

RESOLUTION NO. 2023-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING AN UPDATED TICKETS AND PASSES DISTRIBUTION POLICY TO CONFORM WITH REGULATIONS AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted Regulation 18944.1 establishing rules by which tickets distributed by local government agencies to government officials will not constitute reportable gifts under the Political Reform Act (Gov. Code § 81000, *et seq.*). Regulation 18944.1 defines the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by City and the circumstances in which they would be distributed to public officials and not require disclosure for the purposes of the public official’s Statement of Economic Interests (“Form 700”); and

WHEREAS, Regulation 18944.1 requires that local government agencies adopt a written policy governing distribution of tickets to local government officials in order that receipt of tickets will not necessarily be treated as reportable gifts; and

WHEREAS, from time to time, City may purchase or receive tickets or passes from third party sources, either public or private, and finds that the receipt of all such purchased, discounted, or free tickets and/or passes are public resources, and City desires to distribute these public resources in a manner that furthers City’s governmental and public purposes as reasonably described in the attached ticket and pass distribution policy; and

WHEREAS, the FPPC has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of City, provided that the determination is consistent with applicable law; and

WHEREAS, in order to comply with Regulation 18944.1, City desires to adopt the attached Tickets and Passes Distribution Policy to govern the distribution of tickets and passes by City to its officials, officers, employees, and covered consultants.

NOW, THEREFORE, the City Council of the City of Pomona, California does hereby find, order, and resolve as follows:

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. The Tickets and Passes Distribution Policy attached hereto as Exhibit A is incorporated as though fully set forth herein, and is hereby adopted as the official Tickets and Passes Distribution Policy of City. City shall distribute tickets and passes to designated City officials in accordance with the requirements and procedures set forth in the Tickets and Passes Distribution Policy and with applicable law.

SECTION 3. The City Manager or their designee are authorized to perform any and all acts necessary to give effect to and comply with the terms and intent of the Tickets and Passes Distribution Policy. The City Manager or designee shall be responsible for the administration of the distribution of tickets and passes pursuant to the Tickets and Passes Distribution Policy.

SECTION 4. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2023.

CITY OF POMONA:



Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho *Re SO No 2023-63*
City Attorney

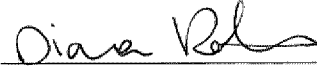
ATTEST:



Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on April 17, 2023 by the following vote of the Council:

AYES: Nolte, Preciado, Garcia, Ontiveros-Cole, Lustro, Torres, Sandoval
NOES: None
ABSTAIN: None
ABSENT: None



Diana Robles
Deputy City Clerk

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City of Pomona Tickets and Passes Distribution Policy

Effective Date: April 17, 2023

SECTION 1. Purpose

The purpose of this Tickets and Passes Distribution Policy (“Policy”) is to ensure that all tickets and/or passes provided to City of Pomona (“City”) are distributed in furtherance of a public purpose as required under Section 18944.1, Title 2, of the California Code of Regulations (“Section 18944.1”) and in such a manner that the ticket and/or pass will not constitute a reportable gift under the Political Reform Act, provided that the ticket/pass is distributed pursuant to the provisions of this Policy. The City Council has determined that tickets and passes distributed for the purposes listed in Section 6 of this Policy are distributed for a public purpose.

In addition, the purpose of this Policy is to ensure that tickets and passes distributed by City under this Policy are disclosed on Form 802 and posted to City’s website within forty-five days of distribution, as required by Section 18944.1(d).

SECTION 2. Applicability

This Policy applies to tickets and passes that provide admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose, and are either:

- a. Gratuitously provided to City by an outside source;
- b. Acquired by City by purchase;
- c. Acquired by City as consideration pursuant to the terms of a contract for the use of an City venue; or
- d. Acquired and distributed by City in any other manner.

SECTION 3. Scope

This Policy applies to all Public Officials, as defined below.

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SECTION 4. 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 Political Reform Act of 1974 (Government Code section 81000 et seq., as the same may from time to time be amended) and the Fair Political Practices Commission (“FPPC”) Regulations (Title 2, California Code of Regulations, section 18110 et seq., as the same may from time to time be amended).

Term	Definition
Public Official	Every member, officer, employee or consultant of City, as defined by Government Code section 82048 and Regulation 18700.3. Such term shall include, without limitation, any City Council member, other appointed official, employee, or a consultant required to file an annual Statement of Economic Interests (Form 700).
Immediate family	The Public Official’s spouse and dependent children.
Ticket	A “ticket” shall have the meaning set forth in Regulation 18946 and referenced in Regulation 18944.1, as each may be amended. The regulations currently define “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.
Pass	A “pass” shall have the meaning set forth in Regulation 18946 and referenced in Regulation 18944.1, as each may be amended. The regulations currently define “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.

SECTION 5. General Provisions

- a. Those in violation of this Policy could be subject to disciplinary action up to and including dismissal and/or termination of contract, as described in further detail under the “Violations” section of this Policy.
- b. All questions regarding the interpretation or applicability of this Policy should be directed to Human Resources for clarification.
- c. The use of complimentary tickets or passes is a privilege extended by City and not the right of any person to which the privilege may from time to time be extended.

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- d. Tickets or passes distributed to a Public Official pursuant to this Policy shall not be transferred to any other person, except to members of such Public Official's immediate family solely for their personal use or no more than one guest solely for their attendance at the event.
- e. No person who receives a ticket or pass pursuant to this Policy shall resell or receive compensation for the value of such ticket or pass.
- f. The City Manager shall have the authority, in their sole discretion, to establish further procedures for the distribution of tickets or passes in accordance with this Policy or in furtherance of any applicable rule or regulation of the FPPC. 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 Manager. The distribution of a ticket or pass by the City Manager or their designee shall accomplish one or more of the public purposes set forth in Section 6.
- g. The City Manager or their designee shall be the "agency head," as that term is used in Section 18944.1, for purposes of implementing the provisions of this Policy under Section 18944.1 and completing and posting the Form 802. In such case, where the City Manager desires to obtain a ticket or pass, the City Council authorizes the City Manager to exercise the City's sole discretion in determining whether the City Manager's use or behest of tickets or passes is in accordance with the terms of this Policy.
- h. No ticket or pass gratuitously provided to City by an outside source and distributed to, or at the behest of, a Public Official pursuant to this Policy shall be earmarked by the original source for use by a particular Public Official.
- i. A ticket or pass provided to a Public Official and one guest of the Public Official at which the Public Official performs a ceremonial role, as defined in Regulation 18942.3, on behalf of City must be disclosed on Form 802 as set forth below. Any additional effort by City to either limit or expand permissible ceremonial roles will require that the revised Policy to be forwarded to the FPPC.
- j. The disproportionate use of tickets or passes distributed pursuant to this Policy by a member of the City Council, the City Manager, the heads of City departments or divisions, or any appointed officers, is prohibited.
- k. The value of any ticket or pass shall be the fair value of the ticket or pass. The "fair value" is the face value of the ticket or pass, or the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator or host. Where the ticket or pass does not have a face value indicated, or has a face value that is not available to the general public, the fair value of the ticket or pass shall be the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator of the venue or host of the event who offers the ticket or pass for public sale. Where the price indicated on the ticket or pass does not reflect the actual cost for a ticket or pass in a luxury box or

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suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets or passes available for that box or suite

1. If any paragraph, sentence, clause or phrase of this Policy is held invalid for any reason, said invalidity shall not affect the remaining portions of this Policy.

SECTION 6. Public Purposes

a. Subject to the provisions of this Policy, City shall only provide a ticket and/or pass to a Public Official, or at the behest of a Public Official, to accomplish a public purpose. The following is a list of public purposes City may accomplish through the distribution of tickets or passes. The list is illustrative rather than exhaustive:

- 1) Facilitating the performance of a ceremonial role or function by a Public Official on behalf of City at an event.
- 2) Facilitating the attendance of a Public Official at an event where the job duties of the Public Official require their attendance.
- 3) Promotion of intergovernmental relations and/or cooperation and coordination of resources with other governmental agencies, including, but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members, and their guests.
- 4) Promotion of local and regional businesses, economic development and tourism activities within City's service area that serve or may potentially serve City's residents, including conventions and conferences, and the LA County Fair.
- 5) Promotion of City-run, sponsored or supported events, activities, or programs.
- 6) Promotion of community programs and resources available to residents within City's service area, including nonprofit organizations and youth programs.
- 7) Marketing promotions highlighting the achievements of local residents and businesses.
- 8) Promotion and marketing of private facilities available for use by residents within City's service area, including charitable and nonprofit facilities.
- 9) Promotion of public facilities available for use by residents within City's service area.
- 10) Promotion of City growth and development, including outreach efforts, energy development, and job creation opportunities.
- 11) Promotion of specific City community events provided by or sponsored by City.

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- 12) Promotion of any City owned sites or facilities.
- 13) Exchange programs with foreign officials and dignitaries.
- 14) Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
- 15) Promotion of City services on a local, state, national or worldwide scale.
- 16) Promotion of open government and/or community relations by Public Official appearances, participation and/or availability at business or community events.
- 17) Sponsorship agreements involving private events where City specifically seeks to enhance City's reputation both locally and regionally by serving as hosts or sponsors providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
- 18) All written contracts where City, as a form of consideration, has required that a certain number of tickets or passes be made available for City use.
- 19) Employment retention or recognition programs.
- 20) Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
- 21) Encouraging or rewarding significant academic, athletic, or public service achievements by residents or businesses of City's service area.
- 22) Charitable 501(c)(3) fundraisers for the purpose of networking with other community and civic leaders.
- 23) Promotion of and participation in intergovernmental relations and activities.
- 24) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting residents within City's service area.
- 25) Attracting or rewarding volunteer public service.
- 26) Attracting and retaining highly qualified employees in City's service.
- 27) Recognizing or rewarding meritorious service by a City employee.
- 28) Promoting enhanced City employee performance or morale.

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- 29) Recognizing contributions made to City by former City Council members or City employees.
 - 30) Use of a ticket or pass by the spouses of a Public Official in order to accompany them to any of the events listed above.
 - 31) Any purpose similar to the above included in any City contract.
- b. When a public purpose involves the oversight or inspection of facilities by a Public Official, the Public Official is required to provide a written inspection report and/or recommendation.
 - c. Subject to the provisions of this Policy, tickets or passes obtained by City pursuant to the terms of a contract or purchased at fair market value may be distributed to Public Officials. Any distribution must accomplish a public purpose in accordance with Section 6(a), above.
 - d. Any ticket or pass obtained pursuant to Section 6(c) which is distributed to a Public Official, other than an elected official or member of the governing body of City, for the Public Official's personal use, to support general employee morale, retention, or to reward public service is also deemed to serve a public purpose. Such ticket or pass distribution shall be disclosed pursuant to Section 7, below. For purposes of this subsection, "personal use" is defined as use by the Public Official, their family, or no more than one guest.
 - e. Any Public Official, any member of the Public Official's immediate family, or guest of the Public Official may return any unused ticket to City for redistribution pursuant to this Policy.
 - f. The provisions of this Policy apply only to benefits the Public Official receives that are provided to all members of the public with the same class of ticket.

SECTION 7. Reporting and Disclosure

- a. This Policy shall be posted on City's website in a prominent manner. City shall, within 30 days of adoption or amendment, send to the FPPC by email a website link that displays the Policy. It shall be the duty of the City Manager or their designee to ensure City's compliance with Section 18944.1(d) pertaining to the reporting of the distribution of tickets by City.
- b. Except as provided in subsections (c) and (d) below, tickets or passes distributed by City to any Public Official pursuant to this Policy must be recorded on Form 802 or, on such alternative form(s) as may from time to time be designated by the FPPC. This form must be maintained as a public record, and be subject to inspection and copying as required under Government Code section 81008(a). Within 45 days of distributing a ticket or pass, City must post these forms on its website and email a website link to the FPPC that displays the form, and the form must contain the information required by Section 18944.1 (d).

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c. Tickets or passes distributed by City for which City receives reimbursement from the Public Official within 30 days shall not be subject to this Policy or the disclosure provisions of Section 7(b), and shall not be treated as a gift to the Public Official.

d. Tickets or passes that a Public Official treats as income consistent with applicable federal and state income tax laws shall not be subject to this Policy or the disclosure provisions of Section 7(b), and shall not be treated as a gift to the Public Official.

e. For tickets or passes distributed to a department or other unit of City, and not used by a member of the City Council, the City Manager, the head of a City department or division, or an appointed officer, City may report the name of the department or other unit of City and the number of tickets or passes provided to the department or other unit in lieu of posting the name of the individual employee(s) as otherwise required.