

**CITY OF DANA POINT
COUNCIL POLICY**

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PURPOSE:

To establish a policy as mandated by recent regulations promulgated by the Fair Political Practices Commission (FPPC), which require that any distribution of tickets received by the City be made pursuant to a written policy.

BACKGROUND:

Effective February 7, 2009, the FPPC amended Regulation section 18944.1, which governs the distribution of tickets received by public agencies and distributed to, or at the behest of, public officials. FPPC Regulation 18944.1 now requires that unless the officials report the value of the tickets or passes they receive from an agency as income, the tickets may only be distributed in accordance with an officially adopted policy requiring that the distribution of tickets and passes accomplish public purposes of the agency. All of the tickets must be accounted for on a very detailed reporting form. The City Clerk will be responsible for completing, verifying and posting the forms on the City's webpage.

POLICY:

1. **Definitions.**

- a. "Agency Head" for the purpose of this Policy, the Agency Head is designated as the City Clerk.
- b. "City" shall mean and refer to the City of Dana Point.
- c. "City Official" for the purpose of this Policy, shall mean and refer to the City's "public officials", as that term is defined by Government Code Section 82048 and Fair Political Practices Commission Regulation 18701, as well as any City employee, consultant, independent contractor, commissioner, board member or other person deemed by the Agency Head to act as the City's representative at an event for which a ticket is provided.
- d. "FPPC" shall mean and refer to the California Fair Political Practices Commission.
- e. "Policy" shall mean and refer to this Ticket Distribution Policy.
- f. "Ticket" or "ticket" shall mean and refer to a "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines a "ticket or pass" as admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

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2. **Purpose of Policy.** The purpose of this Policy is to ensure that all tickets the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.
3. **Limitation.** This Policy shall only apply to the City’s distribution of tickets to, or at the behest of, a City Official or to a spouse or designated non-spouse whose attendance encourages the participation of the City Official.
4. **Ticket Distribution Public Purposes.** The City may accomplish one or more of the following governmental and/or public purposes through the distribution of tickets to, or at the behest of, a City

Official or to a spouse or designated non-spouse whose attendance encourages the participation of the City Official. The following list is illustrative rather than exhaustive:

- a. Promotion of business activity within the City.
 - b. Promotion of City-owned businesses.
 - c. Promotion of community resources available to City residents, including charitable and nonprofit organization resources.
 - d. Promotion of community programs available to City residents, including charitable and nonprofit organization programs.
 - e. Promotion of City-run, sponsored or supported community programs.
 - f. Promotion of private facilities available for City resident use, including charitable and nonprofit organization facilities.
 - g. Promotion of City facilities available for City resident use.
 - h. Promotion of City growth and development.
 - i. Promotion of events sponsored by the City.
 - j. Promotion of City tourism on a local, state, national or worldwide scale.
 - k. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
 - l. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events.
 - m. Increasing public exposure to, and awareness of, the various public recreational, cultural, and education facilities available to the public within the City of Dana Point, including, but not limited to, the public recreational and harbor facilities.
 - n. Promoting the improvement of intergovernmental relations by encouraging City Officials to attend functions and events with the public officials of other entities, thereby fostering an open dialogue and better understanding of intergovernmental issues.
5. **Public Purpose Requirement.** The distribution of any ticket by the City to, or at the behest of, a City Official shall accomplish a governmental and/or public purpose.

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6. **Transfer Prohibition.** The transfer by any City Official of any ticket distributed to such City Official pursuant to this Policy to any other person, except to members of the City Official's immediate family for their personal use, is prohibited. If a City Official is provided a ticket for use by a spouse or designated non-spouse, that ticket must be used by the designated party; if it is not, it must be returned to the City.
7. **Website Posting.** This Policy shall be posted on the City website in a prominent fashion.
8. **Website Disclosure.** The distribution of a ticket or tickets pursuant to this Policy shall be posted on the City website in a prominent fashion within thirty (30) days after the ticket distribution. Such posting shall use FPPC California Form 802 or such alternate form as from time to time the FPPC may designate.
9. **Designation of Agency Head.** For the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the City Clerk shall be the "Agency Head."