

RESOLUTION NO. 2019-1655

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING THE TICKET AND PASS DISTRIBUTION POLICY.

WHEREAS, under Title 2 of the California Code of Regulations, Section 18944.1 ("Section 18944.1") tickets and passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, on July 20, 2019, the Fair Political Practices Commission ("FPPC") amended the 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, the City has previously adopted a policy in accordance with the prior versions of the regulations which includes procedures no longer required under the amended regulations; and

WHEREAS, this Resolution No. 2019-1655 will be maintained as a public record subject to inspection and copying pursuant to Government Code Section 81008, and will be posted on the City's website and filed with the FPPC.

NOW, THEREFORE, the City Council of the City of Calabasas does resolve as follows:

SECTION 1. Recitals:

The City Council finds that all the facts, findings, and conclusions set forth above in this Resolution are true and correct.

SECTION 2. The purpose of this policy is to ensure that all tickets and passes distributed by the City are issued in furtherance of public purposes of the City as required under Section 18944.1 of the Rules of the FPPC. This policy applies to any tickets or passes which the City (i) receives from a third party, (ii) controls as a sponsor of, or otherwise because it has control over, an event; or (iii) purchases.

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 Interests Code.

SECTION 3. A ticket or pass provided to a public official by the City is not a gift under the Political Reform Act if the following criteria are met:

1. The ticket or pass is distributed pursuant to this policy;
2. The distribution of the ticket or pass is reported pursuant to Section 10 of this policy;
3. The ticket or pass is not earmarked by an outside source for use by a specific public official; and
4. The City determines, in its sole discretion, who uses the ticket or pass.

SECTION 4. Limitation. This policy shall only apply to the City's distribution of tickets and passes to, a public official or at the request of a public official, for which no consideration of equal or greater value is provided by the public official. Reimbursement of actual and necessary expenses of any member of the City Council or any City Commission incurred in the performance of official duties shall be governed by the City's Reimbursement Policy.

SECTION 5. Official Duties; Ceremonial Roles. Tickets provided to public officials as part of their official duties, or tickets provided so that the public official may perform a ceremonial role or function on behalf of the City are exempt from any disclosure or reporting requirements under Section 18944.1 and this Policy. The ceremonial role or function must be performed as part of the event, and at the request of the event holder.

SECTION 6. Transfer of Tickets. Tickets or passes provided to public officials cannot be transferred to any other person except a member of the public official's immediate family or no more than one guest solely for their attendance at the event.

SECTION 7. Public Purposes. The City may provide a ticket or pass to a person subject to this policy for any of the following City purposes providing that the City Manager or his designee or the City Council determines that providing the ticket or pass benefits the City by accomplishing one or more of the following:

- a. Promotion of local and regional businesses and economic activities within the City, including conventions and conferences.
- b. Promotion of City-controlled or sponsored events, activities, or programs.
- c. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
- d. Highlighting the achievements of local residents and businesses.

e. Promotion of private facilities available to City residents, including charitable and nonprofit facilities.

f. Promotion of public facilities available to City residents.

g. Promotion of City growth and development, including economic development and job creation opportunities.

h. Promotion of City landmarks and community events.

i. Promotion of special events conducted pursuant to a contract to which the City is a party.

j. Promotion of the City on a local, regional, state, or national scale.

l. Promotion of open government by participation of public officials at business or community events.

m. Sponsorship agreements involving private events by which the City seeks to enhance the City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.

n. Implementation of written contracts under which tickets or passes are required to be made available for City use.

o. Employment retention programs, except for City Councilmembers, the City Manager, political appointees, or any department heads.

p. Recognition for public or volunteer service, except for City Councilmembers, the City Manager, political appointees, or any department heads.

q. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.

r. Any similar purpose stated in any City contract.

SECTION 8. Return of Tickets and Passes. Any public official may refrain from using or return any ticket and pass to the City. Under no circumstances may either the public official or a member of his or her immediate family sell any ticket and pass provided under this policy. Tickets and passes are not subject to this policy or gift limitations under the Political Reform Act if the public official reimburses the agency for the fair value within 30 days of receipt.

SECTION 9. City Manager. The City delegates the authority to distribute any ticket and pass in accordance with this policy to the City Manager or his or her designee and such authority includes the power to distribute such a ticket to the City Manager provided that doing so is otherwise consistent with this Policy. Tickets and passes must not be distributed disproportionately to City Councilmembers, the City Manager, political appointees, or department heads.

SECTION 10. Reporting. Any tickets or passes distributed under this policy must be reported on FPPC Form 802 (or such other forms as the FPPC may designate) within 30 days of the distribution. The completed Form 802 is a public record, and is subject to inspection and copying under Government Code Section 81008, subdivision (a). Completed Form 802s will be posted on the City's website and will be filed with the FPPC.

The report must include, at a minimum, the following:

1. The name of the person receiving the ticket(s) or pass(es);
2. A description of the event;
3. The date of the event;
4. The fair value of the ticket(s) or pass(es)
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 member of the official's immediate family or to a guest, the relationship of the transferee;
8. A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the official; and
9. A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for oversight or inspection of facilities.

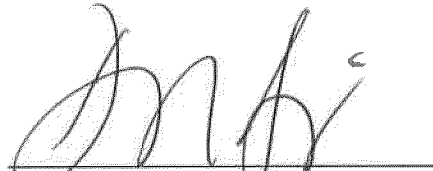
SECTION 11. Severability Clause:

Should any section, clause, or provision of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of the Resolution as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 12. Certification:

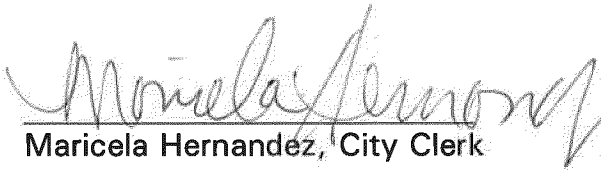
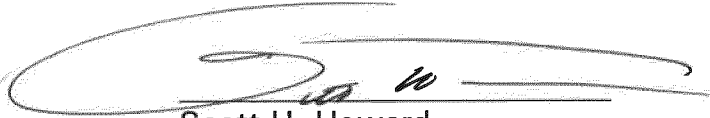
The City Clerk shall certify to the passage and adoption of this Resolution and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 13th day of November 2019.


David J. Shapiro, Mayor

ATTEST:

APPROVED AS TO FORM:


Maricela Hernández, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk
Scott H. Howard
Colantuono, Highsmith & Whatley
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF CALABASAS)

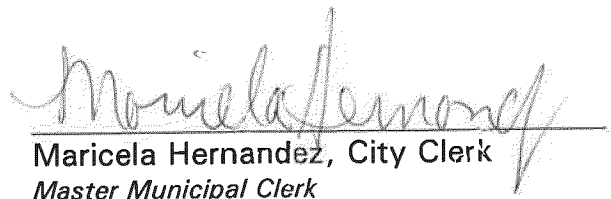
I, **MARICELA HERNANDEZ, MMC**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing resolution, being **Resolution No. 2019-1655** was duly adopted by the City Council of the City of Calabasas, at their regular meeting held November 13, 2019, and that it was adopted by the following vote, to wit:

AYES: Mayor Shapiro, Mayor pro Tem Weintraub, Councilmembers Bozajian, Gaines and Maurer.

NOES: None.

ABSTAIN: None.

ABSENT: None.



Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk
City of Calabasas, California