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REPORT TO THE COMMITTEE ON RULES, FINANCE
AND INTERGOVERNMENTAL RELATIONS

ADOPTION OF CITY TICKET POLICY TO CONFORM WITH CALIFORNIA CODE OF
REGULATIONS, SECTION 18944.1, AS AMENDED BY THE FAIR POLITICAL
PRACTICES COMMISSION

INTRODUCTION

The City of San Diego [San Diego] receives 52 tickets for each event held in Qualcomm Stadium and 26 tickets for each event held in Petco Park. Guidelines for distribution of these tickets are set forth in Council Policy 700-22 (Qualcomm Stadium.) and Council Policy 700-47 (Petco Park). The Council Policies set out the permissible use of the tickets, the city officials who are entitled to tickets and the number of tickets a city official may use.

As a result of recent state law changes, the City of San Diego Ethics Commission issued a Fact Sheet on Accepting Tickets and Invitations. The Fact Sheet discusses the changes to state law relating to San Diego's acceptance of tickets for Qualcomm Stadium and Petco Park events. The Fact sheet also stated that San Diego has not adopted an official policy that meets the "public purpose" or tax-reporting requirements of the new state law. Therefore until the distribution of the ticket meets the new state guidelines, any ticket to an event that takes place on or after February 8, 2009, the effective date of the new state law, will be considered a "gift" subject to gift limits, reporting obligations, and disqualification concerns.

DISCUSSION

On December 11, 2008, the Fair Political Practices Commission [FPPC] amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to events distributed to Public Officials. This new regulation, which became effective on February 8, 2009, sets forth the conditions under which a ticket or pass to an entertainment event distributed by an agency to its officials will not be treated as a gift to the official under the Political Reform Act and the FPPC regulations.

Under the new regulations, tickets to an event for entertainment purposes distributed by an agency to its public officials will not be considered a gift if; (1) the public official uses or behests the tickets for a public purpose; or (2) the public official treats the tickets as income in accordance with applicable state and federal income tax laws. Tickets provided by an agency to its officials for which the agency is reimbursed are not subject to regulation.

Additionally, in order to avoid a distribution of tickets from an agency to its officials from being treated as a gift, Section 18944.1 requires an agency to adopt a ticket policy which contains, at a minimum: (1) provisions setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes; (2) a provision requiring that distribution of any ticket or pass by the agency to, or at the behest of, an official accomplish a public purpose of the agency; and (3) a provision prohibiting the transfer by any official of any ticket or pass, distributed to such official pursuant to the agency policy, to any other person, except to members of the official's immediate family, solely for their personal use.

Finally, Section 18944.1 requires that the agency disclose on its website all tickets distributed to its officials for a public purpose as well as those which the official will treat as income. Such disclosure is to be made within 30 days after the distribution on a form provided by the FPPC, which shall include (1) the name of the person or organization receiving the tickets; (2) a description of the event; (3) the date of the event; (4) the face value of the ticket; (5) the number of tickets provide to each person/organization; 6) if the ticket was behested, the name of the official who behested the ticket; and (7) a description of the public purpose under which the distribution was made or, alternatively, that the ticket will be treated as income by the official.

The City of Anaheim recently adopted a City Ticket Policy designed to conform to the provisions of California Code of Regulations Section 18944.1 as amended by the FPPC. A copy of that policy is attached for discussion purposes.

CONCLUSION

In order to conform to the new FPPC regulations contained in Section 18944.1 of the California Code of Regulations, the City Council should review and modify Council Policies 700-22 and 700-47.

Respectfully submitted,



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PFp:cfq
RC-2009-2

Attachments:

Council Policy 700-22
Council Policy 700-47
Ethics Commission Fact Sheet
City of Anaheim Ticket Policy

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: QUALCOMM STADIUM CITY SUITE
POLICY NO.: 700-22
EFFECTIVE DATE: August 1, 2007

PURPOSE

To establish guidelines for the admission of certain city officials listed in this Council Policy (“Credential Holders”), and their guests to Qualcomm Stadium, Press 6A Suite (“City Suite”), also commonly referred to as “the City Box.”

POLICY

The City Suite is devoted to the City for use by Credential Holders and their guests, and for the purpose of entertaining people who can aid the promotion and/or improvement of the City of San Diego. The following listed individuals constitute the Credential Holders entitled to use the City Suite:

Mayor	(6) six seats; and (3) three parking spaces
City Council President	(4) four seats; and (2) two parking passes
Council Members (2 seats per Council Office)	(14) fourteen seats; and (7) seven parking passes
Qualcomm Stadium Advisory Board (2 seats per member)	(18) eighteen seats; and (9) nine parking passes
City Attorney	(2) two seats; and (1) one parking pass
Stadium Manager	(8) eight seats; and (4) four parking passes

As noted in the Credential holder description above, each Credential Holder also shall have access to one parking pass for every two allotted seats. The Credential Holder may enter the stadium at any gate. Credential Holders may bring or offer their seats to guests in efforts to promote and/or market the City of San Diego, and to increase economic, governmental or social service benefits to the City. Any tickets not being utilized by a credential holder for a specific game date may be made available to other credential holders for special civic guests, such as Flag Officers, Members of Congress, State Senators, Members of the State Assembly or their guests as defined in this policy. Guests include volunteers and civic and community leaders who perform exceptional service to the City and City employees who are outstanding performers. All guests should sign and list their affiliation in the guest book which will be present at all times in the City Suite.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

HISTORY:

Adopted by Resolution R-191907 10/24/1967
Amended by Resolution R-209693 01/17/1974
Amended by Resolution R-211379 08/22/1974
Amended by Resolution R-289609 12/16/1997
Amended by Resolution R-289889 03/24/1998
Amended by Resolution R-302876 08/01/2007

CITY OF SAN DIEGO, CALIFORNIA

COUNCIL POLICY

SUBJECT: PETCO PARK CITY SUITE

POLICY NO.: 700-47

EFFECTIVE DATE: August 1, 2007

PURPOSE

To establish guidelines for the admission of certain city officials listed in this Council Policy (“Credential Holders”), and their guests to PETCO Park City Suite (“City Suite”), also commonly referred to as “the City Box.”

POLICY

The City Suite is devoted to the City for use by Credential Holders and their guests, and for the purpose of entertaining people who can aid the promotion and/or improvement of the City of San Diego. The following listed individuals constitute the Credential Holders entitled to use the City Suite:

Mayor	(6) six seats; and (3) three parking spaces
City Council President	(4) four seats; and (2) two parking passes
Council Members (2 seats per Council Office)	(14) fourteen seats; and (7) seven parking passes
City Attorney	(2) two seats; and (1) one parking pass

As noted in the Credential holder description above, each Credential Holder also shall have access to one parking pass for every two allotted seats. The Credential Holder may enter the stadium at any gate. Credential Holders may bring or offer their seats to guests in efforts to promote and/or market the City of San Diego, and to increase economic, governmental or social service benefits to the City. Any tickets not being utilized by a credential holder for a specific game date may be made available to other credential holders for special civic guests, such as Flag Officers, Members of Congress, State Senators, Members of the State Assembly or their guests as defined in this policy. Guests include volunteers and civic and community leaders who perform exceptional service to the City and City employees who are outstanding performers. All guests should sign and list their affiliation in the guest book which will be present at all times in the City Suite.

HISTORY:

Adopted by Resolution R-301324 03/28/2006

Amended by Resolution R-302876 08/01/2007



FACT SHEET ON ACCEPTING TICKETS AND INVITATIONS

The City's Ethics Ordinance includes laws regarding the acceptance of tickets and invitations to events. (For information concerning gifts in general, please refer to the Ethics Commission's "Fact Sheet on Gifts to City Officials.") This fact sheet is designed to offer general guidance, but should not be considered a substitute for the actual language contained in the Ethics Ordinance.

- ❖ Use the chart below for guidance on valuing tickets and invitations. Refer to the remainder of this Fact Sheet for additional information regarding the rules for different types of events.
- ❖ When using the valuation rules in the chart below, be sure to include the value of any tangible item you receive at the event that is not provided to all the other attendees at the event.

IF HOST OF EVENT IS SOURCE OF ADMISSION		
	<u>TICKETED EVENT</u>	<u>INVITATION-ONLY EVENT</u>
General Rule:	Face value of ticket	Pro rata cost of entire event
Political Fundraiser:	No reportable value (exemption is limited to <u>one ticket</u> per event)	
501(c)(3) Fundraiser:	No reportable value (exemption is limited to <u>one ticket</u> per event; additional restrictions apply)	
Nonprofit Fundraiser: (other than a 501(c)(3) fundraiser)	Face value of ticket, minus donation stated on ticket; if no face value or donation amount, then value is the pro rata cost of food and beverages (limited to <u>one ticket</u> per event)	
Testimonial Event: (held in your honor)	Pro rata cost of entire event	
Testimonial Event: (held for someone else)	Face value of ticket	Pro rata cost of entire event
Ceremonial Role:	No reportable value	Cost of food and beverages provided to the official
IF PERSON OTHER THAN HOST OF EVENT IS SOURCE OF ADMISSION		
	<u>TICKETED EVENT</u>	<u>INVITATION-ONLY EVENT</u>
All Events:	Face value of ticket	Donor cost
DROP-IN RULE		
	<u>TICKETED EVENT</u>	<u>INVITATION-ONLY EVENT</u>
General Rule:	No exemption (face value of ticket)	Cost of food/beverages consumed by the official and his/her guests
All Fundraisers:	No exemption (see above for valuation)	No exemption (see above for valuation)
CITY SUITES AT QUALCOMM STADIUM & PETCO PARK		
All Events:	Admission is not a "gift" if (a) it is treated as taxable income; or (b) there is a public purpose for attending the event that is memorialized in an official policy, and the distribution of tickets is reported on FPPC Form 802 within 30 days.	

GENERAL RULES

- ❖ As with all gifts you receive, your first step should be to determine whether or not the source of the ticket or invitation is a source that you have to report on your Statement of Economic Interests. If you are an elected official or are otherwise a “high level filer,” then every gift you receive is from a reportable source and is therefore subject to gift limits and reporting obligations. On the other hand, if you file a Statement of Economic Interests pursuant to a conflict of interest code (a “code filer”), then only gifts from the reportable sources identified in your conflict of interest code are subject to gift limits and reporting obligations.
- ❖ Regardless of whether you are a “high level filer” or a “code filer,” there are some exceptions to the gift rules in the Ethics Ordinance that may apply to tickets or invitations you receive. For example, a pair of tickets to a ballgame that you receive from your spouse, child, parent, grand-parent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or the spouse of any such person, is not considered a “gift” under the Ethics Ordinance. Refer to San Diego Municipal Code section 27.3525 for a list of all the applicable exceptions.
- ❖ Tickets and invitations given to members of your immediate family are generally not gifts to you. For example, if your spouse is given tickets to an event, and there is no reason to believe that the donor intended for you to use one of the tickets, then the ticket is not a gift to you. In addition, if you receive an envelope containing two tickets to an event, and your spouse is identified on the envelope by name or by the designation “spouse,” then the ticket earmarked for your spouse is not a gift to you. On the other hand, if two tickets are addressed only to you (or to you “and guest”), you will have received two tickets, even if your spouse uses one of the tickets.
- ❖ Even if you are given a ticket to accompany another City Official to an event for the purpose of “staffing the event,” you may still have received a gift. The gift would be reported as coming from the person or entity that directed the ticket to you. In other words, the source of the gift could be the City Official who decided that you should attend the event, or it could be a business entity that personally offered you the ticket.
- ❖ Tickets and invitations are the only gifts that can be negated by being thrown away. Tickets and invitations that are not used, and not transferred to another person, are exempt from gift limits and reporting obligations.
- ❖ You are required to report gifts from a reportable source only if the gifts have an aggregate value of \$50 or more within a calendar year. For this reason, you do not need to report two \$24 tickets to an event from the same source (so long as that source did not give you other gifts during the same calendar year).
- ❖ This fact sheet pertains solely to the valuation of tickets and invitations for acceptance and reporting purposes. There are additional rules that pertain to disqualification issues. For more information regarding whether or not your acceptance of tickets or invitations may disqualify you from participating in a municipal decision, please refer to the Ethics Commission fact sheet entitled “Fact Sheet on Disqualification from Municipal Decisions – Part 4: Sources of Gifts.”
- ❖ The rules for “ticketed events” are generally different from the rules applicable to “invitation-only events.” In addition, there are separate rules for testimonial events and fundraisers. There are also special rules for the City Suites at Qualcomm Stadium and Petco Park. These different rules are discussed below.

TICKETED EVENTS

- ❖ A “ticket” provides admission or access to facilities, goods, services, and includes a pass to a movie theatre, playhouse, opera house, sporting event, amusement park, parking facility, country club, or similar places or events.
- ❖ “Ticketed events” are events to which admission is offered for sale to the general public.
- ❖ For purposes of this Fact Sheet, a “ticket” does not include anything that grants access to transportation or lodging. Please contact the Ethics Commission for assistance with the rules that pertain to travel payments.
- ❖ If you receive a ticket that provides one time admission to a facility or event, the value of the gift is generally the face value of the ticket, provided that the face value is a price that was, or otherwise would have been, offered to the general public.
- ❖ “Face value” means the price indicated on the ticket, or if no price is indicated, the price at which the ticket would otherwise be offered for sale to the general public by the operator of the venue or host of the event.
- ❖ If you receive a ticket that provides repeated admission (including a season ticket), the reportable value (and the value subject to gift limits) is the fair market value of your actual use of the ticket, including the use by guests who accompany you and who are admitted with the ticket (plus the fair market value of any possible use by any person to whom the use of the ticket is transferred).
- ❖ If you perform a ceremonial role or function at a ticketed event, the ticket given to you is not a “gift,” and is not subject to gift limits or disclosure requirements. An official may apply the ceremonial role exception only when he or she is truly performing a ceremonial role on behalf of the City, such as making a speech, presenting an award, or cutting a ribbon. This exemption applies only to the official, and does not pertain to admission for the official’s family members or staff.

INVITATION-ONLY EVENTS

- ❖ “Invitation-only events” are banquets, parties, galas, and similar functions to which a person may not gain admission unless being specifically invited. Invitation-only events are subject to different rules than those that apply to ticketed events.
- ❖ If you attend an invitation-only event such as a banquet, party, or gala (see special rules below for nonprofit and political fundraisers), the value of the gift is generally your pro rata share of the total cost of the event, plus the value of any item presented to you at the event that is not provided to all the other attendees at the event.
- ❖ Note, however, that if a person other than the host of an invitation-only event provides you with an invitation to the event, then the value of your admission is the cost to the donor.
- ❖ “Pro rata share of the total cost of the event” means the cost of all food and beverages, rent of the facilities, decorations, entertainment, and all other costs associated with the event, divided by the number of acceptances or the number of attendees. For example, if the event is attended by 100 persons, the pro rata share of each person’s admission would be one percent of the total cost of the event. It is the number of persons who actually accept the invitation or attend the event, not the number invited, that determines the value of the gift received by the official.

- ❖ If you perform a ceremonial or official function at an invitation-only event (other than a nonprofit fundraiser or a political fundraiser), the value of the gift is the cost of the food and beverage provided to you, plus the value of any item presented to you at the event that is not provided to all the other attendees at the event. An official may apply the ceremonial role exception only when he or she is truly performing a ceremonial role on behalf of the City, such as making a speech, presenting an award, or cutting a ribbon.
- ❖ Drop-in Exception: if you attend an invitation-only event (other than a nonprofit or political fundraiser) and do not stay for the meal or entertainment and consume only “minimal appetizers and drinks,” the value of the gift is the cost of the food and beverage consumed by you and your guests, plus the value of any item presented to you at the event that is not provided to all the other attendees at the event.
- ❖ If the invitation-only event is a testimonial dinner or similar event, or a political or nonprofit fundraiser, refer instead to the rules for those types of events, which are discussed below.

TESTIMONIAL EVENTS

- ❖ If you are being honored at a testimonial event (e.g., a retirement dinner), the value of the gift you receive is the pro rata cost of the entire event, plus the value of any item presented to you at the event that is not provided to all the other attendees at the event (except that a personalized plaque with a value of less than \$250 is not considered a gift and need not be reported).
- ❖ If you attend a testimonial event honoring someone else:
 - ✓ If the event is a “ticketed event,” the value of the admission is the face value of the ticket, provided that the face value is a price that was, or otherwise would have been, offered to the general public.
 - ✓ If the testimonial event is “invitation-only” and the invitation is provided to you by the host of the event, then the value of the admission is the pro rata cost of the entire event, plus the value of any item presented to you at the event that is not provided to all the other attendees at the event. If the testimonial event is “invitation-only,” but the source of your invitation is someone other than the host of the event, then the value of the admission is equal to the donor’s cost.
 - ✓ The drop-in exception (which is explained above under “Invitation-Only Events”) will apply to a brief attendance at a testimonial event, but only if the event is an invitation-only event.

FUNDRAISERS – 501(C)(3) ORGANIZATIONS

- ❖ A single ticket provided by an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code for that organization’s fundraising event is generally not a gift or subject to gift limits or disclosure requirements. Note, however, the following restrictions:
 - ✓ The ticket must be directly provided to the official by the 501(c)(3) organization hosting the fundraiser. A ticket to the event provided by anyone else will not be entitled to the exemption; instead, it will be valued as follows: face value if the ticket is to a “ticketed event,” or donor’s cost if the admission is to an “invitation-only event.”
 - ✓ The exemption applies to only one ticket per event per official. Thus, an official who accepts two tickets to a 501(c)(3) fundraiser from the event host will obtain an exemption only for the first ticket.

- ✓ The exemption will not apply if the official gives the ticket to someone else.
- ✓ The exemption applies only in situations where the nondeductible value of the ticket does not exceed the City's gift limit (\$420 as of January 1, 2009).
 - For example, if only \$150 of a \$600 ticket to a 501(c)(3) fundraiser is deemed to be tax deductible, the remaining nondeductible \$450 will exceed the gift limit. Accordingly, the official must reimburse the organization an amount sufficient to get below the gift limit within 30 days of accepting the ticket, or refrain from accepting the ticket.
 - This rule applies cumulatively to subsequent events held by the same organization within the same calendar year. For example, a 501(c)(3) organization may not give an official a ticket to a fundraiser that has a \$200 nondeductible value and then later the same year give the official another ticket with a \$250 nondeductible value. The combined total value of \$450 would exceed the gift limit.
- ❖ As with the rule for other types of nonprofit organizations, the exemption does not mean that all tickets from a 501(c)(3) organization are exempt; the exemption pertains only to tickets to the organization's own fundraising events. The exemption also does not apply to an event held by a 501(c)(3) organization where no fundraising takes place, or to a ticket provided by anyone other than the 501(c)(3) organization.
- ❖ The drop-in exception does not apply to nonprofit fundraising events.

FUNDRAISERS – NONPROFIT ORGANIZATIONS (other than a 501(c)(3) organization)

- ❖ If you receive a single ticket to a fundraising event for a nonprofit organization other than a 501(c)(3) nonprofit organization, and the ticket is from that organization, value the ticket as follows:
 - ✓ If the ticket clearly states that a portion of the ticket price is a donation to the organization, then the value of the gift is its face value reduced by the amount of the donation.
 - ✓ If the ticket has no face value or stated donation portion, then the value of the gift is the pro rata share of the cost of the food and beverages provided at the event, plus the value of any item presented to you at the event that is not provided to all the other attendees at the event
- ❖ Keep in mind, however, that the above rules do not mean that all tickets from a nonprofit organization are exempt; these rules pertain only to tickets to a fundraising event held by the nonprofit organization and given to you by that organization. In addition, these rules do not apply to a nonprofit organization's event where no fundraising takes place.
- ❖ The drop-in exception does not apply to nonprofit fundraising events.

POLITICAL FUNDRAISERS

- ❖ A single ticket provided by a candidate or political committee for a fundraising event for that candidate or committee is not a gift, and is not subject to gift limits or disclosure requirements.
- ❖ The ticket must be provided directly to the official by the candidate or committee hosting the fundraiser. A ticket to the event provided by anyone else will not be entitled to the exemption; instead, it will be valued as follows: face value if the ticket is to a "ticketed event," or donor's cost if the admission is to an "invitation-only event."
- ❖ The exemption applies to only one ticket per event per official. Thus, an official who accepts two tickets to a political fundraiser from a candidate or committee will obtain an exemption for the first

ticket only. The second ticket will be valued according to the general rules for ticketed events (face value) and invitation-only events (pro rata cost of the event).

- ✓ An official may pay down the value of a second ticket by making a campaign contribution, within 30 calendar days of the event, to the candidate or committee that provided the ticket.
- ✓ Note that making a campaign contribution will not reduce the value of a ticket to a political fundraiser that the official receives from an entity other than the candidate or committee holding the fundraiser. The value of that ticket may be reduced only by making a payment, within 30 calendar days of the event, to the entity the provided the ticket.

❖ The drop-in exception does not apply to political fundraising events.

CITY SUITES AT QUALCOMM STADIUM AND PETCO PARK

- ❖ In early 2009, as a result of changes to state law, tickets to the City Suites at Qualcomm Stadium and Petco Park will no longer be exempt from gift regulations (the exact date hasn't been determined as of the date of this fact sheet). A City Official may use a ticket to the suites only if the City adopts an official policy describing how such use will accomplish a particular "public purpose," or if the City and the official treat the ticket as taxable income.
- ❖ As of the date of this fact sheet, the City has not adopted an official policy that meets the "public purpose" or tax-reporting requirements of the new state law. Therefore, any ticket to a City Suite for an event that takes place after the effective date of the new state law will be considered a "gift" subject to gift limits, reporting obligations, and disqualification concerns unless and until the distribution of the ticket meets the new state guidelines.
- ❖ After the City adopts an official policy pursuant to the new state law, each ticket to the City suites that is distributed in accordance with the policy to, or at the behest of, a City Official must be described in an FPPC Form 802 that is posted on the City's website within 30 days.
- ❖ In addition, the new state law precludes any official who receives a ticket pursuant to an official "public purpose" policy from transferring that ticket to anyone other than his or her immediate family.

TICKETS TO EVENTS GIVEN TO THE CITY

- ❖ Instead of giving a ticket directly to a City Official, a person or entity may, in some instances, give the ticket to the City and let the City decide which officer or employee should use the ticket.
- ❖ A City Official who obtains a ticket in this manner will not be receiving a reportable gift so long as all the following requirements are met:
 - ✓ The ticket is not earmarked by the donor for any specific City official;
 - ✓ The City determines, in its sole discretion, which official may use the ticket; and,
 - ✓ The distribution of the ticket is made in accordance with an official City policy (posted on the City's website) that identifies the "public purpose" served by the distribution.
- ❖ For each ticket distributed in accordance with the official City policy, the City must fill out and post on its website an FPPC Form 802 detailing the date of the event, the name of the individual receiving the ticket, the "public purpose" served by the use of the ticket, and other relevant information.

- ❖ The above procedures pertain solely to an official's admission to an event; they do not exempt from gift rules the food, beverages, or other items of value that the official may receive at the event.

SEMINARS, CONFERENCES, AND MEETINGS

- ❖ The general rules for seminars, conferences, meetings, and similar events are described in the following scenarios:
 - ✓ An official who is invited to attend a trade organization's monthly meeting and is provided with a sandwich and soda is receiving a gift with a value equal to the cost of the sandwich and soda (and presumably falls under the \$50 reporting threshold). If the official gives a speech at the meeting (even if the speech is unrelated to the City), then the items consumed will have no reportable value.
 - ✓ If an official is attending a seminar related to his or her City job duties, then his or her admission to the seminar is exempt from the gift rules regardless of who pays for the admission. Note, however, that food and beverages consumed at the seminar may be reportable "gifts."
 - ✓ If an official gives a speech or participates in a panel at a seminar, then his or her admission to the seminar, as well as any food and beverages consumed at the seminar, are exempt from the gift rules (even if the seminar is unrelated to City business).
- ❖ Rules regarding travel expenses (transportation, lodging, and meals) can be very complicated. Please contact the Ethics Commission for assistance with regard to offers to pay for expenses related to your out-of-town travel to conferences and similar functions.

TICKETS AND INVITATIONS FROM LOBBYISTS

- ❖ Under the City's Lobbying Ordinance, Lobbying Firms and Organization Lobbyists and their lobbyists are prohibiting from giving "City Officials" gifts with a value of more than \$10 in a calendar month. This prohibition applies to tickets and invitations to most events.
- ❖ City Officials should take care to avoid accepting tickets and invitations that would cause a lobbyist to violate the law.
- ❖ The Lobbying Ordinance contains an exemption for tickets to events held for nonprofit entities. Note that this exemption applies only to lobbyists; it does not apply to City Officials. A ticket that has no reportable value for a lobbying entity may still be reportable by a City Official. For example:
 - ✓ A nonprofit organization holds a fundraising event that is open to the public. A lobbyist purchases a table at the event and gives one of the seats to a Councilmember.
 - ✓ Because the City Official's admission is provided by a third party (the lobbyist) instead of by the host of the event (the nonprofit organization), the nonprofit exemptions and reductions discussed earlier in this Fact Sheet will not apply to the City Official. The City Official is receiving a gift from the lobbyist with a reportable value equal to the face value of the ticket.
 - ✓ Because of the nonprofit exemption in the Lobbying Ordinance, the lobbyist's gift is not subject to the \$10 limit, and the lobbyist is not required to report the ticket on his or her firm's quarterly disclosure report. The City Official, however, will have to report the ticket on his or her Form 700 if its value reaches the \$50 reporting threshold.

For additional information regarding the rules contained in this Fact Sheet, please contact the Ethics Commission at (619) 533-3476.

CITY OF ANAHEIM TICKET POLICY

HONDA CENTER, ANGEL STADIUM, THE GROVE OF ANAHEIM, ANAHEIM CONVENTION CENTER AND OTHER TICKETS PROVIDED TO THE CITY FOR ENTERTAINMENT PURPOSES

1.0 Application of Policy.

- 1.1 This policy applies to tickets which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are either:
 - a) gratuitously provided to the City by an outside source;
 - b) acquired by the City by purchase;
 - c) acquired by the City as consideration pursuant to the terms of a contract for the use of a city venue; or
 - d) acquired and distributed by the City in any other manner.
- 1.2 This policy does not apply to any other item of value provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided.
- 1.3 This policy, together with the ticket procedures established pursuant to Section 4.2 below, shall supersede and replace the City's "Complimentary Ticket Policy" relating to tickets for the Honda Center, Angel Stadium of Anaheim, The Grove of Anaheim and the Anaheim Convention Center.

2.0 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 California Political Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may from time to time be amended) and the Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as the same may from time to time be amended).

- 2.1 "City" or "City of Anaheim" shall mean and include the City of Anaheim, the Anaheim Redevelopment Agency, the Anaheim Housing Authority, any other affiliated agency created or activated by the Anaheim City Council, and any departments, boards and commissions thereof.
- 2.2 "City Official" means every member, officer, employee or consultant of the City of Anaheim, as defined in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any City board or commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

2.3 “City Venue” means and includes the Anaheim Convention Center, Angel Stadium of Anaheim, the Honda Center, the Grove of Anaheim, or any other facility owned, controlled or operated by the City of Anaheim.

2.4 “Immediate family” means the spouse and dependent children.

2.5 “Ticket” means and includes any form of admission privilege to a facility, event, show or performance.

3.0 General Provisions.

3.1 No Right to Tickets: The use of complimentary tickets 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.

3.2 Limitation on Transfer of Tickets: Tickets 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 solely for their personal use.

3.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.

4.0 Ticket Administrator.

4.1 The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this policy.

4.2 The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy. All requests for tickets which fall within the scope of this policy shall be made in accordance with the procedures established by the Ticket Administrator.

4.3 The Ticket Administrator shall determine the face value of tickets distributed by the City for purposes of Sections 5.1, 5.2 and 7.1, subparagraph d), of this policy.

4.4 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 in accordance with this policy.

5.0 Conditions Under Which Tickets May be Distributed: Subject to the provisions of this policy, complimentary tickets may be distributed to City Officials under the following conditions:

- 5.1 The City Official Reimburses the City for the face value of the ticket(s).
 - a) Reimbursement shall be made at the time the ticket(s) is/are distributed to the City Official.
 - b) The Ticket Administrator shall, in his or her sole discretion, determine which event tickets, if any, shall be available under this section.
- 5.2 The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws.
- 5.3 The City Official uses, or behests, such ticket(s) for one or more of the following public purposes:
 - a) Performance of a ceremonial role or function representing the City at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
 - b) The job duties of the City Official require his or her attendance at the event, for which the City Official may receive enough tickets for the City Official and each member of his or her immediate family.
 - c) Economic or business development purposes on behalf of the City.
 - d) Intergovernmental relations purposes, 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.
 - e) Attracting or rewarding volunteer public service.
 - f) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Anaheim residents.
 - g) Encouraging or rewarding significant academic, athletic, or public service achievements by Anaheim students, residents or businesses.
 - h) Attracting and retaining highly qualified employees in City service, for which such employee may receive no more than four (4) tickets per event.

- i) As special recognition or reward for meritorious service by a City employee, for which such employee may receive no more than four (4) tickets per event.
- j) For use in connection with a City employee competition or drawing, for which there shall be made available no more than (4) tickets per event.
- k) Recognition of contributions made to the City by former City Council Members or City Executive Managers, for which such former City Council Member or Executive Manager may receive no more than (4) tickets per event.

6.0 Tickets Distributed at the Behest of a City Official.

- 6.1 Only the following City Officials shall have authority to behest tickets: City Council Members, the City Manager, the Assistant City Manager, the Deputy City Manager and Department Heads.
- 6.2 Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in Section 5.3 above.
- 6.3 If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets so distributed to attend the event.

7.0 Disclosure Requirements.

- 7.1 Tickets distributed by the City to any City Official either i) which the City Official treats as income pursuant to Section 5.2 above, or ii) for one or more public purposes described in Section 5.3 above, shall be posted on a form provided by the FPPC in a prominent fashion on the City's website within thirty (30) days after distribution. Such posting shall include the following information:
 - a) The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of tickets provided to the organization in lieu of posting the names of each recipient;
 - b) a description of the event;
 - c) the date of the event;
 - d) the face value of the ticket;
 - e) the number of tickets provided to each person;

f) if the ticket was distributed at the behest of a City Official, the name of the City Official who made such behest; and

g) a description of the public purpose(s) under which the distribution was made, or, alternatively, that City Official is treating the ticket as income.

7.2 Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 5.1 above shall not be subject to the disclosure provisions of Section 7.1.