

**CITY OF TEMECULA  
CITY COUNCIL POLICY**



<b>Title:</b>	<b>Complimentary Ticket Use and Reporting</b>
<b>Policy No.</b>	<b>TBD</b>
<b>Approved:</b>	<b>October 24, 2023</b>
<b>Revised:</b>	<b>N/A</b>

**PURPOSE:**

The purpose of this City Council policy is to set forth the use and reporting requirements affiliated with a complimentary ticket policy. The Political Reform Act, codified in the California Government Code, requires City officials and those employees designated in the City's conflict of interest code to report gifts valued at \$50 or more on their Statement of Economic Interests (Form 700). The regulating agency is the Fair Political Practices Commission (FPPC). FPPC Regulation 18944.1 provides that a ticket or pass provided to such persons by the City and distributed and used in accordance with an adopted written policy that meets the requirements of Regulation 18944.1 is not a gift under the Political Reform Act. The City adopted a Complimentary Ticket Policy in January 2009 and amended it in January 2016 and December 2019.

**POLICY:**

The policy of the City Council with respect to the matter listed in the above-referenced title is attached as Exhibit A.

**EXHIBIT A**

**RESOLUTION NO. 19-72**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF TEMECULA UPDATING THE CITY'S  
COMPLIMENTARY TICKET POLICY**

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS  
FOLLOWS:

Section 1. The City Council finds and determines as follows:

A. The Political Reform Act requires City officials and those employees designated in the City's conflict of interest code to report gifts valued at \$50 or more on their Form 700. FPPC Regulation 18944.1 provides that a ticket or pass provided to such persons by the City and distributed and used in accordance with an adopted written policy that meets the requirements of Regulation 18944.1 is not a gift under the Political Reform Act.


B. The City adopted a Complimentary Ticket Policy in January 2009 and amended it in January 2016. The City must again amend the Complimentary Ticket Policy in order to update it to comply with revised FPPC Regulations.

Section 2. The City Council hereby approves the "Complimentary Ticket Policy," attached hereto as Exhibit A, that amends and restates the Policy. The Complimentary Ticket Policy approved by this Resolution supersedes all previous versions of the policy.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Temecula this 10<sup>th</sup> day of December, 2019.

  
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Michael S. Naggar, Mayor

ATTEST:


  
\_\_\_\_\_  
Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss  
CITY OF TEMECULA         )

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 19-72 was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 10<sup>th</sup> day of December, 2019, by the following vote:

AYES:	5	COUNCIL MEMBERS:	Edwards, Rahn, Schwank, Stewart, Naggar
NOES:	0	COUNCIL MEMBERS:	None
ABSTAIN:	0	COUNCIL MEMBERS:	None
ABSENT:	0	COUNCIL MEMBERS:	None

  
\_\_\_\_\_  
Randi Johl, City Clerk

## CITY OF TEMECULA

### COMPLIMENTARY TICKET POLICY

1. **Purpose.** This policy governs the distribution of complimentary tickets or passes received by the City, or at the behest of a City Official or City Employee, to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes (the "Event"). Many of the rental agreements for the various musical and theatrical performances taking place at the Old Town Temecula Community Theater or other City-owned venues ("City Venues") require that booking entities provide a limited number of complimentary tickets to the City for performances. Additionally, the City is a sponsor of many other events in the community providing funds for the event or in-kind services to support the event ("City Sponsored Events"). The organizers of these specific events and other events within the City and County often provide the City with complimentary tickets to the event. The purpose of this Policy is to establish a fair and equitable process for the distribution of complimentary tickets to the City in compliance with the requirements of Section 18944.1 of the Fair Political Practices Commission Regulations. This Policy is subject to all applicable FPPC Regulations and the Political Reform Act, as now exist or may hereafter be added or amended, including, without limitation, definitions. (These regulations can be found at Title 2 of the California Code of Regulations and will be referred to as "FPPC Regulation").

2. **Distribution of Complimentary Tickets by the City.** The City shall have sole discretion to determine who shall receive the complimentary tickets for Events that are provided to the City.

A. The City Manager may provide two (2) complimentary tickets for each City Council Member and Commission Members ("City Officials") for an Event. An Event shall only include one performance during each engagement at the City Venues or for the City-Sponsored Event or other Event. "Commission Members" shall mean members of the Planning Commission, Community Services Commission, Public/Traffic Safety Commission, and Old Town Local Review Board, and other commissions or boards established by the City Council.

1) The tickets shall be used by the City Official, his or her immediate family or no more than one guest solely for their personal use. The City Official receiving complimentary tickets shall not transfer a ticket to any other person, except to members of the City Official's immediate family or no more than one guest solely for their attendance at the Event.

2) The public and governmental purpose of providing the complimentary tickets to City Officials for an Event is to enable them to advertise and promote the City of Temecula, to monitor and evaluate the City Venues and the quality of performances and to monitor and evaluate the value of the City-Sponsored Event to the City and their compliance with City policies, agreements and other requirements.

3) City Officials may purchase at face value additional tickets to performances at the City Venues or to the City Sponsored Event, but no more than two complimentary tickets or passes will be provided as described in this Section.

4) If complimentary tickets are provided to a City Official for an Event at which the City Official performs a ceremonial role, the ticket is not a gift but shall be reported as provided in this Policy.

B. The City Manager may distribute two (2) complimentary tickets for a performance at a City Venue or a City Sponsored Event or other Event to a City Employee on an equitable basis. The tickets shall be used by the City Employee, the City Employee's immediate family or no more than one guest solely for their personal use.

1) The City Employee receiving the complimentary tickets shall not transfer the complimentary tickets, except to members of the City Employee's immediate family or no more than one guest solely for their attendance at the Event.

2) The purpose of providing the complimentary tickets to a City Employee is to enable the employee to advertise and promote the City of Temecula, to monitor and evaluate the City Venues and the quality of performances, evaluate the value of the City-Sponsored Event to the City and its compliance with City policies, agreements and other requirements, and to enhance employee morale.

C. The City Manager may distribute complimentary tickets for an Event to non-profit community service groups who have received or are eligible for Community Service funding from the City.

D. The City Manager may distribute complimentary tickets for an Event to persons participating in recreational, educational or cultural programs administered by the City or for other lawful purposes; provided, however, that complimentary tickets shall only be distributed to City Officials and City employees, their immediate family or no more than one guest in accordance with this Policy.

E. Complimentary tickets to Events shall be distributed to City Officials and City Employees under procedures designated by the City Manager, provided the manner of distribution conforms to this Policy and can be documented and reported as required by this Policy.

F. Any complimentary tickets for City Venues which are not distributed under this Policy may be sold by the City to the public.

G. Complimentary tickets distributed to those persons described in this Policy shall not be transferred except as provided in this Policy and shall not be sold.

H. If the public purpose cited for the use of tickets involves the oversight or inspection of facilities, the City Official or City Employee must document the public purpose by submitting a written inspection report of findings and recommendations to be provided to the City Clerk.

I. The disproportionate use of tickets or passes by a City Official, City Manager, or a member of the Executive Staff is prohibited.

J. The attendance of a City Employee at an Event for the purpose of carrying out the employee's job duties or for the purpose of providing services on behalf of the City for the Event,

shall not be deemed to be the distribution of a complimentary ticket and does not need to be reported as otherwise provided in this Policy.

K. Except for the provisions outlined in this Policy, this Policy shall in no way restrict or prohibit the Staff at the Old Town Temecula Community Theater from issuing complimentary tickets in compliance with the normal and customary business practices associated with promoting theatrical events and concerts to the general public. The public and governmental purposes of providing these complimentary tickets is to promote and advertise the City of Temecula and, particularly the Old Town Temecula Community Theater, to the public and the entertainment community and to develop quality entertainment for the Theater.

### **3. Complimentary Tickets Under this Policy Not Subject to Gift Regulations; Other Benefits Could Be Gifts.**

A. The distribution of complimentary tickets pursuant to this Policy shall not constitute a "gift" to a City Official or City Employee pursuant to the terms of FPPC Regulation 18940; provided, however, that other benefits, such as food or beverage or other gifts provided to an official that are not part of the admission provided to all members of the public with the same class of ticket, will need to be accounted and reported for as gifts.

B. If the City receives complimentary tickets that are earmarked for particular City Official or City Employee, then the tickets are considered gifts to that City Official or City Employee. If these tickets not returned or donated, unused, to the provider, or if the City Official or City Employee does not reimburse the donor the full value of a ticket, within thirty (30) days of receipt, then the official must comply with the applicable FPPC gift limit regulations and reporting regulations.

**4. Reporting of Complimentary Tickets.** The distribution of the tickets and the use of any passes pursuant to this Policy shall be documented by the preparation and certification of the Fair Political Practices Commission Form 802. Within thirty (30) calendar days of the distribution of a ticket or the use of a pass the City Clerk, or his or her designee, shall prepare and certify Form 802, forward the Form 802 to the FPPC for posting on the FPPC's website, maintain the Form 802 as a public record and post it on the City's Website. This Policy shall be posted on the City website in a prominent fashion.

**5. Complimentary Tickets to Political, Non-Profit and 501(c)(3) Organization Fundraisers.** The reporting requirements for complimentary tickets to political, non-profit and 501(c)(3) organization fundraising events are governed by FPPC Regulation 18946.4 and the City has no jurisdiction to modify the reporting requirements. These complimentary tickets are referenced in this Policy as a convenience to persons seeking information concern distribution of complimentary tickets.

A. Pursuant to FPPC Regulation 18946.4, all complimentary tickets provided directly to a City Official or City Employee to political, non-profit or 501(c)(3) organization fundraising events are reportable as gifts on an official's Economic Disclosure Form 700 and are subject to the annual gift limit set forth in FPPC Regulation 18940.2 unless one of the following narrow exceptions applies:

- A City Official or City Employee may receive two complimentary tickets from a 501(c)(3) charitable organization to its fundraising event that shall be deemed to have no value. The official must make sure that the charity is a valid Internal Revenue Service 501(c)(3) organization because not all "non-profit organizations" are 501(c)(3) organizations. Also, additional complimentary tickets or admissions by invitations, or a gift of a ticket or tickets to a 501(c)(3) charitable organization's fundraising event to a City Official or City Employee from a third party other than the 501(c)(3) charitable organization, are gifts to the City Official or City Employee subject to the gift limit and reportable on Form 700.
- A City Official or City Employee may receive two complimentary tickets to a political fundraising event for a political committee as defined in Government Code Section 82013(a), or a comparable committee regulated under federal law or the laws of another state holding an event in California, that shall be deemed to have no value. Also, additional complimentary tickets or admissions by invitations, or a gift of a ticket or tickets to a political committee or candidate's fundraising event to an official from a third party other than the committee or candidate sponsoring it, are gifts to the official subject to the gift limit and reportable on Form 700.

B. FPPC Regulation 18946.4 contains detailed regulations concerning the calculation of the value of tickets to political and non-profit fundraisers when such tickets must be reported.

C. Complimentary tickets to a fundraising event for non-profit organizations donated to the City without designation of who should attend will be distributed as otherwise provided in this Policy.

**6. Effective Date.** This Policy shall be effective on the effective date of Resolution No. 19-72.

This Complimentary Ticket Policy was approved by Resolution No. 19-72 of the City Council on December 10, 2019.



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Randi Joh, City Clerk