

**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*

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***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.