

RESOLUTION NO. 6748

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UPLAND APPROVING A TICKET DISTRIBUTION POLICY
PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION
REGULATION 18944.1

WHEREAS, the City of Upland ("City"), from time to time, receives event tickets and/or passes from public and private entities and individuals, or purchases event tickets and/or passes for events; and

WHEREAS, under Fair Political Practices Commission (FPPC) Regulation 18946, a "Ticket" is defined 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" and "Pass" is defined 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"; and

WHEREAS, the City finds that the receipt of all such tickets and/or passes are public resources; and

WHEREAS, the City desires to distribute these public resources in a manner that furthers the City's purposes as reasonably described herein, which includes the promotion of the City, its resources, and facilities; and

WHEREAS, FPPC Regulation 18944.1 authorizes the City Council to adopt a written policy governing the distribution of complimentary tickets and passes that includes a statement describing the public purpose to be accomplished by the distribution of tickets and passes; and

WHEREAS, when complimentary tickets and passes are distributed pursuant to a qualifying policy, such tickets are not considered gifts under FPPC Regulations; 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, provided that the determination is consistent with state law.

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. The City Council hereby approves and adopts the "Ticket Distribution Policy Pursuant to FPPC Regulation 18944.1" attached hereto as Exhibit "A" and on file in the office of the City Clerk.

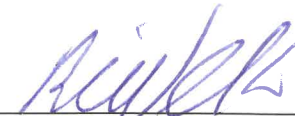
Section 3. Compliance with California Environmental Quality Act. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Resolution is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 5. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 6. Effective Date. This Resolution shall become effective immediately.

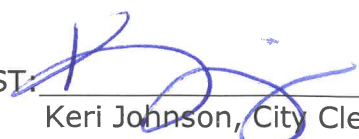
PASSED, APPROVED and ADOPTED this 13th day of November, 2023.



Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 13th day of November, 2023, by the following vote:

AYES: Mayor Velto, Councilmembers Garcia, Breitling, Maust, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST: 

Keri Johnson, City Clerk



CITY OF UPLAND

TICKET DISTRIBUTION POLICY PURSUANT TO FPPC REGULATION 18944.1

1. PURPOSE AND INTENT

The purpose of this Policy is to establish a fair and equitable process for the distribution of complimentary tickets or passes in compliance with the requirements set forth in Fair Political Practices Commission Regulation 18944.1. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as now exist or may hereafter be added or amended.

2. DEFINITIONS

2.1 Unless otherwise expressly provided herein, the 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.

2.1.1 "City" shall mean the City of Upland and any departments, boards, committees, and commissions thereof.

2.1.2 "City Official" shall mean every official, officer, agent, and employee of the City who is obligated to file an annual Statement of Economic Interests (FPPC Form 700) under the Political Reform Act or the City's current conflict of interest code.

2.1.3 "City Venue" shall mean and refer to any facility owned, controlled, or operated by the City.

2.1.4 "FPPC" shall mean and refer to the California Fair Political Practices Commission.

2.1.5 "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.

2.1.6 "Pass" shall mean a "Pass" as defined in FPPC Regulation 18946 as may be amended from time to time, but which currently defines "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."

2.1.7 "Policy" shall mean and refer to this Policy Regarding the Distribution of Complimentary Tickets or Passes Pursuant to FPPC Regulation 18944.1

2.1.8 "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.

- 2.1.9 "Ticket" shall mean a "Ticket" as that term is defined in FPPC Regulation 18946 as amended from time to time, but 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."

3. APPLICATION OF POLICY

- 3.1 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 the Political Reform Act or the City's current conflict of interest code.
- 3.2 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:
- 3.2.1 Gratuitously provided to the City by an outside source;
- 3.2.2 Acquired by the City by purchase;
- 3.2.3 Acquired by the City as consideration pursuant to the terms of a contract for the use of a city venue; or
- 3.2.4 Acquired and distributed by the City in any other manner.
- 3.3 This Policy does not apply to the following:
- 3.3.1 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.
- 3.3.2 Sources other than the City. Tickets or Passes provided by sources other than the City.
- 3.3.3 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 is reported as income.
- 3.3.4 Reimbursement. A Ticket or Pass distributed by the City to a City Official if such City Official pays to the City the fair value of the ticket within 30 days of receipt.
- 3.3.5 Ceremonial Roles. A Ticket 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 FPPC Regulation 18942(a)(13), so long as the City complies with the posting provisions set forth in FPPC Regulation 18944.1, subdivision (d). Any official who attends the event as part of the person's job duties to assist the official who is performing the ceremonial role has not received a gift or income by attending the event.

4. GENERAL PROVISIONS

- 4.1 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.
- 4.2 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 (1) 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 (other than the permitted transfers listed in the preceding sentence), 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 FPPC Regulations.
- 4.3 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.
- 4.4 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.

5. TICKET ADMINISTRATOR

- 5.1 The City Manager or his/her designee shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- 5.2 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.
- 5.3 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.
- 5.4 The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket 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.
- 5.5 For the purposes of implementing this Policy, and completing and posting FPPC Form 802, the Ticket Administrator shall be the "Agency Head." The Office of the City Clerk is delegated responsibility for completing and posting the FPPC Form 802.

6. CONDITIONS UNDER WHICH TICKETS OR PASSES DISTRIBUTED TO CITY OFFICIALS ARE NOT CONSIDERED A GIFT UNDER THE POLITICAL REFORM ACT

- 6.1 The Ticket Administrator distributes complimentary Tickets or Passes to City Officials only pursuant to this Policy.
- 6.2 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.
- 6.3 The Ticket or Pass must be reported pursuant to Section 9 of this Policy.

- 6.4 The distribution of the Ticket(s) to, or at the behest of, the City Official must accomplish or further one or more of the following governmental and/or public purposes:
- 6.4.1 Facilitating the performance of a ceremonial role or function by a City Official on behalf of the City at an event, for which the City Official may receive enough Tickets or Passes for the City Official and each member of his or her Immediate Family.
 - 6.4.2 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, for which the City Official may receive enough Tickets or Passes for each member of the City Official's Immediate Family.
 - 6.4.3 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.
 - 6.4.4 Economic or business development purposes on behalf of the City.
 - 6.4.5 Promotion of City resources and/or facilities available to Upland residents.
 - 6.4.6 Promotion of City-run, sponsored or supported community events, activities, or programs.
 - 6.4.7 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.
 - 6.4.8 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.
 - 6.4.9 Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting Upland residents.
 - 6.4.10 Promotion of City tourism on a local, state, national or worldwide scale.
 - 6.4.11 Business retention or attraction on a local, state, national or worldwide scale.
 - 6.4.12 Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
 - 6.4.13 Encouraging Upland resident and business support for attendance at local events.
 - 6.4.14 Encouraging participants in City sponsored programs to attend local events. Attracting or rewarding volunteer public service.
 - 6.4.15 Encouraging or rewarding significant academic, athletic, or public service achievements by Upland students, residents, or businesses.

- 6.4.16 Attracting and retaining highly qualified employees in the City service. Recognizing or rewarding meritorious service by a City employee.
 - 6.4.17 Promoting enhanced City employee performance or morale.
 - 6.4.18 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 Policy.
- 6.5 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.

7. TICKETS OR PASSES DISTRIBUTED AT THE BEHEST OF A CITY OFFICIAL

- 7.1 Only the following City Officials shall have authority to behest Tickets or Passes: City Council Members, the City Manager, the Assistant City Manager, and Department Heads.
- 7.2 Tickets or Passes shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 6.4 above.
- 7.3 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.

8. OTHER BENEFITS

- 8.1 The distribution of Tickets or Passes pursuant to this Policy shall not constitute a "gift" to the City Official receiving the Ticket, 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.
- 8.2 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.

9. POSTING AND DISCLOSURE REQUIREMENTS

- 9.1 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.
- 9.2 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 FPPC 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.
- 9.3 This Policy and the City's Form 802s are public records and are subject to inspection and copying under Government Code Section 81008.