution pursuant to this policy. Government Code section 82029 has defined immediate family to mean spouse and dependent children. Under no circumstances may either the public official or a member of his or her immediate family sell or further transfer any ticket and/or pass provided under this policy.

**Section 6. Town Manager.** The Town delegates the authority to distribute any tickets and/or passes in accordance with this policy to the Town Manager or his or her designee. In such case, where the Town Manager desires to obtain a ticket or pass, the Town Council authorizes the Town Manager to exercise the Town's sole discretion in determining whether the Town Manager's use or distribution of tickets and/or passes is in accordance to the terms of this policy.

**Section 7. Transfer Prohibition.** The transfer by any public official of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the public official's immediate family for their personal use, is prohibited.

**Section 8. Website Posting.** This policy shall be posted on the Town's website in a prominent fashion. These forms shall be posted for 12 months and may be removed at the Town's discretion anytime thereafter.

**Section 9. Website Disclosure.** The distribution of a tickets or passes pursuant to this policy shall be posted on the Town website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time.

**PASSED, APPROVED AND ADOPTED THIS 24<sup>TH</sup> DAY OF FEBRUARY 2009.**

\_\_\_\_\_  
MAYOR

ATTEST:

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TOWN CLERK