



RESOLUTION NO. 2009-80

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, RESCINDING RESOLUTION NO. 2002-164 AND ADOPTING A CITY POLICY ON THE DISTRIBUTION AND USE OF THE TICKETS AND SKYBOX FOR THE MULTIPURPOSE STADIUM

WHEREAS, under the terms of the Agreement with Fresno Grizzlies, Inc. and Fresno Diamond Group, LLC concerning the construction and sublease of the multipurpose stadium, the City has use of twelve season tickets with the skybox ("tickets") to the Grizzlies regular season home games; and

WHEREAS, the tickets are public resources; and

WHEREAS, Council previously adopted Resolution No. 2002-164 establishing a policy limiting the use of the tickets for official City business, so that the tickets are not considered gifts to the public officials under Title 2, California Code of Regulation Section 18944.1 ("Section 18944.1") and the Political Reform Act; and

WHEREAS, the Fair Political Practices Commission (FPPC), which administers and enforces the Political Reform Act, recently amended Regulation 18944.1; and

WHEREAS, the changes to Regulation 18944.1 requires the City to revise the City policy by adding the public purposes to be accomplished by the distribution of the tickets, prohibiting the transfer by any official of any tickets distributed to the official under the policy, and adding disclosure and reporting requirements by the City; and

WHEREAS, Council wants to rescind Resolution No. 2002-164 and adopt a new City policy to comply with Regulation 18944.1, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

Section 1. Purpose of Policy. The tickets to the multipurpose stadium obtained by the City pursuant to the Agreement shall be distributed in furtherance of a governmental/public purpose.

Section 2. Public Purpose. The City shall only provide a ticket to, or at the request of a public official, under any of the following City public and governmental purposes:

- a. Promotion of local and regional businesses, economic development and tourism activities, and job creation opportunities within the City.
- b. Promotion of City-controlled or sponsored events, activities, or programs.
- c. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs.

Adopted 4/7/09  
Approved 4/9/09  
Effusion 4/9/09

2009-80



- d. Promotion of fundraising activities by nonprofit organizations to support programs and activities benefiting City residents.
- e. Encouragement and reward for significant academic, athletic, or public service, achievements by City students, residents, or businesses.
- f. Promotion of City owned facilities, businesses, and resources.
- g. Promotion of intergovernmental relations with elected or appointed officials from other jurisdictions, including foreign officials, dignitaries, their staff members, and guests.
- h. Recognition or reward for meritorious services by City employees to promote enhanced City employee performance or morale.
- i. Any purpose similar to above included in any City contract or Council action.

Section 3. **Distribution.** The City Manager, or his or her designee, shall have the authority to adopt procedures for the distribution of the tickets and any additional guidelines/regulations in furtherance of this policy. The tickets shall be distributed in the following manner:

- a. Mayor and Councilmembers. Twelve (12) tickets for seven (7) days each, may be distributed to, or at the behest of the Mayor and each Councilmember, in accordance with this policy.
- b. Downtown & Community Revitalization Department. Seven (7) days are reserved.
- c. City Departments/Staff. Four (4) days are reserved.
- d. Community Groups/Non-Profits. Five (5) days are reserved, which may be used for fundraising purposes.
- e. The City desires to maximize the effective use of the tickets for Downtown & Community Revitalization Department purposes. As such, priority shall be given to the Downtown & Community Revitalization Department for scheduling purposes to meet the Department's critical opportunities and activities.

Section 4. **Transfer Prohibition.** The transfer by any public official of any tickets distributed to such official pursuant to this policy, to any other person, except to members of the public official's immediate family for their personal use, is prohibited.

Section 5. **Website Posting.** This policy shall be posted on the City website in a prominent fashion.



Section 6. Website disclosure. The distribution of tickets pursuant to this policy shall be posted on the City website in a prominent fashion within thirty (30) days after the ticket distribution. Such posting shall use FPPC California Form 802 or such alternate form as the FPPC may designate from time to time.

Section 7. Any distribution of tickets to nonprofit organizations that were made by public officials before the effective date of this Resolution that otherwise complies with this policy, shall be deemed a distribution made at the behest of the public official, and not a transfer of tickets by the public official.

Section 8. Resolution No. 2002-164 is rescinded in its entirety.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 7th day of April, 2009.

AYES : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: April 9, 2009  
Mayor Approval/No Return: N/A  
Mayor Veto: N/A  
Council Override Vote: N/A  
REBECCA E. KLISCH  
City Clerk

BY: Rebecca E. Klisch  
~~Deputy~~

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

BY: Tei Yukimoto  
Tei Yukimoto [4/2/09]  
Senior Deputy

TY:pn-sn[48722ty\_pn-sn/RESO]-04/02/09

April 8, 2009

Council Adoption: 4/07/09

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

Mayor Approval:

FROM: REBECCA E. KLISCH, CMC  
City Clerk

REK 2009 APR 10 PM 1:08  
CITY CLERK, FRESNO CA

Mayor Veto:  
Override Request:



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 4/7/09, Council adopted the attached Resolution No. 2009-80 entitled **Adopting City policy on distribution/use of tickets/skybox for multipurpose stadium**, Item No. 1K, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before April 20, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter, attach additional sheets if necessary.)

  
Ashley Swearingin, Mayor

Date: 4/9/09

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes	:
Noes	:
Absent	:
Abstain	: