

RESOLUTION NO. 2018-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREMONT ADOPTING A POLICY FOR THE DISTRIBUTION OF
TICKETS AND PASSES RECEIVED BY THE CITY**

WHEREAS, the California Fair Political Practices Commission (FPPC) has adopted a regulation (Title 2 Cal. Code of Regs. §18944.1) regarding the distribution of event tickets or passes that allow admission to facilities, events, shows or performances for entertainment, amusement, recreation or similar purposes; and

WHEREAS, the FPPC requires each City to adopt a written policy regarding the distribution of tickets and passes received by the City and to post the policy on the City's website; and

WHEREAS, the City Council desires to adopt a policy to continue to be able to distribute tickets and passes received in a manner that furthers the public purposes of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT adopts the attached Policy for the Distribution of Event Tickets and Passes and directs the City Manager to implement the policy.

ADOPTED, April 3, 2018 by the City Council of the City of Fremont by the following vote:

AYES: Mayor Mei; Vice Mayor Bacon; Councilmembers Jones, Salwan and Bonaccorsi

NOES: None

ABSENT: None

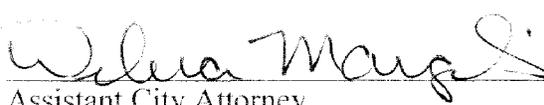
ABSTAIN: None



Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

CITY OF FREMONT
POLICY FOR DISTRIBUTION OF EVENT TICKETS AND PASSES

SECTION 1. Purpose of Policy. The purpose of this policy is to ensure all tickets and passes received by the City or purchased or obtained directly by the City are distributed to City Officials in furtherance of the City's stated public purposes and in accordance with the FPPC Regulations. Tickets or passes not covered by this policy remain subject to other applicable provisions of State law regarding disclosure as gifts or reporting as income.

SECTION 2. Definitions. Unless otherwise expressly provided in this Policy, all terms used in this Policy shall have the same meaning as those words or terms are defined in the California Political Reform Act (Gov. Code §81000 *et seq.*) and California Code of Regulations, Title 2, Division 6, Section 18944.1.

1. "City Official" means any member, officer, employee or consultant of the City.
2. "Gift" means anything that is received by a City Official for which that City Official did not provide consideration of equal or greater value, 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.
3. "Immediate family" means the spouse and dependent children of a public official.
4. "Third party" means the source of any ticket or pass, other than the City.
5. "Ticket" or "pass" means any ticket, pass, etc. that provides right of admission to a facility, event, show, or performance for entertainment, amusement, recreation or other similar purpose.

SECTION 3. Application. 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 shall not accept from any third party any ticket or pass that is specifically earmarked for use by a particular City Official whether by name or position, unless:
 - 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.
 - b. The ticket or pass is offered or provided to the City as a result of an official City event that the City controls.
 - c. The ticket or pass is purchased by the City from the third party for full market value.

SECTION 4. Public Purpose. Tickets and passes may be distributed to City employees/officials and their immediate families or no more than one guest by the City and shall

not be considered a gift if provided and used in furtherance of any of the following public purposes:

- a. Promotion of local businesses, events, tourism, or public facilities.
- b. Promotion of public or private events on City-owned property.
- c. Promotion of City programs, facilities and available resources.
- d. Fostering or promotion of economic, civic or business development in the City.
- e. Employee recognition or supporting employee morale or retention.
- f. Attracting, rewarding or acknowledging academic, athletic or public service achievements
- g. Recognizing contributions made to the City by former or current City Council members or other City employees.
- h. Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting the City or its residents.
- i. Promotion of special events under any City contract or agreement.
- j. Promotion of City growth and development.
- k. Promotion of open government by City Official appearances, participation and/or availability at business, government or community events.
- l. Attendance at an event with or by elected or appointed public officials sponsored by other governmental agencies, industry groups and non-profit organizations.
- m. Promotion of public or private events that serve any of the public purposes identified above.
- n. Promotion of City recognition, visibility and/or profile on a local, state, national or worldwide scale.

SECTION 5. Exemptions.

The following tickets and passes shall be exempt from the provisions of this Policy:

1. A ticket or pass received by a City Official directly from a third party that the City Official uses to perform a ceremonial role or function on behalf of the City.
2. 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.

SECTION 6. Prohibition Against Transfer. A City Official who receives a ticket or pass pursuant to this Policy is prohibited from transferring or selling the ticket or pass to any other person, except to a member of the City Official's immediate family solely for their personal use.

SECTION 7. Administration of Policy

1. The City Manager shall be responsible for administering this Policy. The City Manager or his or her designee shall document in writing the receipt of all tickets

and passes provided to the City by a third party. Tickets and passes shall only be provided to City Officials by the City Manager or his or her designee for a legitimate public purpose of the City, as set forth in this Policy.

2. The City Manager or his or her designee shall decide, consistent with this Policy, which City Officials should be provided with a ticket or pass.
3. The City Clerk shall be responsible for making this Policy available on the City's website and notifying the FPPC of its location.
4. Within 30 days of distributing any ticket or pass pursuant to this Policy, the City Clerk or his or her designee shall post an FPPC Form 802 (or any successor form) on the City's website regarding the use of the ticket or pass.

Adopted on April 3, 2018 by City Council Resolution No. 2018-16.

Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions

A Public Document

1. Agency Name City of Fremont		Date Stamp CITY CLERK MAR 05 2018 CITY OF FREMONT	California Form 802 For Official Use Only
Division, Department, or Region (if applicable) Fire Department		<input type="checkbox"/> Amendment (Must Provide Explanation in Part 3.) Date of Original Filing: _____ (month, day, year)	
Designated Agency Contact (Name, Title) Curtis Jacobson, Fire Chief			
Area Code/Phone Number 510-494-4224	E-mail cjacobson@fremont.gov		

2. Function or Event Information

Does the agency have a ticket policy? Yes No Face Value of Each Ticket/Pass \$ 167.00

Event Description: Tickets to Disneyland Resort Date(s) 2 / 25 / 18 5 / 10 / 18
Provide Title/Explanation

Ticket(s)/Pass(es) provided by agency? Yes No If no: Disneyland Resort
Name of Source

Was ticket distribution made at the behest of agency official? Yes No If yes: Jacobson, Curtis Fire Chief
Official's Name (Last, First)

3. Recipients

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
Fremont Fire Department	304	Appreciation of public service
B. Name of Individual (Last, First)	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <small>If checking "Ceremonial Role" or "Other" describe below:</small>
		Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <small>If checking "Ceremonial Role" or "Other" describe below:</small>
C. Name of Outside Organization (include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

4. Verification

I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution set forth above, is in accordance with the requirements.


 CURTIS P. JACOBSON
 FIRE CHIEF
 2/26/18
Signature of Agency Head or Designee
 Print Name
 Title
 (month, day, year)

Comment: _____

**Agency Report of:
Ceremonial Role Events and Ticket/Pass Distributions**

A Public Document

1. Agency Name

City of Fremont

Division, Department, or Region (if applicable)

Office of the City Manager

Designated Agency Contact (Name, Title)

Fred Diaz, City Manager

Area Code/Phone Number

510-284-4002

E-mail

fdiaz@fremont.gov

Date Stamp

CITY CLERK

APR 04 2018

CITY OF FREMONT

California
Form

802

For Official Use Only

Amendment (Must Provide Explanation in Part 3.)

Date of Original Filing: 04/04/2018

(month, day, year)

2. Function or Event Information

Does the agency have a ticket policy? Yes No

Face Value of Each Ticket/Pass \$ 225.00

Event Description: Deal of the Yr Award - SF Bus Times

Provide Title/Explanation

Date(s) 3 / 22 / 18

Ticket(s)/Pass(es) provided by agency? Yes No

If no: Blake Griggs Properties

Name of Source

Was ticket distribution made at the behest of agency official? Yes No

If yes:

Official's Name (Last, First)

3. Recipients

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A.	Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B.	Name of Individual (Last, First)	Number of Ticket(s)/ Passes	Identify one of the following:
	Nguyen, Cliff	1	Ceremonial Role <input type="checkbox"/> Other <input checked="" type="checkbox"/> Income <input type="checkbox"/> If checking "Ceremonial Role" or "Other" describe below: City of Fremont Ticket Policy 4L
	Levine, Harvey	1	Ceremonial Role <input type="checkbox"/> Other <input checked="" type="checkbox"/> Income <input type="checkbox"/> If checking "Ceremonial Role" or "Other" describe below: City of Fremont Ticket Policy 4L
C.	Name of Outside Organization (include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

4. Verification

I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution set forth above, is in accordance with the requirements.



Fred Diaz

Print Name

City Manager

Title

4/4/18

(month, day, year)

Comment: