

POLICY AND PROCEDURES FOR CITY DISTRIBUTION OF TICKETS OR PASSES

Background

The Newport Beach City Council, Boards, Commissions, and officials are subject to certain laws and regulations pertaining to gifts. The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act contained in Government Code Section 81000 et seq., as well as the regulations contained in Title 2, California Code of Regulations, Sections 18110 et seq.

Purpose

The City strives to provide impartial and high-quality services to its residents, businesses, and visitors. The receipt by City officials of gifts or other items of value can be perceived as attempts to influence City operations and the City wishes to avoid any appearance of impropriety or favoritism. However, City official attendance at public events is necessary to achieve the goals of governance, both to promote the policies of the City and to maintain close contact with the citizens and interest groups within the city. This policy outlines a fair and impartial procedure for the disposition of tickets or passes by the City in furtherance of a governmental purpose. It implements the directives of FPPC regulations and establishes procedures as required by Title 2, Division 6, Chapter 9.5, Section 18944.1 of the California Code of Regulations, for the acceptance and distribution of tickets or passes by the City. This Policy also ensures that tickets or passes distributed by the City are disclosed upon the required FPPC forms.

Application of Policy

This policy applies to tickets or passes which provide admission to a facility or event for an entertainment, amusement, recreational, or similar purpose, and are: gratuitously provided to the City by an outside source; acquired by the City by purchase; acquired by the City as consideration pursuant to the terms of a contract; or acquired and distributed by the City in any other manner.

Tickets or passes shall be distributed under this Policy at the sole discretion of the City pursuant to this Policy. Tickets or passes distributed under this Policy shall not be earmarked for distribution to a City Official or person by any outside source.

A ticket or pass may only be distributed by the City under this Policy if it serves a public purpose as set forth below. If the ticket or pass does not serve a public purpose, it shall be returned to its source or shall be given to an active 501(c)(3) non-profit, charitable organization that does business within the city. The Ticket Administrator shall make the necessary determinations under this Policy.

This policy does not apply to any other item of value provided to the City or any City Official, regardless of whether it is received gratuitously or for which consideration is provided.

Definitions

- A. Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as those ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code Sections 81000, *et seq.*, as the same may from time to time be amended) and the FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18110 *et seq.*, as the same may from time to time be amended).
- B. "City Manager" means the City Manager or his/her designee.
- C. "City Official" means City Council Members, the City Manager, Assistant City Manager, City Attorney, City Clerk, and Department Heads.
- E. "Immediate family" means and includes a spouse and dependent children.
- F. "Pass" means a ticket that provides repeated access, entry or admission to a facility or series of events and for which similar passes are sold to the public.
- G. "Ticket" means anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits the ticket provides. As used herein, a "ticket" includes any pass.

General Provisions

- A. No Right to Tickets: The use of complimentary tickets 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.
- B. Limitation on Transfer of Tickets: Except as expressly set forth herein, tickets distributed pursuant to this policy shall not be transferred to any other person other than: an immediate family member for personal use; or a single guest of the attendee.
- C. Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket.
- D. No Disproportionate Use: The disproportionate use of tickets by a City Official is prohibited.

Ticket Administrator

- A. The City Manager shall be the Ticket Administrator for purposes of implementing the provisions of this Policy.
- B. The Ticket Administrator shall have the authority, in his/her sole discretion, to establish procedures for the distribution of tickets in accordance with this policy. All requests for tickets which fall within the scope of this Policy shall be made in accordance with the procedures established by the Ticket Administrator.
- C. The Ticket Administrator shall determine the face value of tickets distributed by the City for purposes of this Policy.

- D. The Ticket Administrator, in his/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.

Conditions Under Which Tickets May be Distributed

- A. Subject to the provisions of this Policy, complimentary tickets may be distributed to City Officials, or at the behest of a City Official, under the following conditions:
1. The City Official Reimburses the City for the face or fair value of the ticket(s), whichever is applicable. Reimbursement shall be made at the time the ticket(s) is distributed to the City Official.
 2. The City Official treats the ticket(s) as income consistent with applicable federal and state income tax laws.
 3. The City Official uses, or behests, such tickets to accomplish one or more of the following public purposes:
 - (a) Performance of a ceremonial role or function representing the City at the event.
 - (b) The job duties of the City Official require his or her attendance at the event.
 - (c) Promotion of local and regional businesses and economic development within the City, including, but not limited to, conventions, and conferences.
 - (d) Promotion of City-controlled or sponsored events, activities or programs.
 - (e) Marketing promotions that highlight the achievements of residents and businesses.
 - (f) Promotion of marketing of private facilities available for City resident use, including charitable and nonprofit facilities.
 - (g) Promotion of public facilities, landmarks, special events, and community events.
 - (h) Intergovernmental relations purposes, including but not limited to attendance at an event with or by elected or appointed public officials from other jurisdictions.
 - (i) Attracting or rewarding volunteer public service.
 - (j) Exchange programs with foreign officials and dignitaries.
 - (k) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Newport Beach residents.
 - (l) Encouraging or rewarding significant academic, athletic, or public service achievements by Newport Beach students, residents, or businesses.

- (m) Attracting and retaining highly qualified employees in City service.
- (n) As special recognition or reward for meritorious service by a City employee.
- (o) For use in connection with a City employee competition or drawing.
- (p) Recognition of contributions made to the City by former City Council Members or City Council appointees.
- (q) Special outreach or support programs for active military, veterans, teachers, emergency services, medical personnel, and other civil service occupations.

- B. Tickets distributed to a City Official or City employee for a public purpose set forth above may only be distributed to: the City Official or City employee and their family members; or City Official or City employee and one guest.

Distribution of Tickets or Passes by the City.

- A. City Officials shall have authority to request tickets from the Ticket Administrator.
- B. Ticket requests do not guarantee ticket distributions. The Ticket Administrator is responsible for selecting recipients to receive tickets.
- C. Tickets distributed pursuant to a City Official's request are distributed at the behest of that City Official for FPPC reporting purposes. If tickets are distributed at the behest of a City Official, such City Official shall not use one of the tickets to attend the event.

Reporting Obligations

- A. The Ticket Administrator shall manage the receipt, distribution, and accounting for all tickets or passes subject to this Policy.
- B. The Ticket Administrator shall be responsible for completing or having the City Clerk complete the FPPC Form 802 for each distribution to a City Official, or made at the behest of a City Official, and complying with the posting requirements. The City Clerk shall maintain a completed Form 802 for not less than four (4) years, or other period as specified in any applicable FPPC Regulation. If the ticket or pass is distributed to a department or other unit of the City, and not a City Official, the City may report the name of the department or other unit of the agency receiving the ticket or pass and the number of tickets or passes provided to the department or unit in lieu of reporting the name of the individual employees.
- C. The Ticket Administrator shall be responsible for providing information regarding recipients as required by the Office of the Comptroller for tax reporting purposes.
- D. The City Clerk shall cause this policy to be posted on the City website and shall see to it that the most current version of this policy is available in a prominent fashion on the City website. The City Clerk shall send, via email, to the Fair Political Practices Commission the City's website link that displays this policy so that the Commission may post the website link.

Other Provisions

- A. A City Official may return any ticket or pass unused to the Ticket Administrator for redistribution pursuant to this Policy.
- B. If a ticket or pass is distributed pursuant to this Policy, it shall not be considered a gift to the recipient and shall not be reported as a gift on FPPC Form 700.

History

Adopted A-8 - 03-09-1970 (Comp Balboa Bay Club Cards)

Reaffirmed A-8 - 02-14-1972

Amended A-8 - 12-10-1973

Amended A-8 - 11-11-1974

Amended A-8 - 02-23-1981

Adopted F-27 - 06-23-2009 (unknown when A-8 no longer in use)

Amended F-27 - 05-12-2015

Amended F-27 - 09-10-2019

Amended F-27 02-24-2026