

RESOLUTION NO. 4005

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER ADOPTING THE OFFICIAL CITY TRAVEL REIMBURSEMENT POLICY FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, on January 11, 2006 the City Council adopted Resolution No. 3970 amending the City's Travel Policy to include a Reservation Policy; and

WHEREAS, on October 7, 2005, the state enacted AB 1234, which required among other things that the City adopt a reimbursement policy; and

WHEREAS, the City Travel and Reimbursement Policy attached as Exhibit A satisfies the requirements of AB 1234, including in particular the requirements of Government Code sections 53232.2 and 53233.3.

NOW THEREFORE, BE IS RESOLVED that the City Council of the City of Westminster does hereby rescind Resolution No. 3970 and hereby adopts the City Travel and Reimbursement Policy attached hereto as Exhibit "A" and incorporated by this reference.

PASSED, APPROVED AND ADOPTED this 26th day of July, 2006, by the following vote:

AYES: COUNCILMEMBERS: RICE, FRY, MARSH, QUACH
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE


MARGIE L. RICE, MAYOR

ATTEST:



MARIAN CONTRERAS, CITY CLERK


APPROVED AS TO FORM


RICHARD D. JONES, CITY ATTORNEY

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, MARIAN CONTRERAS, hereby certify that I am the duly appointed City Clerk of the City of Westminster, and that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Westminster held on the 26th day of July, 2006.


Marian Contreras, City Clerk

	CITY COUNCIL POLICY	APPROVED BY: CITY COUNCIL	
CITY TRAVEL REIMBURSEMENT POLICY FOR ELECTED AND APPOINTED OFFICIALS		PAGE 1 OF 2	EFFECTIVE DATE May 31, 2006

BACKGROUND: On October 10, 2005, AB 1234 was signed into law, which imposes ethics training, and reimbursement requirements on cities, counties and special districts. This legislation took effect January 1, 2006.

This policy satisfies the requirements of AB 1234, including in particular the requirements of Government Code sections 53232.2 and 53233.3.

I. PURPOSE

The City of Westminster recognizes the constructive value of professional conferences, seminars, meetings, and training, and provides travel funds for City officials who attend such events. Elected and appointed public officials shall be entitled to reimbursement for their reasonable expenses associated with travel, meals, lodging and other actual and necessary expenses associated with attending such events in a manner and in the amounts as set forth in this policy. This policy shall also apply where City Council members act as members of the Westminster Redevelopment Agency.

II. AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participation in regional, state and national organizations whose activities affect the City's interest;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events;
6. Implementing a City approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member.

All other expenditures require prior approval by the City Council.

The following expenses also require City Council approval, which shall be considered at a meeting of the legislative body:

1. International (and out-of-state) travel;
2. Expenses exceeding \$50.00 per trip.

Examples of personal expenses that the City will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
4. Entertainment expenses, including theater, movies, sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

TRANSPORTATION

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when they are available. In the event that a more expensive transportation form or route is used, the cost borne by the City will be limited to the cost of the most economical, direct, efficient and reasonable transportation form available.

Automobile

Automobile mileage is reimbursable at Internal Revenue Service rates presently in effect (see www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include parking fees, bridge and road tolls, which are also reimbursable.

Car Rental

Charges for rental vehicles may be reimbursed if a City official is attending an authorized out of town conference or event, and it is reasonably determined that the use of a rental vehicle is more economical than other forms of transportation.

Taxis/Shuttles

Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

LODGING

Lodging costs will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference or authorized educational activity, lodging costs should not exceed the maximum group rate published by the conference sponsor for the meeting in question. If the group rate is not available, or for overnight stays in other contexts, government rates should be used when they are available. If government rates are not available travelers may rely upon the Internal Revenue Service per diem rates for lodging which include adjustments for higher cost locations (see Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem). Those rates shall be deemed to be reasonable. The site also has references to hotels that have government rates at or below Internal Revenue Service per diem limits.

MEALS

Officials will be reimbursed no more than the per diem rate. The per diem will be paid at the rate of \$50.00 (fifty dollars) which will include meals, tips and all incidental expenses, subject to production of receipts justifying the total reimbursement. Note: If the costs exceed the above per diem, requests for reimbursement can be made to the approving authority, said requests shall identify all expenditures and justifications supported by proper receipts for that portion exceeding the standard per diem rate. The approving authority is the City Council/Agency Board. There is no guarantee the excess will be approved.

TELEPHONE/FAX/CELLULAR

Officials will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

AIRPORT PARKING

Long-term parking should be used for travel exceeding 24-hours.

OTHER

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Receipts for gratuities shall be provided whenever possible. Expenses for which City officials receive reimbursement from another agency are not reimbursable.

CASH ADVANCE POLICY

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such requests for an advance should be submitted to the Finance Department ten (10) business days prior to the need for the advance with the following information:

- The purpose of the expenditure(s);
- The benefits of such expenditure to the residents of the City;
- The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
- The dates of the expenditure(s).

Any unused advance must be returned to the Finance Department within two business days of the official return along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

If the City Manager or his/her designee is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Council.

III. CREDIT CARD USE POLICY

The City does not issue credit cards to individual office holders but does have a City credit card for selected City expenses. City office holders may use the City's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the City's credit card and compliance with this policy must be submitted within ten business days of use.

City credit cards may not be used for personal expenses, even if the official subsequently reimburses the City.

IV. EXPENSE REPORT CONTENT AND SUBMISSION DEADLINE

All cash advance expenditures and expense reimbursement requests must be submitted on an expense report form provided by the City.

Expense reports must document that the expense in question met the requirements of the policy.

Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Receipts for gratuities and tolls under \$5 are not required, but should be provided if available.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

V. AUDITS OF EXPENSE REPORTS

All expenses are subject to verification of compliance with this policy.

VI. REPORTS TO GOVERNING BOARD

Officials shall provide a brief report on any meetings the official attended at the City's expense at the next regular meeting of the official's body, board or commission. If multiple officials attended, a joint report may be made. Such reports may be given orally or in writing.

VII. COMPLIANCE WITH LAWS

City Officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records and subject to disclosure under the Public Records Act.

VIII. VIOLATION OF THIS POLICY

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

- Loss of reimbursement privileges,
- A demand for restitution to the City,
- The City's reporting the expenses as income to the elected official to state and federal tax authorities, and
- Legal prosecution for misuse of public resources.