

CITY OF TEMECULA

COMPLIMENTARY TICKET POLICY

1. **Purpose.** This policy governs the distribution of complimentary tickets or passes received by the City 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 complimentary tickets for each Council Member 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.

(1) The tickets shall be used by the Council Member with his or her spouse or dependent children solely for their personal use. The Council Member receiving complimentary tickets shall not transfer or sell a ticket to any other person.

(2) The public and governmental purpose of providing the complimentary tickets to Council Members 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) Council Members 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 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 one ticket for a performance at a City Venue or a City Sponsored Event or other Event to a City employee on an equitable basis with the option that the employee be allowed to purchase at face value a second adjacent ticket for use by the employee's immediate family or personal guest.

(1) The City employee receiving the complimentary ticket shall not transfer or sell the complimentary ticket.

(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 Council Members and City employees or their spouses and dependent children in accordance with this Policy.

e. 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.

f. Complimentary tickets to Events shall be distributed to City officials and 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.

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

h. 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.

i. 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 compliant 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 the City Council Member or City employee pursuant to the terms of FPPC Regulation 18744.1; 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 by the complimentary ticket, will need to be accounted for as gifts.

b. If the City receives complimentary tickets that are earmarked for particular City officials, then the tickets are considered gifts to that particular official. If these tickets not returned unused to the provider 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 Manager, or his designee, shall prepare and certify Form 802 and shall 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 and Non-Profit Fundraisers. The reporting requirements for complimentary tickets to political and non-profit 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. Pursuant to FPPC Regulation 18946.4, all complimentary tickets provided directly to a City official to political or non-profit fundraising event receive after October 4, 2008 are reportable as gifts on an official's Economic Disclosure Form 700 and are subject to the annual gift limit (currently \$420 per calendar year) unless one of the following narrow exceptions applies:

- A City official may receive one complimentary ticket from a 501(c)(3) charitable organization to its fundraising event, provided that the official does not receive more than the annual gift limit (currently \$420 per calendar year) in the value of the non-deductible portion of the ticket from that charity within a calendar year. 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, a gift of a ticket or tickets to a 501(c)(3) charitable organization's fundraising event to an official from a third party other than the 501(c)(3) charitable organization is a gift to the official from that third party subject to the gift limit and reportable on Form 700.
- A City official may receive one complimentary ticket 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 holding an event in California, or the committee of a candidate. Also, a gift of a ticket or tickets to a political committee or candidate's fund raising event to an official from a third party other than the committee or candidate sponsoring it is a gift to the official from that third party subject to the gift limit and reportable on Form 700.

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.

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.
Regulation 18944.1.

This Policy shall be effective on the effective date of FPPC

This Complimentary Ticket Policy was approved by Resolution No. 09-11 of the City Council on January 27, 2009.



Susan Jones, MMC
City Clerk