Chapter 2.10
DISTRIBUTION OF CITY-CONTROLLED TICKETS TO CITY OFFICIALS

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2.10.010 PURPOSE AND APPLICATION OF POLICY.

The purpose of this Policy is to ensure that all Tickets distributed by the City are issued in furtherance of a valid governmental and/or public purpose of the City as required under Section 18944.1 of the Fair Political Practices Commission ("FPPC") regulations. This Policy applies to Tickets which provide admission to an Event. 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 (FPPC Form 700) under state law or the City's current Conflict of Interest Code.

This Policy only applies to the benefits the City Official receives by the admission, and are not applicable to any other item of value provided. This Policy does not generally apply to political or nonprofit fundraisers which are governed under a separate policy. This Policy also does not apply to Tickets provided directly to or earmarked for the City Official or a certain class of City Officials.

2.10.020 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 be amended from time to time) and the FPPC regulations (Title 2, Division 6 of the California Code of Regulations, section 18110 *et seq.*, as the same may be amended from time to time).

"City" shall mean and refer to the City of Indian Wells and any other affiliated agency created or activated by the Indian Wells City Council.

"City Official" shall mean and refer to every member, elected officer, appointed officer, employee or consultant of the City, as that term is defined by Government Code Section 82048 and FPPC Regulation 18701. This term shall include, without limitation, any City board, commission or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700). For the purposes of this Policy, this term shall also include a spouse serving a public purpose by accompanying a City Official to an Event and thereby serving as an ambassador of the City.

"Event" shall mean an event, show or performance for entertainment, amusement, recreational or similar purpose for which a Ticket is required to gain admission.

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

"Immediate Family" shall mean and refer to spouse and dependent children as defined in Government Code section 82029.

"Policy" shall mean and refer to this "Ticket Distribution Policy".

"Spouse" shall mean a husband or wife, domestic partner, or similar significant other.

"Ticket" shall mean and refer to a "ticket and/or pass" to an Event.

"Ticket Administrator" shall mean and refer to the City Manager or his/her designee.

2.10.030 GENERAL PROVISIONS.

1) No Right to Tickets: The use of a Ticket 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.

2) Limitation on Transfer of Tickets: Tickets distributed to City Officials 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 guest solely for their attendance at the event. 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.

3) Return of Tickets: Any City Official may return any Ticket unused to the City for redistribution pursuant to this Policy.

4) Prohibition Against Sale of or Receiving Reimbursement for Tickets: No individual who receives a Ticket pursuant to this Policy shall sell or receive reimbursement for the value of the Ticket.

5) No Earmarking of Ticket Given to City: No Ticket gratuitously provided to the City by an outside source and distributed by the City to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for use by a particular City Official or a specific class of City Officials.

6) Limitation on Use: Any ticket or pass is deemed to serve a public purpose if distributed to a City Official, other than an elected official, for the City Official's personal use in order to support general employee morale, to encourage retention, or to reward public service, if the ticket or pass is acquired by the City: (i) pursuant to a contract to use public property, (ii) because the City controls the event, or (iii) by purchase at fair market value. For purposes of this paragraph, "personal use" means use by the City Official, his or her family, or no more than one guest. Nothing in this section limits the receipt, distribution and behest of tickets or passes by elected officials for any of the other public purposes stated in Section 2.10.060.

2.10.040 TICKET ADMINISTRATOR.

a) Designation of Ticket Administrator: The City Manager or his/her designee shall be the "Ticket Administrator" for purposes of implementing the provisions of this Policy.

b) Authority: The Ticket Administrator has the sole authority, in his or her discretion, to establish procedures for the distribution of Tickets supplemental to and in accordance with this Policy. All requests for tickets from City Officials which fall within the scope of the Policy shall be made in accordance with the procedures established by the Ticket Administrator.

c) Implementation of Policy: The Ticket Administrator or his or her designee is hereby designated as having primary responsibility for distributing Tickets in his or her discretion to a reasonable number of City Officials in a manner that will best serve the City's interests and to persons whose attendance at a particular Event serves a specific governmental or public purpose.

d) Revoking/Suspending Ticket Privileges: 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.

e) Attendance: If available, the Ticket Administrator shall attend all events to which the City obtains control of Tickets as the City's primary staff representative.

2.10.050 OFFICIAL DUTIES AND CEREMONIAL ROLES.

Tickets provided to City Officials as part of their official duties, or Tickets provided so that the City Official can perform a Ceremonial Role must be reported on FPPC Form 802.

2.10.060 SPECIFIC GOVERNMENTAL OR PUBLIC PURPOSE FOR TICKET DISTRIBUTION.

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

a) Promote, evaluate, and provide management and/or official oversight of City-controlled, sponsored or supported events, activities, or community programs at City venues, including but not limited to evaluation of the venue, quality of performance and compliance with City policies, agreements and other requirements.

b) Support sponsorship agreements involving Events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts or sponsors providing the necessary opportunities to meet and greet visitors, dignitaries, residents and guests.

c) Where the City, as a form on consideration for a written contract, has required that a certain number of Tickets be made available for City use.

d) Promote local and regional businesses, economic development and tourism activities within the City, including conventions and conferences.

e) Enhance City recognition, visibility, and/or profile on a local, state, national or worldwide scale.

f) Foster open government by City Official appearances, participation and/or availability at business and/or community events.

g) Improve intergovernmental relations by encouraging the members of the City Council, City staff, and their guests, where appropriate, to attend functions and events with the public officials of other entities, thereby fostering an open dialogue and better understanding of intergovernmental issues.

h) Increase public exposure to, and awareness of, the various public recreational, cultural, community and education facilities available to the public within the City.

i) Promote business activity with the City and/or highlight the achievements of local residents and businesses.

j) Promote business growth and development within the City, including economic development and job creation opportunities.

k) Facilitate outreach and recognition programs for veterans, teachers, emergency services, medical personnel, community organizations and other civil service occupations.

l) Encourage or reward significant academic, athletic, or public service achievements by Indian Wells students, residents or businesses.

m) Promote community resources and private facilities, including charitable and nonprofit organizations facilities, available for use by City residents.

n) Promote, support and/or show appreciation for programs and services rendered by non-profit organizations benefiting Indian Wells residents.

o) Encourage volunteers to become members of City commissions, committees and boards and reward volunteer public service.

p) Attract and retain highly qualified employees in City service, recognize or reward meritorious service by a City employee, and/or promote enhanced City employee performance or morale.

q) 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. BNP Paribas Open
2. Desert Town Hall Lecture Series
3. Indian Wells Arts Festival
4. Doctor George Car Show

2.10.070 TICKETS DISTRIBUTED AT THE BEHEST OF A CITY OFFICIAL.

Only the following City Officials shall have the authority to behest tickets: City Council Members, City Manager and Department Heads.

Tickets shall be distributed at the behest of a City Official only for one or more public purposes set forth in section 2.10.060 above. 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.

2.10.080 PUBLIC PURPOSES RELATED TO BNP PARIBAS OPEN.

Participation by City Officials in the ticketed events and activities hosted by the BNP Paribas Open is important to provide an opportunity for City leaders to be involved in the City's largest special event. By attending the two week long activities, including the tournament, City Officials have the ability to meet and greet residents and visitors to the City. Moreover, City Officials are accountable for the funding and support that the City contributes to the BNP Paribas Open, and therefore some level of attendance during the tournament is necessary for City Officials to provide suggested improvements to Desert Champions LLC management staff and City staff that will enhance and improve the overall event and its economic and public impact on the City.

2.10.090 PUBLIC PURPOSES RELATED TO CITY SPONSORED EVENTS.

Participation by City Officials in events wherein the City has made a monetary contribution and/or is a named sponsor is important. Such events serve to enhance the image of the City as a world-class destination resort. These events provide the public with access to many distinguished public and civic leaders as well as significant cultural enhancement. The active participation of City Officials at such events serves to attract additional resources and economic opportunities for this community. City Officials at such events represent the City in interacting with dignitaries and they meet and greet residents and visitors to the City. Moreover, City Officials are accountable for the funding and support that the City contributes to these events, and therefore some level of attendance is appropriate for City Officials to monitor and evaluate the effectiveness of the event and suggest ways in which events may be enhanced and improved to maximize the economic and public benefit to the City.

2.10.100 DISCLOSURE REQUIREMENTS.

It shall be the duty of the Ticket Administrator or his or her designee to ensure the City's compliance with Section 18944.1(d) of the California Code of Regulations pertaining to the reporting of the distribution of Tickets by a public agency to officials or officers of the City. The City shall complete a record of a Ticket distributed under this Policy on FPPC Form 802, including all the information as required under Section 19844.1. The form shall be maintained as a public record. The forms shall be maintained as a public record, be subject to inspection and copying under Section 81008(a), and be forwarded to the FPPC for posting on its website.