



# City of San Leandro

Meeting Date: January 6, 2020

## Staff Report

---

**File Number:** 19-672

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.J.

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Liz Warmerdam  
Assistant City Manager

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** Staff Report for a City of San Leandro City Council Resolution to Approve the Addition of Chapter 1.9.120 to Title 1 of the City of San Leandro Administrative Code Relating to Agency Distribution of Tickets and Passes.

---

### SUMMARY

Staff recommends that the City Council adopt the attached Resolution that would add Chapter 1.9.120 to the San Leandro Administrative Code (SLAC) to update the SLAC to incorporate new rules regarding gifts to the City promulgated by the Fair Political Practices Commission (FPPC).

### BACKGROUND AND ANALYSIS

The Fair Political Practices Commission is a state-wide body that administers and enforces the State's conflicts of interest laws, as well as informs and assists public officials to comply with its provisions. The FPPC has the authority to adopt, amend, and rescind rules and regulations to carry out the purposes of the Political Reform Act.

The FPPC adopted a new regulation that went into effect in June 2016 concerning the distribution of tickets and passes to City officials. That regulation has since been updated for 2019. The new regulation provides that tickets and passes, when distributed pursuant to a City policy in accord with the FPPC regulations, are not considered gifts, and therefore not subject to FPPC Form 700 reporting requirements.

The FPPC regulates gifts provided to City officials and City employees, and requires that these gifts be disclosed if they are from a single source in a calendar year and valued at over \$50. The new policy establishes a set of procedures that allow for tickets and passes accepted by the City and distributed to City officials and employees to not be considered gifts under the Political Reform Act.

The San Leandro Administrative Code contains policies on gifts, donations, and sponsorships

given to the City. Because of this updated FPPC regulation, the SLAC requires updating. By adopting this Resolution, the City will update its policies to be current regarding the distribution of tickets and passes to public officials to allow tickets and passes to not be considered gifts under the Political Reform Act.

**Environmental Review**

No impact.

**Legal Analysis**

This Resolution was reviewed by the City Attorney and approved as to form.

**Fiscal Impacts and Budget Authority**

This Resolution will have no cost to the City.

**Attachment to Resolution**

-Resolution Adding Chapter 1.9.120 to Title 1 of the San Leandro Administrative Code  
Relating to Agency Distribution of Tickets and Passes



# City of San Leandro

Meeting Date: January 6, 2020

## Resolution - Council

---

**File Number:** 19-673 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Liz Warmerdam  
Assistant City Manager

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** RESOLUTION of the City of San Leandro City Council to Add Chapter 1.9.120 to Title 1 of the San Leandro Administrative Code Relating to City Distribution of Tickets and Passes to Public Officials

---

WHEREAS, the California Fair Political Practices Commission ("FPPC") enforces the State's conflicts of interest laws, and from time to time, adopts and amend rules and regulations to carry out this purpose under the Political Reform Act (the "Act"); and

WHEREAS, the FPPC provides rules and regulations for the acceptance and dissemination of gifts to public officials in accordance with the Act, and has updated regulations applicable to the City of San Leandro concerning the distribution of agency provided tickets or passes; and

WHEREAS, the new FPPC regulations now require that any distribution of tickets and passes to, or at the behest of, City officials must be made pursuant to a duly adopted written policy if such distribution is made under that regulation, adding to existing rules regarding gifts such that adoption of new rules is necessary; and

WHEREAS, the City desires to use such tickets and passes to further the governmental and public purposes of the City, such as the promotion of the City's activities and programs, and community involvement; and

WHEREAS, the City Council reviewed and considered the staff report, all public comments, and the proposed amendments to the City's gift policies under the FPPC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN LEANDRO DOES RESOLVE as follows:

**SECTION 1. RECITALS.** The above recitals are true and correct and made a part of this resolution.

**SECTION 2. AMENDMENT OF CODE.** Chapter 1.9.120 to Title 1 is hereby added to the San Leandro Administrative Code to read as follows:

---

**“CHAPTER 1.9.120: AGENCY DISTRIBUTION OF TICKETS AND PASSES”**

(a) **Purpose.** The purpose of this Chapter is to ensure that all tickets and passes the City receives from public and private entities and individuals, which the City purchases or which the City owns because of its control of the event or facility, are distributed in furtherance of a public purpose. A ticket or pass provided to a public official by the City and distributed and used in accordance with this policy is not a gift under the Political Reform Act if all of the following criteria are met.

(b) **Limitation.** This Policy shall only apply to the City’s distribution of Tickets and/or passes to, or at the behest of, a City Official, as defined by Government Code section 82048.

(c) **Ticket Distribution Public Purposes.** The City may accomplish one or more public purposes of the City through the distribution of tickets to, or at the behest of, a City Official. The following list is illustrative rather than exhaustive of the public purposes of the City that may be accomplished by City officials attending events using tickets distributed to them by the City:

1. Support of general employee morale, retention or to reward public service;
2. Promotion of City activities within the City and the State of California;
3. Promotion of City recognition, visibility, and/or profile on a local, state, or national scale;
4. Recognition of a City program or purpose;
5. Promotion of City issues and interest.

The distribution of any ticket or pass by the City, or at the behest of, a City official shall accomplish one or more public purposes of the City.

(d) **No Transfer of Tickets.** The transfer by any City official of any ticket or pass distributed to that official pursuant to this policy to any other person is prohibited except to members of the official’s immediate family for their personal use, or to no more than one (1) guest solely for their attendance at the event.

(e) **No Disproportionate Use.** Disproportionate use of tickets or passes by a member of the City Council, a City appointed official, a department head, or a particular employee shall be prohibited.

(f) **City’s Sole Discretion.** Tickets and passes distributed according to this policy shall not be earmarked by an outside source for use by a specific City official. The City determines, in its sole discretion, who receives the ticket or pass.

(g) **Reporting.** Within forty-five (45) days of distribution of a ticket or pass, the distribution must be reported on a form provided by the Fair Political Practices Commission (“FPPC”), according to California Code of Regulations section 18944.1(d).

(h) **Public Record.** Within 30 days after adoption, this policy shall be published in the City’s Administrative Code, which is posted on the City’s website, and sent to the FPPC by email.

**SECTION 3. CEQA.** Approval of this resolution is exempt from environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this resolution to amend the City of San Leandro Administrative Code will have a significant effect on the environment.

**SECTION 4. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Resolution, or its application to any other

person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** This resolution shall take effect immediately.