

RESOLUTION NO. 2698-10

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
ADOPTING A WRITTEN POLICY
FOR DISTRIBUTION OF TOWN CONTROLLED TICKETS AND/OR PASSES
TO TOWN OFFICIALS IN COMPLIANCE WITH
CALIFORNIA CODE OF REGULATIONS, SECTION 18944.1,
AS AMENDED BY THE FAIR POLITICAL PRACTICES
COMMISSION (FPPC)**

WHEREAS, Title 2 of the California Code of Regulations, Section 18944.1 (“Section 18944.1”) was adopted by the Fair Political Practices Commission to regulate the distribution of Tickets and/or Passes to public officials providing admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose (“Tickets and/or Passes”); and

WHEREAS, from time to time, the Town receives Tickets and/or Passes from third party sources, both public and private; and

WHEREAS, Town desires to distribute Tickets and/or Passes in a manner that furthers the Town’s governmental and public purposes, including the promotion of local businesses, community resources, programs and facilities; and

WHEREAS, Section 18944.1 was recently amended to further restrict the use of Tickets and/or Passes by public officials; and

WHEREAS, consistent with Section 18944.1, Town desires to adopt a written policy related to the distribution of Tickets and/or Passes and establishing procedures for the disclosure of Tickets and/or Passes distributed to, or at the behest of, Town public officials.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Windsor as follows:

Section 1. Adoption of Ticket and/or Passes Policy

The Town Council hereby adopts the Town of Windsor Ticket and/or Pass Distribution Policy (“Ticket and/or Pass Policy”), incorporated herein by this reference and attached hereto as “Exhibit A.”

Section 2. Posting of Ticket and/or Pass Policy

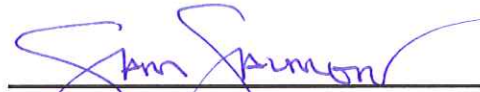
Consistent with the requirements of California Code of Regulations Section 18944.1, the Town Council hereby directs the Town Clerk to post the Ticket and/or Pass Policy in a prominent fashion on the Town’s Website.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS 2nd day of June 2010, by the following vote:

**AYES: COUNCILMEMBERS FUDGE, GOBLE, SCHOLAR AND
MAYOR SALMON**
NOES: NONE
ABSTAIN: NONE
ABSENT: VICE MAYOR ALLEN



SAM SALMON, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment:

1. Exhibit "A": Ticket/Pass Distribution Policy

**TOWN OF WINDSOR
TICKET AND/OR PASS DISTRIBUTION POLICY
EXHIBIT "A"**

1.0 Purpose of Policy.

1.1 The purpose of this Policy is to ensure that all Tickets and/or Passes the Town receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.

2.0 Application of Policy:

2.1 This Policy applies to Tickets and/or Passes which provide admission to a facility or event for an entertainment, amusement, recreational or similar purpose, and are:

- a) gratuitously provided to the Town by an outside source;
- b) acquired by the Town by purchase; or
- c) acquired and distributed by the Town in any other manner.

2.2 This Policy shall only apply to the Town's distribution of Tickets and/or Passes to, or at the behest of a Town Official. This Policy does not apply to any other item of value provided to the Town or any Town Official, regardless of whether received gratuitously or for which consideration is provided.

2.3 This Policy, together with the procedures established pursuant to Section 4.4 below, shall supersede and replace any prior Town policy governing the distribution of Tickets and/or Passes to Town Officials.

3.0 Definitions: Unless otherwise expressly provided herein, words and terms used in the Policy shall have the same meaning as in the California Political Reform Act of 1974 (Government Code Sections 81000 *et seq.*, as amended from time to time) and the related Fair Political Practices Commission ("FPPC") Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as amended from time to time).

3.1 "Town" or "Town of Windsor" means and includes the Town of Windsor, the Redevelopment Agency of the Town of Windsor, the Windsor Water District, and any other affiliated agency created or activated by the Windsor Town Council, and any departments, boards and commissions thereof.

3.2 "Town Official" means the Town's "public officials," as that term is defined by the California Political Reform Act, and shall include, without limitation, any Town board, commission member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).

3.3 "FPPC" means the California Fair Political Practices Commission.

3.4 "Immediate family" means an individual's spouse and dependent children.

3.5 "Policy" means this Ticket and/or Pass Distribution Policy.

3.6 "Ticket and/or Pass" means any form of admission privilege to a facility, event, show or performance.

4.0 General Provisions:

4.1 No Right to Tickets and/or Passes: The distribution of Tickets and/or Passes pursuant to this Policy is a privilege extended by the Town and not the right of any person to whom the privilege may from time to time be extended.

4.2 Limitation on Transfer of Tickets and/or Passes: Tickets and/or Passes distributed to a Town Official pursuant to this Policy shall not be transferred to any other person, except to members of the Town Official's immediate family solely for their personal use.

4.3 Prohibition Against Sale of or Receiving Reimbursement for Tickets and/or Passes: No person who receives a Ticket and/or Pass pursuant to this policy shall sell, receive reimbursement for, or receive any other consideration in exchange for the Ticket and/or Pass.

4.4 Implementation of Policy: The Town Manager or his/her designee shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets and/or Passes in accordance with this Policy. All requests for Tickets and/or Passes which fall within the scope of this Policy shall be made in accordance with the procedures established by the Town Manager or his/her designee.

4.5 Designation of Agency Head: The Town Manager or his/her designee shall be the "Agency Head" for purposes of implementing the provisions of this Policy and posting the disclosure forms required by the FPPC.

4.6 No Earmarking of the Ticket and/or Pass to Town: No Ticket and/or Pass gratuitously provided to the Town by an outside source and distributed to, or at the behest of a Town Official pursuant to this Policy shall be earmarked by the original source for distribution to a particular Town Official.

4.7 Valuation of Tickets and/or Passes: The Town Manager or his/her designee shall determine the face value of all Tickets and/or Passes distributed by the Town pursuant to this Policy.

4.8 Revocation of Privileges: The Town Manager or his/her designee, in his or her sole discretion, may revoke or suspend the Ticket and/or Pass privileges of any person who violates any provision of this Policy or the procedures established by the Town Manager or his/her designee for the distribution of Tickets and/or Passes in accordance with this Policy.

5.0 Distribution of Tickets and/or Passes: Subject to the provisions of this Policy, complimentary Tickets and/or Passes may be distributed to Town Officials under any of the following conditions:

- 5.1 The Town Official reimburses the Town for the face value of the Tickets and/or Passes.
- 5.2 The Town Official treats the Tickets and/or Passes as income consistent with applicable federal and state income tax laws.
- 5.3 The distribution of the Tickets and/or Passes to, or at the behest of the Town Official accomplishes a governmental and/or public purpose, including but not limited to any of the following:
 - a) The performance of a ceremonial role or function by a Town Official on behalf of the Town at an event.
 - b) The official duties of the Town Official require his or her attendance at the event.
 - c) Promotion of intergovernmental relations and/or cooperation with other governmental agencies, 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.
 - d) Promotion of Town resources and/or facilities available to Windsor residents.
 - e) Promotion of Town initiated, sponsored or supported community programs or events.
 - f) Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organization benefiting Windsor residents.
 - g) Promotion of business activity, development, and/or redevelopment within the Town.
 - h) Promotion of Town-owned businesses.
 - i) Promotion of Town tourism.
 - j) Increasing public awareness of the various recreational, cultural, and educational venues and facilities available to the public within the Town.
 - k) Attracting and/or rewarding volunteer public service.
 - l) Encouraging or rewarding significant academic, athletic, or public service achievements by Windsor students, residents or businesses.

- m) Attracting and retaining highly qualified employees in the Town service.
- n) Recognizing or rewarding meritorious service by a Town employee.
- o) Promoting enhanced Town employee performance or morale.
- p) Recognizing contributions made to the Town by former Town Council Members or Town employees.

6.0 Disclosure Requirements:

6.1 This Policy shall be posted on the Town's website in a prominent fashion.

6.2 Tickets and/or Passes distributed pursuant to this Policy shall be disclosed on a form provided by the FPPC and posted on the Town's website in a prominent fashion within thirty (30) days from the date the Tickets and/or Passes are received by, or distributed at the behest of, a Town Official. The disclosure form shall include the following information:

- a) The name of the recipient, except that if the recipient is an organization, the Town may post the name, address, description of the organization and number of tickets and/or passes 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 and/or Pass;
- e) The number of Tickets and/or Passes provided to each person;
- f) If the Ticket and/or Pass was distributed at the behest of a Town Official, the name of the Town Official who made the behest; and
- g) A description of the public purpose(s) furthered by the Ticket and/or Pass distribution, or, alternatively, that the Town Official is treating the Ticket and/or Pass as income.

6.3 Tickets and/or Passes distributed by the Town for which the Town receives reimbursement from the Town Official as provided under Section 5.1 above shall not be subject to the disclosure provisions of Section 6.2.