Policy 3.3: Distribution, Use, and Reporting of Tickets or Passes Given to City

1. Purpose.

   The purpose of this policy is to establish a City of Moorpark procedure for the City's distribution, use, and reporting of tickets or passes for admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose in compliance with Section 18944.1 of the Regulations of the Fair Political Practices Commission ("FPPC") in Title 2, Division 6, California Code of Regulations. Section 18944.1 sets forth the circumstances under which a public agency's distribution of tickets or passes, for which no consideration of equal or greater value is provided by the public official or employee, does not result in a gift to the public official or employee. Tickets or passes for admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose, distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1, will not be considered as gifts to the City officials and employees who make use of such tickets or passes.

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 section 81000, et seq., as the same may from time to time be amended) and the Regulations of the FPPC in 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 Moorpark" shall mean and include the City of Moorpark and any other affiliated agency created or activated by the Moorpark City Council, and any departments, boards, and commissions thereof.

   B. "City Official" means every member, officer, employee or consultant of the City of Moorpark, as defined in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any City Council member, City commission member, or other appointed official, employee, or consultant required to file an annual Statement of Economic Interests (FPPC Form 700) with the City.

   C. "City Venue" means and includes any facility owned, controlled, or operated by the City of Moorpark.

   D. "Event" means admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose.

   E. "Immediate family" means the spouse and dependent children.

   F. "Ticket" shall mean any ticket or pass which provides any form of admission privilege to an Event.

3. Application of Policy.

A. This policy applies to Tickets provided to a City Official by the City, which provide admission to an Event, which Tickets are:

1) Gratuitously provided to the City by an outside source;

2) Acquired by the City to purchase at fair market value;

3) Acquired by the City as consideration pursuant to the terms of a contract for the use of a City Venue;

4) Acquired by the City because the City controls the Event; or

5) Acquired and distributed by the City in any other manner.

B. This policy does not apply to any Ticket provided to a City Official by a source other than the City for admission to an event at which the City Official performs a ceremonial role or function on behalf of the agency; or which Ticket is earmarked by the original source for use by the City Official who uses the Ticket.

C. This policy does not apply to any other item of value or benefits provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided. (For example food, beverages, or other items provided to a City Official at an Event are subject to the disclosure and reporting requirements applicable to gifts.)

D. This policy shall supersede any other inconsistent City written policy applicable to distribution, use, and/or reporting of Tickets.

4. General Provisions.

A. Purpose: The purpose of this policy is to ensure that all Tickets provided to the City shall be distributed in furtherance of public purposes.

B. 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.

C. 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 solely for their personal use.

D. Prohibition against Sale 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, and shall not give such Ticket to anyone other than a member of such City Official’s immediate family for their personal use.

5. Ticket Administrator.

   A. The City Manager or his/her designee(s) shall 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. 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 6.A, 6.B, and 8.A. (subparagraph 4), 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 in accordance with this policy.

6. Conditions under which Tickets May be Distributed.

   Subject to the provisions this policy, complimentary Tickets may be distributed to City Officials under any of the following conditions:

   A. The City Official reimburses the City for the face value of the Ticket(s).

      1) Reimbursement shall be made at the time the Ticket(s) is/are distributed to the City Official.

      2) The Ticket Administrator shall, in his or her sole discretion, determine which Event Tickets, if any shall be available under this section.

   B. The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.

   C. The City distributes such Ticket(s) to or at the behest of, an official in order to accomplish a public purpose. The following is a list of public purposes the City may accomplish through the distribution of Tickets:

      1) Performance of a ceremonial role or function representing the City at the Event, for which the City Official may receive enough Tickets for the City Official and one member of his or her immediate family.

      2) 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 the City Official and one member of his or her immediate family.

      3) Economic or business development purposes on behalf of the City.

      4) Intergovernmental relations purposes, including but not limited to attendance at an Event with elected or appointed public officials from other jurisdictions, and/or their staff members.

      5) Attracting or rewarding volunteer public service.

      6) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Moorpark residents.

7) Encouraging or rewarding significant academic, athletic, or public service achievements by Moorpark students, residents, or businesses.

8) In support of the City's employee recognition program for the purpose of attracting and retaining highly qualified employees in City service, as special recognition or reward for meritorious service by a City employee, and/or in connection with a City employee competition or drawing, for which such employee may receive no more than four (4) Tickets per Event.

7. Tickets Distributed at the Behest of a City Official.

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

B. Tickets shall be distributed at the behest of the City Official only for one or more public purposes set forth in Section 6.C, above.

8. Disclosure Requirements.

A. Tickets distributed by the City to any City Official either for which the City Official treats as income pursuant to Section 6.B, above, or for one or more public purposes described in Section 6.C, above, shall be recorded on a form provided by the FPPC, and maintained as a public record. Such posting shall include the following information:

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;

6) If the Ticket was distributed at the behest of a City Official and the name of the City Official who made the 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.

B. Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 6.A, above, shall not be subject to the income reporting provisions of Section 6.B. and the FPPC website disclosure provisions of Section 8.A.

C. Following adoption, this policy shall be posted on the City's website in a prominent fashion.