

City of Mission Viejo
COUNCIL POLICY



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PURPOSE

Whereas, the City of Mission Viejo (the “City”) takes its stewardship over the use of its limited public resources seriously.

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

Whereas, such benefits include:

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 City officials’ skill and information levels; and
4. Promoting public service and morale by recognizing such service.

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’s policy concerns; and 3) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law.

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

Whereas, this policy satisfies the requirements of Government Code sections 53232.2 and 53232.3.

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

Whereas, this policy also supplements the definition of necessary and reasonable expenses for purposes of Federal and State income tax laws.

POLICY

APPLICATION

This policy shall apply to any “member of a legislative body,” as defined by Government Code Section 53232. The term “legislative body” includes the City Council and any City commission, committee, board, or other body of the City, whether permanent or temporary, decision-making or advisory, created by ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body,

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irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this policy.

This policy shall also apply to the City Manager, and City Attorney. The City Manager shall establish administrative policies governing the attendance, conduct and reimbursement of expenses for employees of the City other than the City Manager, and City Attorney.

The Mayor shall have the authority to approve the expense reports of the City Manager. The City Manager shall have the authority to approve the expense reports for all other City officials.

This policy shall also apply to any portion of a City employee's request for reimbursement that is for a City official's expense.

This policy also applies to any charges made to cash advances.

Travel and attendance by a member of officially established boards and commissions shall be restricted to intrastate unless specifically authorized by the City Council.

A member of a legislative body of the City of Mission Viejo, the City Manager, the and the City Attorney are referred to as "City official" in this policy.

AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must be used only 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 county, regional, state and national government on City adopted policy positions;
2. Attending educational seminars or conferences designed to improve City officials' skill and information levels;
3. Participating in county, regional, state and national organizations whose activities affect the City's interests;
4. Recognizing service to the City (*e.g.*, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending events in the capacity of a member of a City legislative body;
6. Meeting with citizens of the City to discuss City issues;

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7. 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 that do not fall within this policy shall be approved by the City Council in a public meeting before the expense is incurred.

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 a City official on City-related business, as well as child-related or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage 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.

COST CONTROL

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the 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 to get to a conference from the City, or to return to the City may be reimbursed under this provision if more than one City official is attending an out of town conference, and it is determined that sharing 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. Appropriate documentation shall be submitted on the comparative costs and to substantiate the government and group rates. When using a rental car, all insurance coverage available for the rental car from the provider must be purchased.

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 (www.cacities.org/travel), and the State of California are

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presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

Automobile. Automobile mileage is reimbursed at the Council approved rate in effect at the time of travel. This rate is 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. The Council approved rate will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed for rental vehicles.

Car Rental. Rental rates that are equal 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. All insurance coverage available for the rental car from the provider must be obtained.

Taxi/Shuttle. Taxi or shuttle fares may be reimbursed, including a maximum of 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 expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. Prior to traveling, the designated person as defined in the “Application” section of this policy will approve requests for overnight stays.

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, please see “Other Lodging” section.

Other Lodging. Travelers must request government rates, when available. A list of hotels offering government rates in various areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal to or less than the government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area as listed in IRS Publication 1542, Specific Locality Method table, are presumed reasonable and hence reimbursable.

MEALS

Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. The Internal Revenue Service per diem rates for meals and incidental expenses as listed in IRS Publication 1542, Specific Locality Method table, for the location of the conference or meeting shall be used to determine the maximum amount of daily reimbursement for such items, except that the costs of all meals offered by the conference sponsor, or by an organization other than the conference sponsor, during the conference are considered reasonable and are reimbursable under this policy.

The City will not pay for alcohol or personal bar expenses.

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TELEPHONE/FAX/CELLULAR PHONE

City officials shall utilize City provided cell phones whenever possible. City officials will be reimbursed for actual telephone expenses incurred on City business made on non-City phones. Telephone bills should identify which calls were made on City business. For cellular phone calls made with the City official's personal cell phone, the City official shall identify the percentage of public business usage by dividing the number of minutes used for public business by the total number of minutes provided in the City official's plan. The City official will be reimbursed for that percentage of his personal cell phone invoice. City officials shall also be reimbursed for fax expenses incurred on City business.

INTERNET

City officials will be reimbursed for Internet access connection 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

Incidental expenses consist of fees and tips given to porters, baggage carriers, bellhops, hotel maids, flight attendants, and transportation between places of lodging or business and places where meals are taken. Incidental expenses are combined with meal reimbursements and are subject to the Meals and Incidental Expense (M & IE) per diem amounts published in IRS Publication 1542. Gratuities up to 15 percent will be reimbursed. City officials should maximize all other sources of reimbursement opportunities to the extent eligible.

Items purchased such as conference or event tapes, CD's, or books shall be reimbursable expenses under this policy provided these purchases are directly related to City business. The maximum amount of reimbursement for these items shall be limited to \$100 per trip or event.

CASH ADVANCE POLICY

From time to time, it may be necessary for a City 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 Administrative Services Department 5 days prior to the need for the advance with the following information:

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1. The purpose of the expenditure(s);
2. The benefits of such expenditure to the residents of the City;
3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
4. The dates of travel or expenditure;
5. Copy of the approved Travel Request and Expense Report-CM, , Council form.

Any unused advance must be returned to the Administrative Services Department within two (2) business days of the City official's return from his or her trip, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Director of Administrative Services is unable to determine whether a request complies with this policy, such individual must seek resolution from the City Council.

EXPENSES REPORT CONTENT AND SUBMISSION DEADLINE

All cash advance expenditures, and expense reimbursement requests must be documented on the City's Travel Request and Expense Report – CM, , Council form or the City's Authorization for Use of Private Vehicle Expense Report and Demand for Payment Form, both of which may be found on the City's intranet site. Such expense reports must be submitted to and reviewed by the Administrative Services Department. These forms 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 to the City, civil and criminal penalties as well as additional income tax liability.”

Expense reports must document how the expense in question meets 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.

City officials must submit their expense reports for all expenses incurred except personal automobile mileage 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. For personal automobile mileage reimbursement requests, City officials must submit a monthly request for reimbursement by the last day of the month following the end of the month that the mileage was incurred. As an example, mileage incurred in the month of January

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must be submitted for reimbursement no later than the last day of February.

The approving authority may accept expense reports submitted up to 30 days later than the above timeframes. All expense reports submitted more than 30 days later than the above deadlines must be approved by the City Council. Expense reports submitted later than the timeframes prescribed above may result in the expense being borne by the City official.

AUDITS OF EXPENSE REPORTS

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

All expense reports shall be reviewed by the Administrative Services Department and approved by the designated person as defined in the "Application" section of this policy. No person may approve his or her own expense report.

REPORTS TO GOVERNING BOARD

At the following legislative body meeting, each member of that legislative body shall briefly report on meetings, seminars, conferences or gatherings attended at the City's expense. If multiple City officials attended the same meeting, seminar, conference or gathering at the City's expense, a joint report may be made. Officials should not discuss among themselves the content of a joint report in advance of a public meeting. Asking one official to be the lead on the report during the public meeting and then asking others if anything was omitted is an appropriate process to meet Brown Act requirements.

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 subject to disclosure under the Public Records Act and other laws.

CONDUCT AT A POLITICAL ACTIVITY OR EVENT

Council Members, members of boards and commissions, and City employees may not appear at a political activity or a political event relating to the election campaign of a candidate or a ballot measure as a representative of the City. Council Members, members of boards and commissions, and City employees may attend such events on their own time and at their own expense, but may not appear as a representative of the City or appear in a City uniform. Employees, member of boards and commissions, and Council Members may be introduced at such events so long as the introduction does not make it appear that they are representing the City. Council Members, members of boards and commissions, and City employees may appear at events to provide fair, accurate and impartial information to the public on the effects of

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ballot measures on City operations. See Government Code Sections 3201 et seq. and 54964 for the statutory prohibitions on solicitation of the political contributions from City Employees by candidates and elected officials and detailed restrictions on political activities of cities and city employees.

VIOLATION OF 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 City's reporting the expenses as income to the elected City official to state and federal tax authorities, and 4) prosecution for misuse of public resources.