

**CITY OF ENCINITAS**  
**ADMINISTRATIVE MANUAL**

**Policy Title:** *Ticket & Pass Distribution Policy*

**Section:** *City Council*

**Responsible Department:** *City Manager's Office*

**Number:** *C009*

**Approved By:** *City Council*

**Date Approved:** *December 20, 2023*

---

***I.***        **Purpose**

It is the intent of this policy to set forth public purposes to be accomplished concerning the distribution of tickets or passes provided to the City of Encinitas and San Dieguito Water District. This policy is intended to comply with Fair Political Practices Commission ("FPPC") Regulation 18944.1.

***II.***        **Background**

The regulation sets forth the circumstances under which an agency's distribution of tickets or passes to, or at the behest, of an official in the agency does not result in a gift to the official. The distribution of tickets or passes to an official under the regulation is not a gift to the official (1) if it is not earmarked by the original source for use by the agency official who uses the ticket or pass, (2) the agency determines in its sole discretion, which official may use the ticket or pass, and (3) the distribution of the ticket or pass by the agency is made in accordance with the written policy adopted the agency.

The regulation requires the City to adopt a written policy containing a provision setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes, a provision prohibiting the transfer of any ticket received by an agency official pursuant to the distribution policy except to members of the official's immediate family or no more than one guest solely for their attendance at the event, and a provision prohibiting the disproportionate use of tickets or passes by a member of the governing body, chief administrative officer of the agency, political appointee, or department head.

This written policy should also be posted on the City's website within 30 days of adoption. Any distribution of ticket or passes provided to the City must also be reported within 45 days on Form 802 and sent to FPPC by e-mail the agency's website link that displays the policy so that FPPC may post the link.

***III.***        **Policy**

1. This policy applies to tickets which provide admission to a facility, event, show or performance for the purpose of entertainment, amusement, recreational or similar purpose, and are either:

- a) Gratuitously provided to the City by an outside source;
- b) Acquired by the City by purchase;
- c) Acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; or
- d) Acquired and distributed by the City in any other manner.

2. The City may only distribute such ticket(s) to, or at the behest of, an official in order to accomplish a public purpose. The following is a list of public purposes the City may accomplish through the distribution of tickets:

- a) An admission relating to an official performing a ceremonial role.
- b) The job duties of the City Official require his or her attendance at the event, for which the City Official may receive no more than one guest ticket.
- c) Economic or business development purposes on behalf of the City.
- d) Intergovernmental relation purposes, 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.
- e) Attracting or rewarding volunteer public service.
- f) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting City of Encinitas residents.
- g) Attracting and retaining highly qualified employees in City service.
- h) As special recognition or reward for meritorious service by a City employee.
- i) For use in connection with a City employee competition or drawing.
- j) Recognition of contributions made to the City by former City Council Members or City Executive Managers.
- k) Any other public purpose as determined by majority vote of the City Council.

3. Tickets distributed pursuant to this policy shall not be transferred to any other person, except to members of the official's immediate family or no more than one guest solely for their attendance at the event.

4. Tickets distributed by the City to any City Official which the City Official treats as income, shall be reported on form 700 provided by the FPPC and on W-2 as taxable fringe

benefits. Income that is considered de minimis as defined by the IRS (separate agency from the FPPC) will not be report on a W-2.

5. Tickets distributed by the City to any City Official which the City Official treats as one or more public purposes described above, shall be posted on form 802 provided by the FPPC in a prominent fashion on the City's website and emailed to FPPC within forty-five (45) days after distribution. Such posting shall include the following information:

- a) The name of the official receiving the ticket or pass;
- b) A description of the event;
- c) The date of the event;
- d) The fair value of the ticket or pass;
- e) The number of tickets or passes provided to each person;
- f) If the ticket or pass is behested, the name of the City Official who behested the ticket;
- g) If the ticket was transferred to a person meeting the official requirements;
- h) A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities.

The FPPC recognizes the discretion of the City Council to determine the circumstances under which the distribution of tickets and passes serves a purpose of the City and when only private interests are served such that the receipt of a ticket or pass should be viewed as a reportable gift to the public official who receives it.

## RESOLUTION 2023-90

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, ADOPTING CITY COUNCIL POLICY NO. C009 TICKET AND PASS DISTRIBUTION POLICY

The City Council of the City of Encinitas hereby finds and declares as follows:

**WHEREAS**, the Fair Political Practices Commission (“Commission”) has revised Regulation 18944.1 regarding the distribution of tickets or passes to or at the behest of an official in the agency; and

**WHEREAS**, the City Council desires to adopt a written policy containing provisions setting forth the public purposes of the City to be accomplished by the distribution of tickets or passes, a provision requiring that the distribution of any ticket or pass by the agency, to or at the behest of, an official accomplish a public purpose of the agency, and a provision prohibiting the transfer by an official of any ticket or pass, distributed to such official, to any other person, except to members of the official's immediate family solely for their personal use as required by FPPC Regulation 18944.1.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Encinitas:


1. The above recitations are true and correct.
2. Ticket and Pass Distribution Policy No. C009, attached hereto as **Exhibit A**, is hereby adopted as the Ticket and Pass Distribution Policy of the City of Encinitas pursuant to FPPC Regulation 18944.1.
3. The City Manager shall report any tickets or passes made to the City on FPPC Form 802 within 45 days after the distribution.
4. The City Manager shall provide the completed Form 802 to the City Clerk.
5. The City Clerk shall be the filing officer for these forms and shall maintain official custody of the completed forms.
6. A copy of the completed Form 802 will be kept by the City Clerk and shall be considered a public record subject to inspection.
7. The City Clerk shall prepare a log of all Form 802s and shall maintain said log for not less than four years.
8. The City Clerk shall publish the Policy on the City's website within 30 days of adoption or amendment and send to the Commission by e-mail the City's website link that displays the Policy so that the Commission may post the link.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” under Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day, of 2023 by the City Council of the City of Encinitas, State of California.

DocuSigned by:  
  
DEA18C6BB88E438...  
Tony Kranz, Mayor

ATTEST:

DocuSigned by:  
  
43EC63D34D2448C...  
Kathy Hollywood, City Clerk

APPROVED AS TO FORM:

DocuSigned by:  
  
160D99693D9741D...  
Tarquin Preziosi, City Attorney


**CERTIFICATION:** I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 20<sup>th</sup> day of, 2023 by the following vote:

AYES: **Blackwell, Ehlers, Hinze, Kranz, Lyndes**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

DocuSigned by:  
  
43EC63D34D2448C...  
Kathy Hollywood, City Clerk

**CITY OF ENCINITAS**  
**ADMINISTRATIVE MANUAL**

**Policy Title:** Ticket and Pass Distribution Policy

**Section:** City Council

**Responsible Department:** City Manager's Office

**Number:** C009

**Approved By:** City Council

**Date Approved:** 12/20/2023

---

**I. Purpose**

It is the intent of this policy to set forth public purposes to be accomplished concerning the distribution of tickets or passes provided to the City of Encinitas and San Dieguito Water District. This policy is intended to comply with Fair Political Practices Commission ("FPPC") Regulation 18944.1.

**II. Background**

The regulation sets forth the circumstances under which an agency's distribution of tickets or passes to, or at the behest, of an official in the agency does not result in a gift to the official. The distribution of tickets or passes to an official under the regulation is not a gift to the official (1) if it is not earmarked by the original source for use by the agency official who uses the ticket or pass, (2) the agency determines in its sole discretion, which official may use the ticket or pass, and (3) the distribution of the ticket or pass by the agency is made in accordance with the written policy adopted the agency.

The regulation requires the City to adopt a written policy containing a provision setting forth the public purposes of the agency to be accomplished by the distribution of tickets or passes, a provision prohibiting the transfer of any ticket received by an agency official pursuant to the distribution policy except to members of the official's immediate family or no more than one guest solely for their attendance at the event, and a provision prohibiting the disproportionate use of tickets or passes by a member of the governing body, chief administrative officer of the agency, political appointee, or department head.

This written policy should also be posted on the City's website within 30 days of adoption. Any distribution of ticket or passes provided to the City must also be reported within 45 days on Form 802 and sent to FPPC by e-mail the agency's website link that displays the policy so that FPPC may post the link.

**III. Policy**

1. This policy applies to tickets which provide admission to a facility, event, show or

performance for the purpose of entertainment, amusement, recreational or similar purpose, and are either:

- a) Gratuitously provided to the City by an outside source;
- b) Acquired by the City by purchase;
- c) Acquired by the City as consideration pursuant to the terms of a contract for the use of a City venue; or
- d) Acquired and distributed by the City in any other manner.

2. The City may only distribute such ticket(s) to, or at the behest of, an official in order to accomplish a public purpose. The following is a list of public purposes the City may accomplish through the distribution of tickets:

- a) An admission relating to an official performing a ceremonial role.
- b) The job duties of the City Official require his or her attendance at the event, for which the City Official may receive no more than one guest ticket.
- c) Economic or business development purposes on behalf of the City.
- d) Intergovernmental relation purposes, 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.
- e) Attracting or rewarding volunteer public service.
- f) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting City of Encinitas residents.
- g) Attracting and retaining highly qualified employees in City service.
- h) As special recognition or reward for meritorious service by a City employee.
- i) For use in connection with a City employee competition or drawing.
- j) Recognition of contributions made to the City by former City Council Members or City Executive Managers.
- k) Any other public purpose as determined by majority vote of the City Council.

3. Tickets distributed pursuant to this policy shall not be transferred to any other person, except to members of the official's immediate family or no more than one guest solely for their attendance at the event.

4. Tickets distributed by the City to any City Official which the City Official treats as income, shall be reported on form 700 provided by the FPPC and on W-2 as taxable fringe

benefits. Income that is considered de minimis as defined by the IRS (separate agency from the FPPC) will not be report on a W-2.

5. Tickets distributed by the City to any City Official which the City Official treats as one or more public purposes described above, shall be posted on form 802 provided by the FPPC in a prominent fashion on the City's website and emailed to FPPC within forty-five (45) days after distribution. Such posting shall include the following information:

- a) The name of the official receiving the ticket or pass;
- b) A description of the event;
- c) The date of the event;
- d) The fair value of the ticket or pass;
- e) The number of tickets or passes provided to each person;
- f) If the ticket or pass is behested, the name of the City Official who behested the ticket;
- g) If the ticket was transferred to a person meeting the official requirements;
- h) A written inspection report of findings and recommendations by the official receiving the ticket or pass if received for the oversight or inspection of facilities.

The FPPC recognizes the discretion of the City Council to determine the circumstances under which the distribution of tickets and passes serves a purpose of the City and when only private interests are served such that the receipt of a ticket or pass should be viewed as a reportable gift to the public official who receives it.

**Agency Report of:  
Ceremonial Role Events and Ticket/Pass Distributions**

**A Public Document**

<b>1. Agency Name</b>		Date Stamp	<b>California Form 802</b>
Division, Department, or Region <i>(if applicable)</i>		For Official Use Only	
Designated Agency Contact <i>(Name, Title)</i>			
Area Code/Phone Number	E-mail	<b>Amendment</b> <i>(Must Provide Explanation in Part 3.)</i>	
		Date of Original Filing: _____ <i>(month, day, year)</i>	

**2. Function or Event Information**

Does the agency have a ticket policy?    Yes    No    Face Value of Each Ticket/Pass \$ \_\_\_\_\_

Event Description: \_\_\_\_\_    Date(s) \_\_\_\_\_  
*Provide Title/ Explanation*

Ticket(s)/Pass(es) provided by agency?    Yes    No    If no: \_\_\_\_\_  
*Name of Source*

Was ticket distribution made at the behest of agency official?    Yes    No    If yes: \_\_\_\_\_  
*Official's Name (Last, First)*

**3. Recipients**

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual <i>(Last, First)</i>	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role      Other      Income <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role      Other      Income <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C. Name of Outside Organization <i>(include address and description)</i>	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy

**4. Verification**

*I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution set forth above, is in accordance with the requirements.*

\_\_\_\_\_  
Signature of Agency Head or Designee                      Print Name                      Title                      *(month, day, year)*

Comment: \_\_\_\_\_

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events, and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions. The Form 802 serves to detail each event and the public purpose of each ticket distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons, organizations, or agencies who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or to specific individuals.

## Exception

FPPC This form is not required for admission provided to a school or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school or university.

## Reporting and Public Posting

**Ticket Distribution Policies:** An agency must post its ticket policy on its website within 30 days of adoption or amendment and e-mail a link of the website location to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

**Form 802:** The use of the ticket or pass under the policy must be reported on Form 802 and posted on the agency's website within 45 days of distribution. A link to the website location of the forms must be e-mailed to FPPC at [form802@fppc.ca.gov](mailto:form802@fppc.ca.gov).

The FPPC will post on its website the link to each agency's policy and completed forms. It is not necessary to send an e-mail each time a new Form 802 is posted. It is only necessary to submit the link if the posting location changes.

This form must be maintained as a public document.

## Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel.

## Instructions

### Part 1. Agency Identification:

List the agency's name. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

### Part 2. Function or Event Information:

Confirm that your agency has a policy for ticket distribution. Unless the ceremonial role or income box in Part 3, Section B, is marked, this form is only applicable if your agency has a policy.

Complete all of the other required fields that identify the ticket value, description of event, date(s) and whether the ticket was provided by the agency or an outside source. If an agency official behests the tickets, the official's name is also required. Use the comment field or an attachment to explain in full.

### Part 3. Ticket Recipients:

This part identifies who uses the tickets. The identification requirements vary depending upon who received the tickets and are categorized into three sections. Each section must list the number of tickets received. Use the comment field or an attachment to explain in full.

**Section A.** Report tickets distributed to agency staff, other than an elected official or governing board member, pursuant to the agency's policy. It is not necessary to list each employee's name, but identify the unit/department for which the employee works. The agency must describe the public purpose associated with the ticket distribution. A reference to the policy is permissible.

**Section B.** Report: 1) any agency official who performs a ceremonial role; 2) any agency official who reports the value as income; or 3) tickets used by elected officials and governing board members (including those distributed pursuant to the agency's policy).

**Section C.** Report tickets provided to an organization. The organization's name, an address (website url is permissible), and a brief description of the public purpose are required.

**Agency Report of:  
Ceremonial Role Events and Ticket/Pass Distributions  
Continuation Sheet**

Agency Name

**3. Recipients**

•Use Section A to identify the agency's department or unit. •Use Section B to identify an individual. •Use Section C to identify an outside organization.

A. Name of Agency, Department or Unit	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy
B. Name of Individual (Last, First)	Number of Ticket(s)/ Passes	Identify one of the following:
		Ceremonial Role      Other      Income <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role      Other      Income <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role      Other      Income <i>If checking "Ceremonial Role" or "Other" describe below:</i>
		Ceremonial Role      Other      Income <i>If checking "Ceremonial Role" or "Other" describe below:</i>
C. Name of Outside Organization (include address and description)	Number of Ticket(s)/ Passes	Describe the public purpose made pursuant to the agency's policy