



# NEWPORT BEACH

## City Council Staff Report

September 10, 2019  
Agenda Item No. 6

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Leilani I. Brown, City Clerk - 949-644-3005,  
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**PREPARED BY:** Leilani I. Brown, City Clerk

**TITLE:** Resolution No. 2019-79: Update to City Council Policy F-27 – *Policy and Procedures for City Distribution of Tickets or Passes*

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### **ABSTRACT:**

City Council Policy F-27 (*Policy and Procedures for City Distribution of Tickets or Passes*) has been amended by the Fair Political Practices Commission (“FPPC”). Therefore, City Council Policy F-27 will need to be amended to be consistent with the FPPC’s regulation relative to the distribution of tickets or passes.

### **RECOMMENDATION:**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Adopt Resolution No. 2019-78, *A Resolution of the City Council of the City of Newport Beach, California, Amending City Council Policy F-27 "Policy and Procedures for City Distribution of Tickets or Passes" to Include Newly Adopted Fair Political Practices Commission Rules.*

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **DISCUSSION:**

The current version of City Council Policy F-27 (*Policy and Procedures for City Distribution of Tickets or Passes*) outlines the procedure for the disposition of tickets or passes to City officials in furtherance of a government purpose. However, on May 21, 2019, the FPPC revised the rules related to the distribution of tickets and passes provided to City officials. Most importantly, the FPPC revised Title 2, Division 6, Chapter 9.5, Section 18944.1(b)(4) of the California Code of Regulations, which will require the City to modify City Council Policy F-27, to prohibit “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.” The staff report to the FPPC mentioned that this new provision was designed to prevent abuse.

The practical effect of this change is that tickets distributed through this Policy will no longer be allocated by priority and instead utilize a “first-come first-serve” basis to adhere to the revised FPPC provisions.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENTS:**

- Attachment A – Current City Council Policy F-27
- Attachment B – Proposed City Council Policy F-27 (redline)
- Attachment C – Resolution No. 2019-79
- Attachment D – California Code of Regulations Section 18942
- Attachment E – California Code of Regulations Section 18944.1