

RESOLUTION NO. 2009-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY

WHEREAS, every California city by and through its governing body and other public officials, is empowered to exercise all powers necessary or appropriate to a municipal corporation for the general welfare of its inhabitants which are not prohibited by the California Constitution;

WHEREAS, the California Fair Political Practices Commission ("FPPC") recently amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to facilities or events for entertainment purposes distributed by the City to, or at least at the behest of, public officials to further restrict the use of event tickets and passes by City officials and employees;

WHEREAS, from time to time the City of West Covina (the "City") receives event tickets and/or passes from public and private entities and individuals;

WHEREAS, the City, on occasion from time to time, may purchase tickets and/or passes to entertainment events for its officials and employees for public purposes;

WHEREAS, the City finds that the receipt of all such tickets and/or passes are public resources;

WHEREAS, in accordance with recently amended FPPC Regulation Section 18944.1, the City desires to use such tickets and/or passes to further public purposes, such as the promotion of City businesses, resources, programs, and facilities;

WHEREAS, the furtherance of public purposes may require the distribution of said tickets and/or passes to "public officials," as that term is defined by Government Code Section 82048 and FPPC Regulation Section 18701;

WHEREAS, FPPC Regulation Section 18944.1(b)(2) pertains to the City's receipt of equal or greater value in exchange for the distribution of a ticket and/or pass to its officials;

WHEREAS, FPPC Regulation Section 18944.1 provides for the circumstances and procedures under which the receipt of tickets and/or passes by a public official would need to be disclosed by the City and also the circumstances under which such tickets and/or passes distributed to public officials will not trigger disclosure requirements for the purpose of the public official's Statement of Economic Interests, also known as Form 700;

WHEREAS, pursuant to FPPC Regulation Section 18944.1 these tickets and/or passes are not gifts to public officials if the City distributes these tickets and/or passes in accordance with a duly adopted written policy, when distributed under Section 18944.1(b)(2);

WHEREAS, consistent with the foregoing recitals and according to FPPC Regulation Section 18944.1, such tickets and/or passes distributed in accordance with a duly adopted written policy are, when so distributed under FPPC Regulation Section 18944.1(b)(2), not considered gifts to public officials; and

WHEREAS, the FPPC recognizes and has stated that the City has discretion to determine whether the distribution of tickets and/or passes serves a legitimate public purpose of the City, provided that the determination is consistent with State law.

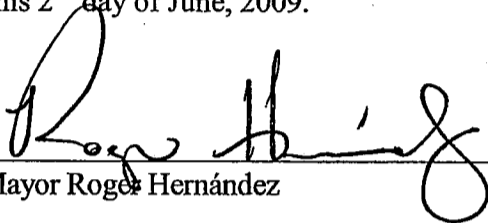
NOW, THEREFORE, the City Council of the City of West Covina, California, does hereby resolve as follows:

SECTION 1. The City Council of the West Covina hereby adopts the City of West Covina Ticket and/or Passes Distribution Policy incorporated herein by this reference and attached hereto as "Exhibit A;"

SECTION 2. Consistent with the requirements of California Code of Regulations Section 18944.1, the City Council hereby directs the City Clerk to post the Ticket and/or Passes Distribution Policy in a prominent fashion on the City's website;

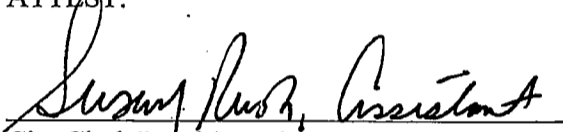
SECTION 3. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED on this 2nd day of June, 2009.



Mayor Roger Hernández

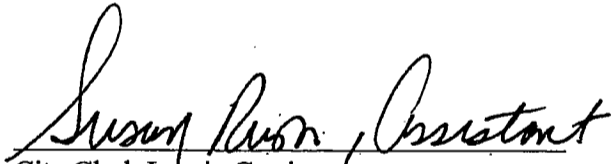
ATTEST:



City Clerk Laurie Carrico

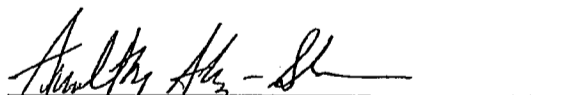
I, LAURIE CARRICO, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting held thereof on the 2nd day of June, 2009 by the following vote of the City Council:

AYES: Herfert, Lane, Sanderson, Touhey, Hernández
NOES: None
ABSENT: None
ABSTAIN: None



City Clerk Laurie Carrico

APPROVED AS TO FORM:



City Attorney Arnold Alvarez-Glasman