

RESOLUTION NO. 3028-2006

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A WRITTEN POLICY FOR EXPENSE REIMBURSEMENT FOR CITY OFFICIALS PURSUANT TO AB 1234

WHEREAS, the City Council of the City of Fort Bragg (“City Council”) takes seriously its stewardship over the use of limited public resources; and

WHEREAS, City resources should be used when they provide a benefit to the City; and

WHEREAS, without limitation, such benefits include:

1. The opportunity to discuss City concerns with other public officials;
2. Participating in local, regional, and professional organizations whose activities affect the City;
3. Attending educational seminars designed to improve the skills and information levels of City officials;
4. Promoting public service and morale by recognizing same; and

WHEREAS, this Resolution will establish a policy to provide guidance to elected and appointed officials on the use and expenditure of City resources; and

WHEREAS, Assembly Bill 1234 (“AB 1234”) establishes certain restrictions on compensation and the reimbursement of expenses for members of local legislative bodies and creates a new ethics training requirement for local public officials; and

WHEREAS, the policy established by this Resolution will satisfy the expense reimbursement policy requirement of AB 1234; and

WHEREAS, Government Code §§ 54950 et seq., defines “members of a Legislative Body” to include the City Council and members of Commissions or advisory bodies created by the Council; and

WHEREAS, AB 1234 requires the adoption of a more restrictive reimbursement policy with respect to members of City’s legislative bodies.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby establish a written policy for expense reimbursement for City officials pursuant to AB 1234.

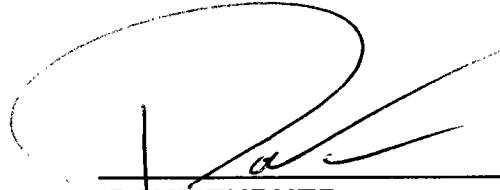
BE IT FURTHER RESOLVED that each and every member of the City Council, and any person or member of a commission appointed by the City Council who is eligible for reimbursement of expenses pursuant to Exhibit “A,” shall fully comply with the requirements of this Resolution and of AB 1234, including the ethics training requirements of AB 1234.

BE IT FURTHER RESOLVED that the provisions of this Resolution, including the provisions of Exhibit “A,” are severable and if any provision, clause, sentence, word or part therefore is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of

the remaining provisions, clauses, sentences, sections, words or parts thereof or their applicability to other persons or circumstances.


The above and foregoing Resolution was introduced by Councilmember Baltierra, seconded by Councilmember Melo, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 10th day of October, 2006, by the following vote:

AYES: Councilmembers Gjerde, Baltierra, Hammerstrom, Melo, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, CMC
City Clerk

EXHIBIT "A"

City Of Fort Bragg Expense Reimbursement Policy

1. **Purpose.** The purpose of this policy is to ensure that the reimbursement of members of City legislative bodies and certain City employees for expenses incurred in the performance of official duties complies with state law, including recently enacted Assembly Bill 1234, which adds Sections 53232.2 *et seq.* to the Government Code, to establish a reimbursement policy for city officials, and to establish other requirements related to travel and educational expenses paid by the City.

2. **Policy.** Members of a Legislative Body and City Employees may be reimbursed for actual and necessary expenses incurred in the performance of official duties only as provided in this Policy.

3. **Definitions.** The following definition shall apply to this policy:

"Legislative Body" means the City Council, Planning Commission, and any other commission or advisory body appointed by the City Council to act on behalf of the City.

"City Employees" means any employee of the City of Fort Bragg who can authorize reimbursement of expenses incurred by such employee without review of another City employee or official, including the City Manager and all exempt at-will executive employees.

"Travel" means attendance at officially sponsored governmental events.

4. **Types of Occurrences that Qualify for Reimbursement.** Members of a Legislative Body and City Employees may be reimbursed for actual and necessary expenses incurred in the performance of official duties, including (a) attending conferences or organized educational activities that benefit the City or affect the City's interests, (b) meeting with local, state, and federal legislators and officials regarding official city business, (c) meeting with staff and officials of surrounding communities regarding matters of mutual concern, (d) attending City events, (e) participating in regional, state, and national organizations whose activities affect the City's interests, (f) attending meetings and conferences of associations, including without limitation, joint action agencies and joint powers authorities, whose activities provide a benefit to the City and (g) such other business that provides a benefit to the City.

5. **Travel for other Agencies.** Members of a Legislative Body may be reimbursed for all actual and necessary expenses incurred when traveling on official business as

members or representatives of another public agency or body to which the City is a member.

6. **Government Rates.** Airlines, hotels, and rental car companies often make special rates available to state, federal, and local governments. These rates are presumed to be the most economical and reasonable rates for the purposes of this Policy. Those booking travel should consult available resources, such as www.catravelsmart.com, to determine the applicable government rates or most affordable rate.

7. **Travel Advances.** Members of a Legislative Body and City Employees may request a travel advance at least 12 working days in advance of the date needed. In no event shall a travel advance be issued more than 5 days prior to the expense being incurred or paid. Travel advances shall not exceed the amount reasonably required given the duration of travel and shall be based on the guidelines set forth in this Policy. Travel advances exceeding \$1,000 require prior approval of the City Manager (or designee). Members of a Legislative Body and City Employees who pay expenses with a travel advance shall comply with documentation requirements set forth in Section 17. Members of a Legislative Body and City Employees shall make every effort to prepay travel costs through the City's Finance Department prior to making a request for a travel advance.

8. **Transportation.**

a. *Cost Comparison to Determine Mode of Transportation.* In general, members of a Legislative Body and City Employees should choose the least expensive mode of travel. For example, in some cases, it may be less expensive for the City to reimburse members of a Legislative Body or City Employees for mileage associated with vehicle transportation than to pay for air travel. Members of legislative bodies and City Employees shall also consider cost-saving strategies such as car-pooling in the cost comparison.

b. *Air Travel.* When possible, members of a Legislative Body and City Employees should arrange for air travel to be paid for in advance by the City at the most economical and reasonable round-trip scheduled commercial fare consistent with the member or employee's scheduling needs. If scheduled flights are not available, travel by private/chartered/taxi flights may be reimbursed at the rate of \$90 per flight hour. If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a Legislative Body and City Employees may be reimbursed for the expense of the airfare, so long as it is the most economical and reasonable round-trip fare consistent with the member or employee's scheduling needs.

c. *Personal Vehicle Travel.* Members of a Legislative Body and City Employees are encouraged to use public transportation, non-motorized vehicles, and

car pooling whenever practical. Otherwise, City vehicles for travel in performance of official duties, when available, are allowed. If a City vehicle is unavailable a member or employee may be reimbursed for expenses incurred in traveling by personal motorized vehicle on official business at the annual Internal Revenue Service Standard Mileage Rate plus parking charges and bridge tolls. The distance of travel will start from the place of work or from home, whichever is closer to the destination point of official business. Members of a Legislative Body and City Employees shall be responsible for procuring and maintaining liability insurance for their personal vehicles.

d. *Car Rental Reimbursement.* Members of a Legislative Body and City Employees should arrange for car rentals to be paid for in advance by the City at the most economical rate available. If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a Legislative Body and City Employees may be reimbursed for the expense of car rental. Since the City is self-insured, members and employees shall not be reimbursed for optional liability insurance or other fees.

9. Meals.

a. *Meals in Conjunction with Travel.* Members of a Legislative Body and City Employees may be reimbursed for expenses incurred for meals consumed in conjunction with travel to and from, or during, official business events.

Members of a Legislative Body and City Employees may be reimbursed for meals, including taxes and tips, with documented receipts in amounts that do not exceed the amounts shown below:

Breakfast:	\$10
Lunch:	\$15
Dinner:	\$25
TOTAL	\$50

Meals for spouses, family members, and other third parties shall not be reimbursed.

b. Travel and meal reimbursement amounts described herein may be adjusted annually by City Council Resolution to reflect changes in prevailing costs.

c. If a meal is provided by a conference or organized educational activity, or otherwise included in the payment of registration fees, members of legislative bodies and City Employees may not be reimbursed for meals purchased in lieu of, or in addition to, the provided meal.

d. *Meals not in Conjunction with Travel.* Meals not in conjunction with Travel may be reimbursed for events taking place during normal meal times, e.g. business breakfasts or lunches. Meals supplied by the City, such as for evening or weekend

meetings and workshops, will be limited in cost to the limits set forth above in "a". Meal costs in excess of the limits will be reported as taxable income to the participating members and employees unless the City receives reimbursement from the participant.

10. Lodging.

a. Members of a Legislative Body and City Employees may be reimbursed for lodging expenses if (a) the destination of the conference, meeting, or other official duty is outside of Mendocino County or (b) is more than 55 miles from the place of work or home, whichever is closer to the destination, and official activities begin before 8:00 A.M. or end after 5:00 P.M.

b. When possible, members of a Legislative Body and City Employees should arrange for lodging expenses to be paid in advance by the City at the most economical and reasonable rates for single occupancy lodging that is in a location that is reasonable and convenient in relation to the member or employee's scheduling and official business needs. Members and employees may share reimbursement for a double or multiple occupancy room if the room will be shared with co-member(s) or co-employee(s), provided each share cost does not exceed the single occupancy rate.

For lodging in connection with a conference or organized educational activity, such lodging costs shall generally not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at the time of booking.

c. If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager (or designee) before the expenses are incurred, Members of a Legislative Body or City Employees may be reimbursed for lodging expenses, so long as the amount of the reimbursement does not exceed the government or group rates offered by a provider of lodging in a location that is reasonable and convenient in relation to the member or employee's official business needs or the maximum group rate published by the event or activity sponsor, whichever is higher.

11. Incidental Expense Reimbursement. Members of a Legislative Body and City Employees may be reimbursed for actual and necessary incidental expenses incurred in connection with a conference, organized educational activity, or other performance of official duties. Incidental expenses include baggage fees, parking fees, cab fares, public transportation costs, tolls, telephone calls, faxing, and special delivery services related to the performance of official duties, telephone calls of a personal nature, hotel internet charges, and other such incidental expenses. Members of a Legislative Body may be reimbursed for such incidental expenses related to reasonable gratuities for which receipts are not customarily given.

Reimbursement for expenses incurred in placing telephone calls of a personal nature shall be limited to \$5 per day for travel within California, and \$7.50 per day for travel outside of California.

12. **Conference Registration Fee Reimbursement.** When possible, members of a Legislative Body and City Employees should arrange for conference and organized educational activity registration fees to be paid in advance of the conference by the City. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager (or designee), Members of a Legislative Body and City Employees may be reimbursed for the actual cost of a conference or organized educational activity registration fee.

13. **Other Expenses.** All other actual and necessary expenses incurred in the performance of official duties that are not described in this Policy shall not be reimbursed unless approved by the City Council.

14. **Expenses Not Reimbursed.** Members of a Legislative Body and City Employees will not be reimbursed for non-business expenses including, but not limited to alcoholic beverages, spouse or family meals, entertainment expenses such as movie rental fees, theater tickets or sporting event fees, fines for parking citations, laundry, replacement fees for lost keys, and fees assessed for damage to lodging premises.

15. **Brief Report to Legislative Body.** Members of a Legislative Body and the City Manager shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the Legislative Body immediately following the event for which reimbursement is sought. Reports may be made orally or in writing. If more than one member of a Legislative Body attends the event, a report from one of the members that mentions the other's presence is sufficient. City Employees shall make similar reports to the City Manager upon completion of the event.

16. **Technology Reimbursement.** Members of the City Council shall be reimbursed for expenses incurred while traveling in the performance of official duties for Internet service, facsimile machine telephone service, cellular phone service, and other technological expenses at an amount not to exceed \$100 per month. Members of the City Council shall comply with the documentation requirements set forth in Section 17 when requesting technology reimbursement.

17. **Documentation Requirements.** Members of a Legislative Body and City Employees shall file a Travel Expense Form with the Finance Department within ten (10) business days of incurring the expense to request reimbursement of expenses and to document expenses paid with a travel advance. The Travel Expense Form shall be accompanied by itemized receipts documenting each expense, except that detail regarding the nature of the expense provided in the expense report shall suffice for incidental expenses for which receipts are not customarily given and are under \$10.

18. **Public Record.** All documents related to reimbursable expenditures shall be considered public records subject to disclosure under the California Public Records Act.

19. **Credit Card Use.** Members of Legislative Bodies and City Employees may use personal credit cards and accounts but may not be reimbursed for interest and any fees and charges beyond direct purchase charges. Use of City credit cards are governed by Administrative Rules and Regulations and provisions of this Policy and may not be used for non-reimbursable costs. Receipts for charges on City credit cards should be submitted to Finance Department following completion of Travel rather than waiting for monthly card statements to arrive.