



Legislation Text

File #: 19-0313, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Quinn M. Barrow, City Attorney
Alexandria Latragna, Management Analyst

SUBJECT:

Consider Adopting a Resolution Revising the City's Ticket Distribution and Disclosure Policy (City Manager Moe and City Attorney Barrow).

ADOPT RESOLUTION NO. 19-0086

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 19-0086 revising the City's Ticket Distribution and Disclosure Policy to maintain consistency with recently amended state law.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The Political Reform Act was adopted by the State of California in 1974 in an effort to reduce improper influences on public officials by limiting acceptance of gifts, requiring disclosure of financial interests, and prohibiting public officials from participating in or influencing decisions that they are financially interested in.

State law defines a "gift" as anything that confers a personal benefit to an official for which equal or greater consideration is not provided, including tickets or passes. California Code of Regulations § 18944.1 authorizes the City to adopt a policy that meets all of the state's requirements to regulate the distribution of tickets and passes. Tickets or passes distributed and disclosed pursuant to the policy received by a City official in compliance with the policy are not considered gifts to the official. The City adopted the attached Ticket and Passes Policy on August 7, 2012. The policy applies to any City elected official, City Manager, agent, officer, or employee who makes or participates in making government decisions and is listed on the City's Conflict of Interest Code.

The state requires that the City's Ticket Distribution and Disclosure Policy include a number of specific provisions related to the public purpose for the distribution and limits on the transfer of tickets. The City must have a ticket administrator who is obligated to report the distribution of tickets within 45 days on the attached form provided by the FPPC (Form 802). The City Manager serves as the ticket administrator for the City of Manhattan Beach. The report must identify the City official who

received tickets or passes and the number of tickets or passes received. The report must also describe the event, disclose the date of the event, the fair value of the tickets or passes, and the public purpose for the distribution. All reports and forms must be posted on the City's website.

DISCUSSION:

The Fair Political Practices Commission recently revised the regulations on agency-provided tickets and passes, requiring the City's Ticket Distribution and Disclosure Policy to include a number of specific provisions. The state's revisions provide some structural changes to the regulation and seek to limit the potential for abuse of these policies. It does so by requiring that an agency's ticket distribution policy include a provision prohibiting the disproportionate use of tickets or passes by the governing body, the chief administrative officer, or department heads. Additionally, it requires an official to submit to the agency a written inspection report of findings and recommendations when the public purpose cited for the use of tickets involves the oversight or inspection of facilities.

In order to bring the City's ticket distribution policy into conformity with the state's newly revised regulation, staff recommends adopting the attached proposed Ticket Distribution and Disclosure Policy.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Resolution No. 19-0086 (Proposed)
2. Resolution No. 6377 (Current)
3. FPPC Form 802