

RESOLUTION NO. 2009-019

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ESTABLISHING STANDARDS FOR DISTRIBUTION OF TICKETS AND/OR PASSES TO CERTAIN EVENTS IN FURTHERANCE OF THE CITY'S REASONABLY DEFINED PUBLIC PURPOSES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. From time to time, the City receives tickets or passes to various facilities, events or performances or shows from third party sources, both public and private, which the City distributes to various persons including city employees and officials; and,
- B. The Fair Political Practices Commission ("FPPC") has promulgated regulations regarding when disclosure of receipt of these tickets as gifts may be required for those city officials deemed to be who file annual Statements of Economic Interests ("Form 700") under the City's Conflict of Interest Code; and,
- C. FPPC Regulation 18944.1 permits covered tickets to be distributed to these city officials without being treated as gifts on Form 700 if the City distributes these tickets in accordance with a duly adopted written policy consistent with Section 18944.1; and,
- D. The Fair Political Practices Commission ("FPPC") has clearly stated that it recognizes the discretion of the City Council to determine whether the distribution of such tickets serves a legitimate public purpose of the City.

Section 2. The following standards shall apply to the distribution by the City of tickets and/or passes for admission to a facility, event, show, or performance for entertainment, amusement, recreation, or similar purposes as defined by the FPPC Regulation 18944.1.

1. Definitions.
 - a. "Designated Official" shall mean a City public official required by a City Conflict of Interest Code to file a Statement of Economic Interest.
 - b. "Ticket" shall mean a ticket and/or pass for admission to a facility, event, show, or performance for entertainment, amusement,

recreation, or similar purposes (as defined by the FPPC Regulation 18944.1, as amended and interpreted from time to time) that is obtained by the City, a) from an outside source, b) acquired by the City pursuant to a contract for use of City owned property, c) for a City controlled event, or d) purchased by the City at fair market value. This definition shall not include a ticket to an event where there is no admission fee, or to civic, political, community and/or cultural activities including, but not limited to, employee recognitions, neighborhood events, state of the city addresses and community prayer programs, unless expressly determined by otherwise by the FPPC or judicial decision.

2. Purpose of Policy. The purpose of this policy is to ensure that all Tickets provided to the City shall be distributed in accordance with Section 18944.1.

3. Limitations.

- a. This Policy shall only apply to the City's distribution of Tickets to, or at the behest of, a Designated Official.
- b. Tickets provided to a Designated Official as part of their official duties, or tickets provided so that the Designated Official may perform a ceremonial role or function on behalf of the City, shall not be subject to this Policy. These tickets are exempt from any disclosure or reporting requirements.

4. Public Purpose. The City Council hereby finds and determines, in its sound discretion, that the City will accomplish one or more of the following public purposes through distribution of Tickets to Designated Officials, or provided to third persons as the behest of a Designated Official. The list is intended to be illustrative rather than exhaustive of the public purposes that may be served by Designated Officials utilization of Tickets:

- a. Economic, employment and business development on behalf of the City and businesses in the City.
- b. Promotion of City-controlled or sponsored events, activities, or programs, public facilities and resources.
- c. Information gathering and education regarding matters of local, regional and state-wide concern that affect the City including enhancing intergovernmental relations through including attendance at events with or by elected and appointed officials, and their families, from other jurisdictions.

- d. Promoting or showing City appreciation for programs and services rendered by community and other non-profit resources for the benefit of the community including artistic and cultural organizations and institutions.
- e. Promoting, encouraging and rewarding educational and athletic achievements by students and officials of local and regional educational institutions.
- f. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale including exchange programs with national and foreign officials and dignitaries.
- g. Promotion of open government by Designated Official appearances, participation and/or availability at business or community events.
- h. Attracting and retaining highly qualified employees in City service.
- i. Special recognition or reward of meritorious service by a City employee or for use in a City employee competition or drawing.
- j. Performance of a ceremonial or official function on behalf of the City, including the attendance of the Designated Official's immediate family members.
- k. Recognition of contributions made to the City by former City Council members and City officials.

5. City Manager. The City Council hereby delegates the authority to distribute any Tickets in accordance with this policy to the City Manager. In such case where the City Manager desires to obtain a Ticket, the City Council authorizes the City Manager to exercise the City's sole discretion in determining whether the City Manager's use or distribution of tickets and/or passes is in accordance to the terms of this policy.

6. Transfer Prohibition. The transfer by any Designated Official of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the Designated Official's immediate family for their personal use, is prohibited. Government Code Section 82029 has defined immediate family to mean spouse and dependent children.

7. Administrative Procedures, Website Posting. The City Manager shall promulgate an Administrative Procedure that implements this Resolution, which shall be posted on the City's website in a prominent fashion.

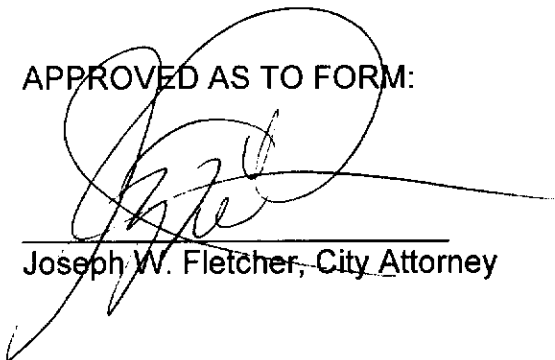
8. Website Disclosure. The distribution of a ticket or pass pursuant to this policy shall be posted on the City website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1 and FPPC Form 802 or such alternative form as may be approved or amended from time to time.

Section 3. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 6th day of April, 2009.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:


Joseph W. Fletcher, City Attorney

AYES: Councilmembers: Alvarez, Benavides, Bustamante, Martinez, Pulido, Sarmiento, Tinajero (7)

NOES: Councilmembers: None (0)


ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify that the attached Resolution No. 2009-019 to be the original resolution adopted by the City Council of the City of Santa Ana on April 6, 2009.

Date: April 9, 2009


Patricia E. Healy
Clerk of the Council
City of Santa Ana