



Agenda Item # \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Cohen and Members of the City Council

**FROM:** Robert V. Wadden Jr., City Attorney

**DATE:** May 5, 2009

**SUBJECT:** Adoption of Resolution No. 6187 Adopting A Policy Regarding Use of Tickets and Passes Donated To The City

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**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 6187 and direct that the policy adopted be placed on the City's website.

**FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action

**BACKGROUND:**

Traditionally various organizations have donated tickets and passes to the City for local events. Typically these tickets and passes are used by City officials and staff and their family members to attend events as representatives of the City. In the past tickets donated to an agency were not considered to be gifts to the users for conflict of interest or reporting purposes. However, in January 2009 the Fair Political Practices Commission ("FPPC") adopted new regulations which treat such tickets somewhat differently. The regulations require passage of a resolution establishing an agency policy regarding such tickets and passes in order for them to not be considered as gifts to those using them. The policy is required to be maintained on the agency's web site at all times.

**DISCUSSION:**

The proposed resolution incorporates the elements required by the new FPPC regulations (contained at 2 CCR section 18944.1(c)) including provisions that: establish the public purpose furthered by the use of the tickets or passes; require that the use of the tickets accomplish such a public purpose; prohibit transfer of such tickets or passes by the public official receiving them to any one other their immediate family. If the Council adopts the proposed resolution and the foregoing policies are followed the City officials or staff using tickets or passes donated to the City need not report the tickets or passes as gifts and their use will not create a potential conflict of interest.

Attachments: A. Resolution No. 6187

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cc: Geoff Dolan, City Manager

RESOLUTION NO. 6187

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MANHATTAN BEACH, CALIFORNIA, ESTABLISHING A POLICY  
REGARDING USE OF TICKETS OR PASSES DONATED TO THE CITY

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF  
MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER  
AS FOLLOWS:

SECTION 1. The City Council hereby finds as follows:

- A. On occasion tickets or passes to various events for which an admission charge is made to the public are donated to the City;
- B. In January of 2009 the Fair Political Practices Commission ("FPPC") passed a new regulation, memorialized in 2 CCR section 18944.1 which requires that a procedure for disposition of donated tickets and passes to a City be memorialized in a resolution adopted by the governing board of an agency;
- C. This Resolution is intended to comply with the requirements of Regulation 18944.1;
- D. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and;
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and,
- F. It is in the best interest of the health, safety and welfare of the citizens of Manhattan Beach to adopt the following guidelines:

SECTION 2. The following policy shall be adopted regarding the use and distribution of tickets and passes with a fair market value which are provided to the City of Manhattan Beach as gifts:

- (a). Distribution of tickets and passes which are made available to the City shall be to the City official or employee whose duties and status shall allow him or her to best represent the interest of the City at the event and best serve the City's interest in participating in community events and maintaining relationships with organizations which serve the community.
- (b). Distribution of any ticket or pass contributed to the City to any City official or employee shall be solely for accomplishment of a public purpose.
- (c). Any City of Manhattan Beach official or employee who is provided a ticket or pass which has been contributed to the City shall be prohibited from transferring said ticket or pass to any other person other than members of their own immediate family for that family member's personal use.
- (d). This policy shall be posted on the City of Manhattan Beach web site.

SECTION 3. This resolution shall be effective upon passage.

SECTION 4. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 5<sup>th</sup> day of May, 2009.

Ayes:  
Noes:  
Absent:  
Abstain:

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Mayor, City of Manhattan Beach, California

ATTEST:

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City Clerk