

RESOLUTION NO. 09-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF FULLERTON, CALIFORNIA, ADOPTING A TICKET  
DISTRIBUTION POLICY

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

WHEREAS, such tickets and/or passes are public resources;

WHEREAS, the City desires to use such tickets and/or passes to further governmental and public purposes, such as the promotion of City businesses, resources, programs, and facilities;

WHEREAS, the furtherance of governmental and public purposes may require the distribution of said tickets and/or passes to "public officials," as that term is defined by Government Code Section 82048 and Fair Political Practices Commission Regulation 18701; and

WHEREAS, Fair Political Practices Commission Regulation 18944.1, subdivision (c) requires that any distribution of tickets and/or passes to, or at the request of, City Officials must be made pursuant to a duly adopted written policy if such distribution is made under Fair Political Practices Commission Regulation 18944.1, subdivision (b)(2);

WHEREAS, Fair Political Practices Commission Regulation 18944.1, subdivision (b)(2) pertains to the City's receipt of equal or greater value in exchange for the distribution of a ticket and/or pass to its officials;

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES to adopt the Ticket Distribution Policy which is attached to this resolution as Exhibit A.

ADOPTED BY THE FULLERTON CITY COUNCIL on May 5, 2009.

  
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Don Bankhead, Mayor

  
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Beverley White, City Clerk

## EXHIBIT A

### TICKET DISTRIBUTION POLICY

1. Definitions
  - a. "Agency Head" means the City Manager or his designee.
  - b. "City" shall mean and refer to the City of Fullerton.
  - c. "City Official" 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.
  - d. "Event" shall mean an event, show or performance for entertainment, amusement, recreational or similar purpose for which a ticket is required to gain admission.
  - c. "FPPC" shall mean and refer to the California Fair Political Practices Commission.
  - d. "Policy" shall mean and refer to this Ticket Distribution Policy.
  - e. "Ticket" shall mean and refer to a "ticket or pass" to an Event as that term is defined in FPPC Regulation 18944.1, as amended from time to time.
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 a fair and equitable manner, and in furtherance of a valid governmental and/or public purpose. The distribution of all tickets, to or at the request of a City Official, shall accomplish a public purpose of the City. All tickets shall be distributed by the City in accordance with the provisions of the Political Reform Act, FPPC Regulation 18944.1, and any other applicable laws or regulations.
3. The Agency Head is hereby designated as having primary responsibility for distributing tickets under this policy, completing and posting FPPC Form 802, and otherwise implementing this policy in accordance with applicable law.
4. Limitation. This policy shall only apply to the City's distribution of tickets to a City Official or at the request of a City Official.
5. Official Duties; Ceremonial Roles. Tickets provided to a City Official as part of their official duties, or tickets provided so that a City Official may perform a ceremonial role or function on behalf of the City shall not be subject to this Ticket Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

6. Ticket Distribution Public Purposes.

A. The City Council has determined that there are certain categories of Events where a City Official's attendance serves a valid public purpose which benefits the City. The following is a list of the type of events which meet this requirement. The list is intended to be illustrative rather than exhaustive. The City may provide tickets to or at the request of a City Official for Events which serve any of the following public or governmental purposes:

- 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. This shall specifically include representation by City Officials at fundraising events for local charitable or non-profit organizations that provide a direct and material benefit to the City.
- d. Promotion of City resources available to City residents.
- e. Promotion of community programs available to City residents.
- f. Promotion of City-run, sponsored or supported community programs.
- g. Promotion of private facilities available for City resident use, including charitable and nonprofit organization facilities.
- h. Promotion of City facilities available for City resident use.
- i. Promotion of City growth and development in 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. Increasing public exposure to, and awareness of, the various public recreational, cultural, and education facilities available to the public within the City.
- m. The following is a non-exclusive list of specific business, community, and nonprofit events in the City, where a City Official's presence has been determined to serve a valid public purpose. This list is not intended to be exhaustive, but is merely illustrative of the types of events where the distribution of tickets has been clearly authorized:

1. Fullerton Museum Exhibit Openings
2. Muckenthaler Annual Car Show
3. Muckenthaler Theatre on the Green
4. Fullerton Civic Light Opera
5. CSUF Fund Raising Events
6. St. Jude Hospital/Medical Center Fund Raising Events
7. Fullerton State of the City Luncheon

8. Fullerton Chamber of Commerce Annual Educator of the Year
  9. Fullerton Chamber of Commerce Business of the Year
  10. Fullerton Chamber of Commerce Mayor's Cup Golf Tournament
  11. Fullerton Boys and Girls Club Fund Raising Events
  12. Fullerton YWCA/YWCA Fund Raising Events
  13. Fullerton Airport Days
  14. Fullerton Arboretum Fund Raising Events
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7. **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.
  8. **Return of Tickets.** Any City Official or any member of the City Official's immediate family may return any ticket unused to the City for redistribution pursuant to this policy. Government Code Section 82029 has defined immediate family to mean spouse and dependent children. Under no circumstances may either the City Official or a member of his or her immediate family sell or further transfer any ticket provided under this policy.
  9. **Website Posting.** This Policy shall be posted on the City website in a prominent fashion.
  10. **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 designate.

City of Fullerton  
RESOLUTION CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS  
CITY OF FULLERTON )

RESOLUTION NO. 09-29

I, Beverley White, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certifies that the whole number of the members of the City Council of the City of Fullerton is five; and that the above and foregoing Resolution No. 09-29 was adopted at a regular meeting of the City Council held on the 5<sup>th</sup> day of May, 2009, by the following vote:

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|------------------------|--|
| COUNCIL MEMBER AYES:   | Bankhead, Keller, Jones, Nelson, Quirk |
| COUNCIL MEMBER NOES:   | None                                   |
| COUNCIL MEMBER ABSENT: | None                                   |

  
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Beverley White, City Clerk