

TICKET AND PASSES DISTRIBUTION POLICY

PURPOSE: The purpose of this Policy is to ensure that any ticket or pass provided to the City by any third party or purchased or obtained directly by the City may be distributed to certain City Officials (or any non-City individual or non-City organization) by the City Clerk only if the event or function associated with the ticket or pass serves or promotes a legitimate public purpose of the City of Moreno Valley (the “City”), as set forth in this Policy.

DEFINITIONS: For purposes of this Policy, the following words, terms and phrases shall have the following meanings:

City: means the City of Moreno Valley.

City Official: means any elected or appointed official of the City, officer, employee or consultant of the City, as defined in Government Code Section 82048 and FPPC Regulation 18700.

Gift: means anything that is received by a City Official that the City Official did not provide consideration of equal or greater value for or that represents a rebate or discount that is not provided in the regular course of business to members of the public without regard to official status.

Third-party: means the source of any ticket or pass, other than the City.

Ticket: means anything that provides access, entry, or admission to a specific future event, function, activity or attraction for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the event, function, activity or attraction for which the ticket is sold, including any benefits that the ticket provides.

Pass: shall mean a ticket that provides repeated access, entry, or admission to a facility or series of events, functions, activities or attractions for which similar passes are sold to the public.

POLICY:

I. Administration of Policy

- A. The City Clerk shall be responsible for administering this Policy. All requests for tickets or passes which fall within the scope of this Policy shall be made in accordance with the procedures established by the City Clerk.

II. Distribution of Tickets and Passes Provided to City by Third Party or Purchased or Obtained by City

- A. All tickets and passes offered or provided to the City by a third party or purchased or otherwise obtained directly by the City shall be subject to the following provisions:
1. The City may accept from any third party the following types of tickets or passes that are not specifically earmarked for use by a particular City Official by name or position:
 - a. The ticket or pass is offered or provided to the City pursuant to the terms of a contract for use of City owned property. (e.g., the Chamber of Commerce’s funding agreement with the City requires the Chamber to provide the City with ten complementary tickets

TICKET AND PASSES DISTRIBUTION POLICY

to the Chamber's annual installation dinner that are not earmarked for any particular City Official or position.)

- b. The ticket or pass is offered or provided to the City as a result of an official City event that the City controls. (e.g., a consultant purchases ten tickets to an official City event, and gives them to the City at no cost to the City that are not earmarked for any particular City Official or position.)
 - c. The ticket or pass is purchased by the City from the third party for full market value. (e.g., the City purchases ten tickets to an annual fundraising event conducted by a private non-profit for the same amount paid by others.)
2. The City Clerk or his or her designee shall document in writing the receipt of all tickets and passes provided to the City by a third party, whether provided to the City at no cost or purchased by the City.
 3. Tickets and passes to events, functions, activities or attractions shall only be provided to City Officials (or non-City individuals or non-City organizations at the behest of a City Official) by the City Clerk or designee if the respective event, function, activity or attraction serves or promotes for a legitimate public purpose of the City, as set forth in this Policy.
 4. The City Clerk or designee shall decide, consistent with this Policy, which City Officials should be provided with a particular ticket or pass to an event, function, activity or attraction that the City Clerk has determined serves or promotes a legitimate public purpose of the City as set forth in this Policy.

III. Legitimate Public Purposes

- A. Any ticket or pass provided to a City Official by the City shall not constitute a reportable gift if provided and used by the City Official for any of the following purposes:
 1. Promotion of business activity, development, and/or redevelopment within the City, including conventions, conferences, and annual meetings.
 2. Promotion of community resources and programs available to City residents including but not limited to those resources and programs involving charitable and non-profit organizations.
 3. Promotion of City resources available to City residents.
 4. Promotion of City-operated, sponsored or supported community programs.
 5. Promotion of private facilities available for City residents' use including but not limited to those facilities involving charitable and non-profit organizations.
 6. Promotion of City facilities available for City residents' use.
 7. Promotion of City landmarks and/ or community events.
 8. Promotion of City growth and development.
 9. Promotion of City tourism on a local, state, national or worldwide scale.

TICKET AND PASSES DISTRIBUTION POLICY

10. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.
11. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
12. Promotion of the improvement of inter-governmental relations.
13. Attendance at events sponsored by other governmental agencies, industry groups and non-profit organizations for the purpose of meeting and conferring with other governmental officials or business representatives regarding issues of interest to, or affecting, the City.
14. Increasing public exposure to, and awareness of, the various recreational, cultural, and educational venues and facilities available to the public within the City.
15. Encouraging or rewarding significant academic, athletic, or public service achievements by City students, residents or businesses.
16. Recognizing contributions made to the City by former or current City Council members or other City employees.
17. Marketing promotions highlighting the achievements of local residents and businesses.
18. Exchanging programs with foreign officials and dignitaries.
19. Employment retention programs.
20. If a particular event for which tickets or passes are distributed by the City does not fall under one of the above express categories, it shall be considered to fulfill the public purposes of this Policy if it achieves the general policy set out in Section A above as determined on a case-by-case basis.

IV. Tickets Provided Directly to City Officials by Third Parties to Perform Ceremonial Role

- A. A ticket provided to a City Official and one guest of the City Official for the admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose at which the official performs a ceremonial role on behalf of the City, as defined in Regulation 18942.3, so long as the official's agency complies with the posting provisions set forth in this Policy.
- B. Any staff member or consultant who attends the event as part of the person's job duties to assist the City Official who is performing the ceremonial role will not be deemed to have received a gift or income by attending the event.
- C. Pursuant to FPPC Regulation 18942.3, a "ceremonial role" is an act performed at an event by the City Official as a representative of the City at the request of the holder of the event or function where, for a period of time, the focus of the event is on the act performed by the City Official. Examples of a ceremonial role include: throwing out the first pitch at a baseball game; cutting a ribbon at an opening; making a presentation of a certificate, proclamation, award, or other item, such as the key to the City. Ceremonial role shall also include those circumstances in which the City Official provides welcoming or closing remarks, delivers a speech, makes a presentation on behalf of the City at an event, function, activity or attraction that serves or promotes a legitimate public purpose of the City.

TICKET AND PASSES DISTRIBUTION POLICY

V. Posting Requirements

- A. Within forty-five (45) days of the distribution of a ticket or pass, the distribution must be reported on a form provided by the FPPC (Form 802) that includes the following information:
1. The name of the person who received the ticket or pass;
 2. A description of the event, function, activity or attraction;
 3. The date of the event, function, activity or attraction;
 4. The fair value of the ticket or pass as that term is defined in Regulation 18946, subdivision (d)(1);
 5. The number of tickets or passes provided to each person;
 6. If the ticket or pass is behested, the name of the official who behested the ticket;
 7. If the ticket was transferred to a person meeting the requirements of paragraph (b)(3) of § 18944.1, the relationship of the transferee;
 8. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities.
 9. If the ticket or pass is distributed to a department or other unit of the City, and not used by a member of the governing body, the chief administrative officer of the City, political appointee, or department head, the City may report the name of the department or other unit of the City receiving the ticket or pass and the number of tickets or passes provided to the department or unit in lieu of reporting the name of the individual employee as otherwise required in subdivision (d)(1).

VI. Exemptions

- A. The following tickets and passes shall be exempt from the provisions of this Policy:
1. A ticket or pass received by a City Official from the City where both the City Official and the City treat and report the value of the ticket or pass 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.
 2. Any other item of value that does not meet the definition of "Ticket" or Pass" provided to the City or any City Official that is reported as a gift.

VII. Prohibition Against Transfer

- A. Tickets or passes distributed to a City Official pursuant to this Policy shall not be transferred to any other person, except to members of the official's immediate family or no more than one guest solely for their attendance at the event;
- B. Tickets or passes distributed to a City Official pursuant to this Policy shall not be sold or exchanged for any consideration; or

TICKET AND PASSES DISTRIBUTION POLICY

- C. Tickets or passes distributed to a City Official pursuant to this Policy shall not be disproportionately used by any particular council member, political appointee, department head, or City Clerk.

VIII. Posting and Disclosure Requirements

- A. No later than thirty (30) calendar days from the distribution of the ticket or pass or approval of this Policy, whichever date last occurs, the City Clerk will post the requisite FPPC Form 802 on the City's website. The City Clerk will maintain a completed Form 802 for not less than four (4) years, or other period as may be specified in any applicable FPPC Regulation.

IX. Other Provisions

- A. A City Official may return any ticket or pass unused to the City Clerk for redistribution pursuant to this Policy.
- B. Only a council member and the City Clerk may request distribution of a ticket or pass to a particular person provided that such distribution serves or promotes a legitimate public purpose of the City as set forth in this Policy. All other recipients shall be determined by the City Clerk pursuant to procedures established by this Policy.
- C. A ticket or pass is not subject to the provisions of this Policy, and not a reportable gift if the City Official reimburses the agency for the ticket within thirty (30) days of receipt.