

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: DISTRIBUTION OF CITY TICKETS AND PASSES	POLICY A-28	
REFERENCE: Adopted 5/26/09 Revised 9/10/19	EFFECTIVE 9/10/19	PAGE 1 of 4

PURPOSE

To ensure that all tickets or passes to entertainment events, received by the City and provided by City contractors, vendors, or other third parties, are distributed to City officials in furtherance of governmental and/or public purposes.

BACKGROUND

Title 2 California Code of Regulations section 18944.1 is a part of the regulations promulgated by the Fair Political Practices Commission for the Political Reform Act (the "Act"), and applies to the City of El Cajon, and its public officials. The Act requires that public officials (as defined in the Act) comply with the City's conflict of interest code, as well as the Act and the regulations found in Title 2.

Section 18944.1 establishes the circumstances under which the receipt of tickets and passes by a public official would need to be disclosed by the City and the circumstances under which they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interests (the "Form 700"). In many cases the use of the tickets or passes for entertainment events, received by the City and distributed to City officials, further the City's governmental and public purposes, in which cases the receipt of the tickets or passes by the officials should not be deemed receipt of gifts on the part of the officials. Section 18944.1 requires, among other things, that if the tickets or passes are not to be considered gifts to City officials, they must be distributed in accordance with a written policy that has been adopted by the City Council.

POLICY

The City Manager, or a person designated by the City Manager, shall be responsible for the implementation of distribution of tickets or passes to entertainment events acquired by, or otherwise provided to, the City, and thereafter provided to City officials and employees, and to distribute tickets and passes pursuant to the following policy:

1. Limitation. This Policy shall only apply to the City's distribution of tickets and/or passes to a public official or at the request of a public official, for which no consideration of equal or greater value is provided by the public official. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this policy.
2. Disproportionate Use of Tickets or Passes. The distribution of tickets or passes pursuant to this policy shall ensure no disproportionate use of tickets or passes occurs by any single public employee of the City of El Cajon, including the chief administrative officer, political appointee, elected official, or department head.

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3. Official Duties; Ceremonial Roles. Tickets provided to public officials as part of their official duties, or tickets provided so that the public official may perform a ceremonial role or function on behalf of the City shall not be subject to this Tickets and Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

4. Public Purpose. The City shall only provide a ticket and/or pass to or at the request of a public official, under any of the following City public and governmental purposes:
 - a. Promotion of local and regional businesses, economic development and tourism activities within the City, including conventions and conferences.
 - b. Promotion of City-controlled or sponsored events, activities, or programs.
 - c. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.
 - d. Marketing promotions highlighting the achievements of local residents and businesses.
 - e. Promotion and marketing of private facilities available for City resident use, including charitable and nonprofit facilities.
 - f. Promotion of public facilities available for City resident use.
 - g. Promotion of City growth and development, including economic development and job creation opportunities.
 - h. Promotion of City landmarks and/or community events.
 - i. Promotion of special events in accordance with any City contract.
 - j. Exchange programs with foreign officials and dignitaries.
 - k. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale.
 - l. Promotion of open government by public official appearances, participation and/or availability at business or community events.

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- m. Sponsorship agreements involving private events where the City specifically seeks to enhance the City's reputation both locally and regionally by serving as hosts providing the necessary opportunities to meet and greet visitors, dignitaries, and residents.
 - n. All written contracts where the City as a form of consideration has required that a certain number of tickets or suites be made available for City use.
 - o. Employment retention programs, such as drawings or raffles, which aim to support overall employee morale.
 - p. Special outreach programs for veterans, teachers, emergency services, medical personnel, and other civil service occupations.
 - q. Spouses of or immediate dependents of public officials in order to accompany him or her to any of the items listed above.
 - r. For the oversight or inspection of facilities, which shall be subject to a report stating findings and recommendations.
 - s. Any purpose similar to above included in any City contract.
5. City Manager. The City delegates the authority to distribute any tickets and/or passes in accordance with this policy to the City Manager or his or her designee. In such case, where the City Manager desires to obtain a ticket or pass, the City Council authorizes the City Manager to exercise the City's sole discretion in determining whether the City Manager's use or behest of tickets and/or passes is in accordance to the terms of this policy.
6. Transfer Prohibition. The transfer by any public official of any tickets and/or passes distributed pursuant to this policy to any other person is prohibited, except:
- a. To members of the public official's immediate family for their personal use, for which the familial relationship must be identified.
 - i. Government Code Section 82029 has defined immediate family to mean spouse and dependent children.
 - b. To one guest, solely for their attendance of the event.

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7. Return of— or Reimbursement for Tickets and/or Passes. Any public official or any member of the public official's immediate family may return any ticket and/or pass unused to the City for redistribution pursuant to this policy. Under no circumstances may either the public official or a member of his or her immediate family sell or further transfer any ticket and/or pass provided under this policy.

8. Website Disclosure and Posting. The distribution of tickets or passes pursuant to this policy shall be posted on the City website in a prominent fashion within forty-five (45) days after the event and shall remain posted for a minimum of twelve (12) months. Any such posting shall use FPPC Form 802 and include all information as required under Section 18944.1 (d)(1), including the recipient(s) name and the fair value of the ticket or pass.

9. The Magnolia (Formerly East County Performing Arts Center). Tickets and/or passes received under the Agreement for The Magnolia between the City of El Cajon and Live Nation Worldwide, Inc. are subject to this policy.
 - a. At the City Manager's discretion, complimentary tickets to events at the Magnolia shall be distributed to City employees, City elected officials, local business people, economic development prospects, City commissioners, members of other government entities, or third parties in accordance with this policy.
 - i. Not all events will have available tickets.