

RESOLUTION NO. 2007-72

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING REVISED AB1234 EXPENSE
REIMBURSEMENT POLICY AND THEREBY
RESCINDING RESOLUTION 2006-230

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WHEREAS, the Lodi City Council adopted Resolution No. 2006-230 on December 20, 2006, approving the expense reimbursement policy in response to the passage of Assembly Bill 1234 relating to expense reimbursement and ethics training requirements for local officials (Government Code §53232 et seq.); and

WHEREAS, the revised policy, attached hereto and marked as Exhibit A, reflects a change regarding unused individual Council Member travel funds, as well as miscellaneous clean-up revisions.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the revised AB1234 Expense Reimbursement Policy attached hereto as Exhibit A.

Dated: April 18, 2007

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I hereby certify that Resolution No. 2007-72 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 18, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, and Mounce

NOES: COUNCIL MEMBERS – Mayor Johnson

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk

TRAVEL AND EXPENSE REIMBURSEMENT POLICY

STATEMENT AND FINDINGS

Whereas, the City of Lodi takes its stewardship over use of its limited public resources seriously; and

Whereas, public resources should only be used when there is a substantial benefit to the City; and

Whereas, such benefits include, but are not limited too, (1) the opportunity to discuss the community's concerns with state and federal officials; (2) participating in regional, state and national organizations whose activities affect the City; (3) attending educational seminars designed to improve officials' skill and information levels; and (4) promoting public service and morale by recognizing such service; and

Whereas, (1) legislative and other regional, state, and federal agency business is frequently conducted over meals; (2) sharing a meal with regional, state, and federal officials is frequently the best opportunity for a more extensive, focused, and uninterrupted communication about the City of Lodi's policy concerns; and (3) each meal expenditure must comply with the limits and reporting requirements of local, state, and federal law; and

Whereas, this policy provides guidance for elected and appointed officials on the use and expenditure of City resources, as well as standards against which those expenditures will be measured; and

Whereas, this policy satisfies requirements of Government Code Sections 53232.2 and 53233.3; and

Whereas, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources; and

Whereas, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws; and

Whereas, this policy also applies to any charges made to a City credit card, cash advance, or other line of credit;

Now, therefore, the City Council of the City of Lodi, does hereby set forth its Travel and Expense Reimbursement Policy as provided below.

POLICY

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. Participating in regional, state, and national organizations whose activities affect the City's interests;
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; and
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 City Council.

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

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 City-related business, as well as children or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at theater), sporting events (including gym, massage, and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance, or gasoline; and
6. 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.

Cost Control

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the guidelines set forth in this policy. In the event expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to costs that fall within the guidelines.

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. Charges for rental vehicles may be reimbursed under this provision when it is determined that a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking, and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.

Airfare

Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities, the California State Association of Counties, and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

Automobile

Automobile mileage is reimbursed at Internal Revenue Service (IRS) rates presently in effect. For 2006, the rate was 44.5 cents per mile, and may be adjusted thereafter by the IRS. 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 bridge and road tolls, which are also reimbursable. IRS rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

Car Rental

Rental rates that are equal to or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

Taxis/Shuttles

Taxi or shuttle fares may be reimbursed, including a fifteen percent (15%) 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 expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.

Conferences / Meetings

If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.

Other Lodging

Travelers must request government rates, when available. Lodging rates equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>.

In the event that government rates are not available at a given time or in a given area, the following rates shall be considered reasonable and reimbursable: (1) lodging rates that do not exceed the median retail price for lodging for that area listed on websites like www.priceline.com or an equivalent service; (2) lodging rates that do not exceed \$150 per night; and/or (3) lodging rates that do not exceed the IRS per diem rates for a given area.

Meals

Reimbursable meal expenses and associated gratuities will not exceed the following rates:

Breakfast	\$12
Lunch	\$18
Dinner	\$35

Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the San Francisco-Oakland-San Jose Area. (The annual adjustment will be based on this area whether travel is within the area or not.) The City will not pay for alcohol/personal bar expenses.

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.

Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet access is necessary for City-related business.

Airport Parking

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

Other

Baggage handling fees of up to \$1 per bag and gratuities of up to fifteen percent (15%) will be reimbursed. 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 request for an advance should be submitted to the Department Head or responsible City official ten (10) business days prior to the need for the advance with the following information:

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

Any unused advance must be returned to the City Finance Division within five (5) business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Department Head or responsible City official is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Council.

Credit Card Use Policy

The City does not issue credit cards to individual officeholders but does issue credit cards for selected City expenses. City officeholders may use these credit cards for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on City credit cards and compliance with this policy must be submitted within five (5) business days of return.

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

Business Expense Report Content and Submission Deadline

All cash advance expenditures, credit card expenses, and expense reimbursement requests must be submitted on a business expense report form provided by the City. This form shall include the following advisory:

All expenses reported on this form must comply with the City's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies include loss of reimbursement privileges, restitution, civil, and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the City official should explain whose meals were purchased, what issues were discussed, and how those relate to the City's adopted legislative positions and priorities.

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

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

Audits of Expense Reports

All expenses are subject to verification that they comply with this policy.

Reports to City Council

At the following City Council meeting the official attends, the official shall provide a brief report on the meetings attended at City expense. If multiple officials attended, a joint report may be made.

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 City expenditures are public records subject to disclosure under the Public Records Act.

Individual Officeholder Expense Accounts

The Council shall establish an annual budget for conferences, meetings, seminars, and training. Council Members shall attend such events at their own discretion for purposes of improving comprehension and proficiency of municipal affairs and/or legislative operations. The budget shall be divided equally among the Council Members for individual usage throughout the fiscal year, with the Mayor receiving an additional \$500 allocation for representation purposes. At the mid-year review of the City's fiscal budget, Council Members may, on a voluntary basis, donate any unused funds which have not been earmarked for usage throughout the remainder of the year, to a combined account with the intent of the funds being used by other Council Members who may have exceeded their individual amounts. It is understood that individual members of the City Council may have differing educational needs and interests. The underlying principle is that it is in the best interest of the City that elected and appointed officials remain informed and trained in activities, developments, and professional trends affecting the affairs of the City and its citizens.

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: (1) loss of reimbursement privileges, (2) a demand for restitution to the City, (3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, (4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and (5) prosecution for misuse of public resources.