

RESOLUTION NO. 6377

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH ADOPTING A REVISED COMPLIMENTARY TICKETS AND PASSES POLICY PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1

WHEREAS, the Fair Political Practices Commission (FPPC) regulates complimentary tickets or passes distributed to government officials and employees by their agency;

WHEREAS, the City Council of the City of Manhattan Beach ("City") previously adopted Resolution No. 6187 adopting a policy regarding the distribution and use of tickets donated to the City;

WHEREAS, the FPPC has recently revised its regulations regarding the distribution of complimentary tickets or passes;

WHEREAS, FPPC regulation 18944.1 requires the City Council to adopt a written policy governing the distribution of complimentary tickets and passes that includes a statement describing the public purpose to be accomplished by such policy;

WHEREAS, the City desires to update its regulations regarding the distribution and use of complimentary tickets or passes; and

WHEREAS, the proposed complimentary ticket policy incorporates the recent revisions to the applicable regulations by the FPPC, as well as updates the policy to ensure that the policy establishes a fair and equitable process for the distribution to City officials of complimentary tickets and passes received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes, in compliance with the requirements of FPPC Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH CALIFORNIA HEREBY FINDS AND RESOLVES AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. Resolution No. 6187 adopted on May 5, 2009 is hereby repealed in its entirety.

Section 3. The City Council hereby approves and adopts the Revised Complimentary Ticket Policy, attached hereto as Exhibit A and incorporated herein by this reference.

Section 4. This Resolution shall take effect immediately upon adoption.

Section 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of August, 2012.

Ayes: Howorth, Montgomery, Tell, Lesser and Mayor Powell.

Noes: None.

Absent: None.

Abstain: None


Wayne Powell, Mayor

ATTEST:

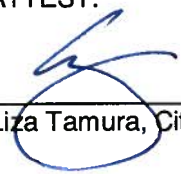

Liza Tamura, City Clerk

EXHIBIT A

POLICY

CITY OF MANHATTAN BEACH POLICY REGARDING THE DISTRIBUTION OF COMPLIMENTARY TICKETS AND PASSES PURSUANT TO FPPC REGULATION 18944.1

Section 1. Purpose of Policy.

The purpose of this policy is to establish a fair and equitable process for the distribution of complimentary tickets or passes to the City in compliance with the requirements of Section 18944.1 of the Fair Political Practices Commission Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as they now exist or may hereafter be added or amended, including, without limitation, definitions. (These regulations can be found at Title 2 of the California Code of Regulations and will be referred to as "FPPC Regulations").

Section 2. 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 California Political Reform Act of 1974 (Government Code Sections 81000, et seq., as the same may from time to time be amended) and the Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may from time to time be amended).

A. "City" or "City of Manhattan Beach" shall mean and include the City of Manhattan Beach, and any other affiliated agency created or activated by the Manhattan Beach City Council, and any departments, boards and commissions thereof.

B. "City Official" shall mean every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (FPPC Form 700) under state law or the City's current conflict of interest code.

C. "City Venue" shall mean and refer to any facility owned, controlled or operated by the City.

D. "FPPC" shall mean and refer to the California Fair Political Practices Commission.

E. "Immediate family" shall mean and refer to the spouse and dependent children of the City Official.

F. "Policy" shall mean and refer to this Policy Regarding the Distribution of Complimentary Tickets and Passes Pursuant to FPPC Regulation 18944.1.

G. "Ticket" shall mean and refer to a "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines a "ticket or pass" as admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose ("event").

Section 3. Application of Policy

A. This policy shall be applicable to every officer, agent and employee of the City who is obligated to file an Annual Statement of Economic Interests (Form 700) under state law or the City's current Conflict of Interest Code.

B. This Policy governs the distribution of complimentary Tickets received by the City that are either:

1. Gratuitously provided to the City by an outside source;
2. Acquired by the City by purchase for fair market value;
3. Acquired by the City as consideration pursuant to the terms of a contract for the use of a city venue or because the City controls the event;
4. Acquired and distributed by the City in any other manner.

C. This Policy does not apply to:

1. Any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided.
2. Tickets provided by sources other than the City.
3. A Ticket received by a City Official from the City where both the City Official and the City treat and report the value of the Ticket 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.

D. Tickets distributed by the City for which the City receives reimbursement from the City Official shall not be subject to the disclosure provisions set forth herein.

Section 4. Official Duties; Ceremonial Roles. A ticket provided to a City Official and one guest of the official at an event as described in Section 18942(12) at which the official performs a ceremonial role on behalf of the City is not a gift as long as the City Official complies with the posting and disclosure requirements as provided in this Policy.

Section 5. General Provisions.

A. No Right to Tickets: 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. Limitation on Transfer of Tickets: 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 or no more than one guest solely for their attendance at the event. If a City Official transfers a Ticket he or she has received from the City to another person (except as otherwise provided for herein), as opposed to returning the Ticket to the City for redistribution, then the value of the Ticket or Tickets he or she transfers shall constitute a gift to him or her and shall be reportable as provided by the regulations of the FPPC.

C. Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this policy shall sell or receive reimbursement for the value of such Ticket.

Section 6. Ticket Administrator

A. The City Council delegates the authority to the City Manager or his/her designee to 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. Such authority includes the power to distribute such a Ticket to the City Manager provided that doing so is otherwise consistent with this Policy. All requests for Tickets that fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.

C. The Ticket Administrator shall determine the face value of Tickets distributed by the City for purposes of Sections 7.A. and 7.B of this Policy.

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.

E. For the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the Ticket Administrator shall be the "Agency Head."

Section 7. Conditions Under Which Tickets May be Distributed

Subject to the provisions of this Policy, the Ticket Administrator may distribute complimentary Tickets to City Officials under any one of the following conditions:

A. The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws and the Ticket(s) are reported as income pursuant to the provisions of this Policy.

B. The distribution of the Ticket(s) to, or at the behest of, the City Official accomplishes or furthers one or more of the following governmental and/or public purposes:

1. 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.
2. Promotion or fostering of economic or business development purposes on behalf of the City.
3. Promotion of City resources and/or facilities available to Manhattan Beach residents.
4. Promotion of City-run, sponsored or supported community events, activities or programs.
5. Promotion of special events under any City contract or agreement, including but not limited to sport and athletic events.
6. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Manhattan Beach residents and/or Manhattan Beach schools.
7. Promotion of City tourism on a local, state, national or worldwide scale.
8. Business retention or attraction on a local, state, national or worldwide scale.
9. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
10. Encouraging Manhattan Beach resident and business support for and attendance at local events.
11. Attracting or rewarding volunteer public service.
12. Encouraging or rewarding significant academic, athletic, or public service achievements by Manhattan Beach students, residents, businesses or employees.
13. Recognizing or rewarding meritorious service by a City employee.
14. Encouraging, rewarding or supporting general employee morale or retention.
15. Facilitating the attendance of a City Official at an event where 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 each member of the City Official's Immediate Family.
16. As an incident to the above public purposes, allowing for the Immediate Family of the City Official to accompany the City Official to events to accomplish any of the purposes listed in this Policy.

Section 8. Tickets Distributed at the Behest of a City Official.

A. Only the following City Officials shall have authority to behest Tickets: City Council Members and the City Manager.

B. Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 7.B. above.

C. If Tickets are distributed at the behest of a City Official, such City Official shall not use one of the Tickets so distributed to attend the event.

Section 9. Other Benefits

A. The distribution of Tickets pursuant to this Policy shall not constitute a "gift" to the City Official receiving the Ticket; however, other benefits, such as food or beverage or other gifts provided to the City Official that are not part of the admission provided by the complimentary Ticket, will need to be accounted for as gifts.

B. If the City receives complimentary Tickets that are earmarked for particular City Officials, then the Tickets are considered gifts to that particular City Official. If these Tickets are not returned unused to the provider within thirty (30) days of receipt, then the City Official must comply with the applicable FPPC gift limit regulations and reporting regulations.

Section 10. Posting and Disclosure Requirements

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

B. The distribution of Tickets pursuant to this Policy shall be documented by the preparation and certification of Fair Political Practices Commission Form 802. Within thirty (30) calendar days of the distribution of a Ticket, the Ticket Administrator shall prepare and certify a Form 802 and shall forward it to the FPPC for posting on the FPPC website.

C. The City shall maintain the completed Form 802 as a public record, subject to inspection and copying as set forth in Government Code Section 81008(a).

Policy adopted by the City Council by Resolution No. 6377 on August 7, 2012.