

**RESOLUTION NO. 2009-047**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, REGARDING THE RECEIPT AND DISTRIBUTION POLICY OF TICKETS AND / OR PASSES IN THE FURTHERANCE OF THE CITY'S REASONABLY DEFINED PUBLIC PURPOSES**

**WHEREAS**, every California city by and through its governing body and other public officials, is empowered to exercise all powers necessary or appropriate to a municipal corporation for the general welfare of its inhabitants which are not prohibited by the California Constitution; and

**WHEREAS**, the City of Hesperia operates in a highly-competitive environment to grow and maintain its reputation as a vibrant place to live, work and do business and as a desirable visitor destination center and therefore, the City must take proactive steps to attract private and public investment in a matter that best maximizes the City's investment of public resources; and

**WHEREAS**, as part of the City's development and marketing strategies, the City Council cultivates opportunities to showcase the City's unique attributes including, but not limited to the City's business development climate, local tourism base, its highly trained workforce, open government and its diverse array of local attractions, cultural and civic events; and

**WHEREAS**, from time to time, the City receives "tickets or passes" from third party sources, both public and private; and

**WHEREAS**, under Title 2 of the California Code of Regulations, Section 18944.1 ("Section 18944.1") these tickets and / or passes are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

**WHEREAS**, on December 11, 2008, the FPPC adopted new regulations that set up 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 they would be distributed to public officials and not trigger disclosure requirements for the purposes of the public official's Statement of Economic Interests ("Form 700"); and

**WHEREAS**, the City finds that the receipt of all such tickets and / or passes are public resources; and

**WHEREAS**, the City desires to distribute these public resources in a manner that furthers the City's governmental and public purposes as reasonably described herein, such as the promotion of local businesses, community resources, programs and facilities; and

**WHEREAS**, according to Section 18944.1 these tickets and / or passes are not gifts to public officials if City distributes these tickets and / or passes in accordance with a duly adopted written policy, when distributed under Section 18944.1, subdivision (b)(2); and

**WHEREAS**, the Fair Political Practices Commission ("FPPC") has clearly stated that it recognizes the discretion of the legislative or governing body of an agency to determine whether the distribution of tickets and / or passes serves a legitimate public purpose of the City, provided that the determination is consistent with state law.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:**

**CITY OF HESPERIA TICKETS AND / OR PASSES DISTRIBUTION POLICY**

**Section 1. Purpose of Policy.** The purpose of this policy is to ensure that all tickets and / or passes provided to the City shall be distributed in furtherance of governmental and / or public purposes as required under Section 18944.1.

**Section 2. 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.

**Section 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 / or Passes Distribution Policy. These tickets are exempt from any disclosure or reporting requirements.

**Section 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.
- 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.
- p. Special outreach programs for veterans, teachers, emergency services, medical personnel and other civil service occupations.
- q. Spouses of or immediate dependants of public officials in order to accompany him or her to any of the items listed above.
- r. Any purpose similar to above included in any City contract.

**Section 5.** Return of 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. Government Code section 82029 has defined immediate family to mean spouse and dependent children. 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.

**Section 6.** 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 distribution of tickets and / or passes is in accordance to the terms of this policy.

**Section 7.** Solicitation of Donated Tickets and / or Passes. The City Manager may authorize City staff to approach companies or organizations to request donation of tickets and / or passes to facilitate the achievement of the governmental and public purposes.

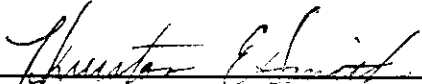
**Section 8.** No Right to Tickets. The use of complimentary tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended. No ticket gratuitously provided to the City by an outside source and distributed to, or at the behest of, a City official pursuant to the policy shall be earmarked by the original source for provision to a particular City official or employee.

**Section 9. Transfer Prohibition.** The transfer by any public official of any tickets and / or passes distributed pursuant to this policy to any other person, except to members of the public official's immediate family for their personal use, is prohibited.

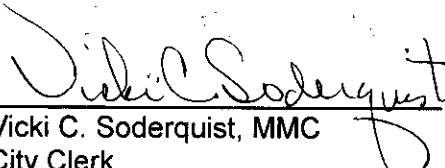
**Section 10. Website Posting.** This policy shall be posted on the City's website in a prominent fashion. These forms shall be posted for twelve (12) months and may be removed at the City's discretion anytime thereafter.

**Section 11. Website Disclosure.** The distribution of tickets or passes pursuant to this policy shall be posted on the City website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1. Any such posting shall use FPPC Form 802 or such alternative form as may be approved or amended from time to time.

**ADOPTED AND APPROVED** this 20<sup>th</sup> day of October 2009.

  
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Thurston Smith, Mayor

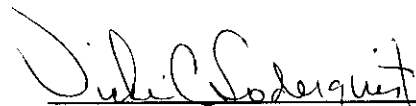
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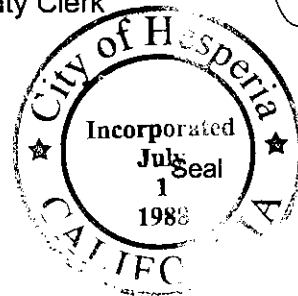
  
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Vicki C. Soderquist, MMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF HESPERIA )

I, Vicki C. Soderquist, City Clerk of the City of Hesperia, California, do hereby certify that Resolution No. 2009-047 was duly adopted by the City Council of the City of Hesperia, California at a Regular Meeting thereof held on the 3rd day of November 2009 by the following vote to wit:

AYES: Council Members Bosacki, Leonard, Pack, Mayor Pro Tem Vogler and Mayor Smith  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
Vicki C. Soderquist, MMC  
City Clerk



I, \_\_\_\_\_, City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Resolution No. 2009-047 is a full, true and correct copy of that now in file in this office.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the City of Hesperia, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Vicki C. Soderquist, MMC  
City Clerk

Seal

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1. The first part of the document is a list of names and addresses of the members of the committee.

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