

RESOLUTION NO. 10128

RESOLUTION OF THE CITY OF INDIO ADOPTING AN AMENDED TICKET AND PASS DISTRIBUTION POLICY IN COMPLIANCE WITH FAIR POLITICAL PRACTICES COMMISSION REGULATION 18944.1

WHEREAS, the City adopted a ticket distribution policy in compliance with Title 2 of the California Code of Regulations, Section 18944.1, in 2009 and further amended such policy in 2012;

WHEREAS, the Fair Political Practice Commission has made amendments to its Section 18944.1; and

WHEREAS, the City desires to adopt an amended ticket distribution policy in compliance with the new revisions to Section 18944.1 as well as make other clarifying revisions, format revisions and delete obsolete language


NOW, THEREFORE, THE CITY OF COUNCIL OF THE CITY OF INDIO HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1. The City Council approves the "City of Indio Policy Regarding the Distribution of Complimentary Tickets or Passes Pursuant to FPPC Regulation 18944.1" dated January 15, 2020 attached herein as Exhibit A.

Section 2. The policy adopted by the City Council pursuant to Resolution No. 9565 on August 15, 2012 is hereby repealed in its entirety and is replaced by the policy attached herein as Exhibit A.

Section 3. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 15th day of January 2020.



GLENN MILLER, MAYOR

ATTEST:



CYNTHIA HERNANDEZ, CMC
CITY CLERK

EXHIBIT A



CITY OF INDIO POLICY REGARDING THE DISTRIBUTION OF COMPLIMENTARY TICKETS OR 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 ("FPPC") Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as now exist or may hereafter be added or amended.

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 FPPC Regulations and the Political Reform Act.

A. "City" shall mean the City of Indio, the Indio Water Authority, any other affiliated agency created or activated by the City Council of the City of Indio, and any department, board or commission 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. "FPPC" shall mean the California Fair Political Practices Commission.

D. "FPPC Regulations" shall mean the Fair Political Practices Commission regulations contained in Title 2, Division 6 of the California Code of Regulations, Sections 18110 et seq., as the same may be amended from time to time.

E. "Gift" shall mean "gifts" as that term is defined by California Government Code section 82028 and applicable FPPC Regulations as same may from time to time be amended.

F. "Immediate family" shall mean the spouse and dependent children of the City Official. The term spouse includes registered domestic partners recognized by state law. The term dependent children shall mean a child, including an adoptive child or stepchild, of a City Official who is under 18 years old and who the City Official is entitled to claim as a dependent on his or her federal tax return.

G. "Pass" shall have the meaning ascribed in Section 18946 of Title 2, Division 6, of the California Code of Regulations, as the same may be amended from time to time, and which currently defines a "pass" as a ticket that provides repeated access, entry, or

admission to a facility or series of events and for which similar passes are sold to the public.

H. "Policy" shall mean and refer to this Ticket and Pass Distribution Policy.

I. "Political Reform Act" shall mean California Political Reform Act of 1974 (Government Code Sections 81000, et seq., as the same may be amended from time to time) and the FPPC Regulations.

J. "Ticket" shall have the meaning ascribed in Section 18946 of Title 2, Division 6, of the California Code of Regulations, as the same may be amended from time to time, and which currently defines a "ticket" as anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.

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 Tickets or Passes by the City to a City Official, or at the behest of a City Official, that are either:

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

C. This Policy does not apply to the following:

1. *Other items of value.* 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. *Sources other than the City.* Tickets or Passes provided by sources other than the City

3. *Taxable Income.* 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 taxable income consistent with applicable state and federal income tax laws and the Ticket or Pass is reported as income.

4. *Reimbursement.* A Ticket or Pass received by a City Official from the City if such City Official reimburses the City for the Ticket or Pass within 30 days of receipt.

5. *Ceremonial Roles.* A Ticket or Pass provided to a City Official so that the City Official may perform a ceremonial role on behalf of the City or as part of his or her job duties to assist the official performing the ceremonial role, is not a gift as provided by Section 18942(a)(13).

Section 4. General Provisions.

A. No Right to Tickets or Passes: The use of complimentary Tickets or Passes 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 or Passes: Tickets or Passes 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 or Pass he or she has received from the City to another person, as opposed to returning the Ticket or Pass to the City for redistribution, then the value of the Ticket or Pass he or she transfers shall constitute a gift to him or her and shall be reportable as provided by the FPPC Regulations.

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

D. No Disproportionate Use. There shall be no disproportionate use of Tickets or Passes by any City Council member, the City Manager or any department head.

Section 5. Ticket Administrator

A. The City Manager or his/her designee is 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 or Passes in accordance with this Policy. Such authority includes the power to distribute such a Ticket or Pass to the City Manager provided that doing so is otherwise consistent with this Policy. All requests for Tickets or Passes 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 fair value of Tickets or Passes distributed by the City for purposes of reporting pursuant to Section 9 of this Policy.

D. The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket or Pass privileges of any person who violates any provision of this Policy or the procedures established by the Ticket Administrator for the distribution of Tickets or Passes.

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 6. Conditions Under Which Tickets or Passes Distributed to City Officials are not considered a Gift under the Political Reform Act

A. The Ticket Administrator must distribute complimentary Tickets or Passes to City Officials only pursuant to this Policy.

B. The Ticket or Pass is not earmarked by an outside source for use by specific City Official(s). The Ticket Administrator must determine, in its sole discretion, who uses the Ticket or Pass.

C. The Ticket or Pass must be reported pursuant to Section 9 of this Policy.

D. The distribution of the Ticket(s) or Pass(es) to, or at the behest of, the City Official must accomplish or further one or more of the following governmental and/or public purposes:

1. Promotion of business activity, growth, development and redevelopment within the City;
2. Promotion of City-owned businesses or enterprises.
3. Promotion of City, or City sponsored or supported community programs and/or resources that are available to City residents, said programs and resources to include volunteer services, and charitable/nonprofit organization programs.
4. Promotion of private facilities available for City resident use, including facilities of charitable/nonprofit organizations.
5. Promotion of City facilities available for City resident use.
6. Promotion of City tourism on a local, state, national or worldwide scale.
7. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.

8. Promotion of open, visible and accessible government by City Official appearances, participation and/or availability at an Event.
9. Promotion of inter-governmental relations, i.e., cooperation and coordination of resources between the City and other government agencies or entities in the Coachella Valley.
10. To monitor and evaluate the value of City-run, sponsored or supported community events, activities or programs to the City including but not limited to evaluation of the venue, quality of performances and compliance with City policies, agreements and other requirements.
11. Promotion and evaluation of events, activities or programs at City venues, including but not limited to evaluation of the venue, quality of performances and compliance with City policies, agreements and other requirements.
12. Attracting and retaining highly qualified employees in the City service.
13. Promotion and support of general employee morale, retention or to reward public service.
14. Encouraging resident and business support for and attendance at local events.
15. Encouraging or rewarding significant academic, athletic or public service achievements by Indio students, residents, businesses or employees.
16. Attracting or rewarding volunteer public services.
17. Encouraging resident and business support for and attendance at local events.
18. Promotion of public exposure to, and awareness of, the various the recreational, cultural, and educational venues and facilities available to the public within the City.
19. Economic or business development purposes on behalf of the City.
20. 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.
21. 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 Resolution.

E. The City Official receiving a Ticket or Pass shall prepare a written inspection report of findings and recommendations if part of the public purpose for which the Ticket or Pass was received was for the public oversight or inspection of facilities.

Section 7. Tickets or Passes Distributed at the Behest of a City Official.

A. Only the following City Officials shall have authority to behest Tickets or Passes: City Council Members, the City Manager, the Assistant City Manager, the Deputy City Manager and Department Heads.

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

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

Section 8. Other Benefits

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

B. If the City receives complimentary Tickets or Passes that are earmarked for particular City Officials, then the Tickets or Passes are considered gifts to that particular City Official. If these Tickets or Passes 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 9. Posting and Disclosure Requirements

A. Within 30 days of adoption or amendment of this Policy, the Policy shall be posted on the City's website and a link to the website that displays the City's Policy shall be e-mailed to the FPPC in order for the FPPC to post the link on its website.

B. Within 45 days of distribution of a Ticket or Pass, the City must report the distribution on FPPC Form 802 containing the information required to be reported under Regulation 18944.1(d), and post the Form 802 on the City's website and a link to the website that displays the City's Form 802s shall be e-mailed to the FPPC in order for the FPPC to post the link on its website.

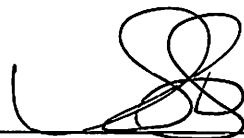
C. This Policy and the City's Form 802s are public records and are subject to inspection and copying under Government Code Section 81008.

CERTIFICATION

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Resolution No. 10128** was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the 15th day of January, 2020 by the following vote, to wit:

Ayes: Ramos Amith, Fermon, Ortiz, Holmes and Miller
Noes: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 15th day of January, 2020.



SABDI SANCHEZ, CMC
City Clerk Administrator
City of Indio

