

RESOLUTION NO. 2018 - 58

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN ESTABLISHING A
POLICY GOVERNING THE RECEIPT AND DISTRIBUTION OF TICKETS
(Tickets and Passes Distribution Policy)**

WHEREAS, on December 11, 2008, the Fair Political Practices Commission ("FPPC") adopted regulations defining the circumstances under which the receipt of tickets and passes by a public official must be disclosed by the City and the recipient public official; and

WHEREAS, according to Government Code § 18944.1(c), tickets and passes are not reportable gifts to public officials if the City distributes these tickets and passes in accordance with a duly adopted written policy; and

WHEREAS, the City desires to use these public resources in a manner that furthers the City's governmental and public purposes as described within the policy, such as the promotion of local business activity and the development of community resources, programs and facilities, and to support general employee morale, recruitment, retention and to reward public service; and

WHEREAS, the FPPC recognizes the discretion of the City Council to determine the circumstances under which the distribution of tickets and passes serves a public purpose of the City and when only private interests are served such that the receipt of a ticket or pass should be viewed as a reportable gift to the public official who receives it.

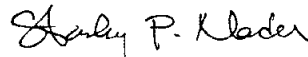
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lincoln hereby establishes a policy governing the receipt and distribution of tickets and passes (Ticket and Passes Distribution Policy) in the form attached hereto as Exhibit A and by this reference incorporated herein.

PASSED AND ADOPTED this 27th day of March, 2018.

AYES: COUNCILMEMBERS: Gilbert, Hydrick, Joiner, Karleskint, Nader

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:



Stanley P. Nader
Stan Nader, Mayor

ATTEST:



Gwen Scanlon
Gwen Scanlon, City Clerk

EXHIBIT A

**CITY OF LINCOLN
TICKETS AND PASSES DISTRIBUTION POLICY**

I. Purpose

This policy governs the distribution of tickets and passes donated or given to, or provided by, the City. This policy is established in accordance with Section 18944.1 of the Fair Political Practices Commission (FPPC) Regulations, which sets forth the circumstances under which the City's distribution of tickets or passes to a City official does not result in a gift to the individual official.

II. Application of Policy : Website Posting

This Policy applies to the distribution of all tickets or passes: 1) received by the City, from either an outside source; or, 2) provided by the City for a City event held at a City Venue, that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose, pursuant to FPPC Regulation 18944.1(f). If other benefits, such as food, beverages or other items, are provided to the City official at the event and such benefits are not included as part of the admission to the event, those benefits are not covered by this Policy. This policy shall be posted on the City's website.

III. Definitions

Unless otherwise expressly provided in this Policy, terms in this Policy shall have the same meaning as that ascribed to such terms in the Political Reform Act (Government Code Sections 81000 et seq., as it may be amended from time to time) and the FPPC Regulations {Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as they may be amended from time to time.}

"City" shall mean the City of Lincoln.

"City Official" means every member, officer, employee or consultant of the City of Lincoln, as defined in Government Code Section 82048. Such term shall include, without limitation, any City board or commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

"City Venue" means any facility owned, controlled or operated by the City of Lincoln, including, but not limited to the Civic Center, McBean Park Pavilion and the Lincoln Community Center.

"Immediate family" means spouse, registered domestic partner and dependent children.

"Ticket" means any ticket or pass, and includes anything that provides an admission privilege to an event or function and for which similar tickets or passes are offered for sale to the public.

IV. Procedures for Distribution

A. Tickets received by the City from an outside source without designation as to the specific City official who may use the Tickets shall be forwarded to the City Manager or designee. The City Manager or designee shall determine the face value of the Tickets, the individuals who may use them, and report their distribution as provided in Section VII.

B. 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. In such case where the City Manager may use a Ticket, the City Attorney shall approve the use of the Ticket by the City Manager.

C. For Tickets received by the City pursuant to the terms of a contract or because the City owns or controls the facility or venue at which the event occurs or the City sponsors the event, a City official may request use of these Tickets, or for distribution to an individual or organization outside the City, by completing Parts 3 and 4 of FPPC Form 802 and submitting the request to the City Manager.

V. Public Purpose

The distribution of any Ticket by the City to, or at the behest of, a City official must accomplish a "public purpose" of the City. The City Council hereby finds and determines that the City will accomplish one or more of the following public purposes by the distribution of Tickets by the City to City Officials, or provided to third persons at the request of City Officials. This list is intended to be illustrative, rather than exhaustive, of the public purposes that may be served by utilization of Tickets by City Officials.

1. Economic, employment, and business development on behalf of the City and businesses within the City, including conventions and conferences.
2. Promotion of City-controlled or sponsored events, activities, or programs, public facilities and resources.
3. Promotion of tourism within the City and the surrounding area.
4. Information gathering and education regarding matters of local, regional and statewide concern that affect the City, including enhancing intergovernmental relations through attendance at events with or by elected and appointed officials from other jurisdictions.

5. Promoting or showing City appreciation for programs and services rendered by community and other nonprofit and charitable resources for the benefit of the community, including artistic and cultural organizations and institutions.
6. Promoting, encouraging and rewarding educational and athletic achievements by students and officials of local and regional educational institutions.
7. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale including exchange programs with national and foreign officials and dignitaries.
8. Promotion of open government by City Official appearances, participation and/or availability at business or community events.
9. Promotion of City landmarks and/or community events.
10. Marketing promotions highlighting the achievement of local residents and businesses.
11. Promotion of intergovernmental relations; i.e., cooperation and coordination of resources between the City and other governmental agencies or entities within the region.
12. Attracting and retaining highly qualified employees in city service.
13. Special recognition or reward of meritorious service by a City employee or for use in a City employee competition or drawing, and supporting general employee morale.
14. Performance of a ceremonial or official function on behalf of the City; including the attendance of the City Official's Immediate Family.
15. Recognition of contributions made to the City by former City Council Members and City officials.
16. Promotion of special events in accordance with any City contract, including those contracts where the City as a form of consideration has required that a certain number of Tickets be made available for City use.
17. Events sponsored by the City where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts by providing the necessary opportunities to meet and greet visitors, dignitaries, public officials from neighboring jurisdictions, residents of the City, and their guests.
18. To review facilities or events that may require City funding or support in the near future or to gather information about the operation of a facility similar to one presently

or potentially operated by the City.

19. To comply with all written contracts where the City as a form of consideration has required that a certain number of Tickets or suites be made available for City use.

20. To obtain oversight of facilities or events that have received City funding or support.

VI. Prohibited Transfer of Ticket

A City Official may not transfer any Ticket distributed to him pursuant to this Policy, to any other person, except to members of the City official's immediate family solely for their personal use.

VII. Ticket Reporting and Disclosure Requirements

Tickets distributed by the City to a City official shall be documented in a completed FPPC Form 802. The completed Form 802 shall be filed with the City Clerk and posted on the City's website in a prominent fashion within 30 days after the distribution. Such postings shall include the following information and any other information that may be required by the FPPC:

1. The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of Tickets provided to the organization in lieu of posting the names of each recipient;
2. A description of the event;
3. The date of the event;
4. The face value of the Ticket;
5. The number of Tickets provided to each person or organization;
6. If the Ticket was distributed at the behest of a City official, the name of the City official who made such behest; and
7. A description of the public purpose(s) under which the distribution was made, or, alternatively, that the City official is treating the Ticket as income.

A Form 802 posted to the City's website shall be maintained on the City's website for a period of not less than four years.

VIII. Alternatives to Policy

As an alternative to complying with Section III through IIV of this Policy, a City official may either

(1) ask that the City report the distribution of the Ticket as income to the City official and then treat the Ticket as income consistent with applicable state and federal income tax laws, or (2) report the receipt of the Ticket on their Form 700, if the value of the Ticket is over \$50 and the aggregate value of Tickets from single source in a calendar year is \$470 or less¹, as that amount may be amended from time by FPPC regulations.

¹ FPPC regulation 18940.2 established \$470 for the time period 1/1/2017 through 12/31/2018