

## RESOLUTION NO. 9809

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, ADOPTING A REVISED POLICY REGARDING THE REIMBURSEMENT OF EXPENSES FOR LEGISLATIVE BODIES AS REQUIRED BY GOVERNMENT CODE SECTION 53232.2

WHEREAS, the City of Indio and the Indio City Council take stewardships over the use of limited public resources seriously;

WHEREAS, public resources may be used for travel and reimbursing the expenses of members of the City Council and appointed officials on commissions when there is a benefit to the City and when conducting City business;

WHEREAS, the City has had a policy regarding the reimbursement of expenses except that policy applied to both members of a legislative body as that term is used in Government Code Section 53232.2 and City employees but some of its provisions do not apply to legislative bodies;

WHEREAS, benefits to the City of reimbursing expenses incurred by members of the City Council include but are not limited to: the opportunity to discuss the community's concerns with local, state and federal officials; participating in regional, state and national organizations whose activities benefit and affect the City; attending educational seminars designed to improve officials' skill and information levels through continuing education and information sharing with other public officials; and promoting public service and morale by recognizing such service;

WHEREAS, legislative and other regional, state and federal agency business is frequently conducted over meals; 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 each meal expenditure must comply with the limits and reporting requirements of local, state and federal law;

WHEREAS, this policy provides guidance to City Council members and appointed members of other legislative bodies on the appropriate 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 53233.3; and

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

NOW, THEREFORE, the City Council of the City of Indio does resolve as follows:

Section 1. Application. This policy applies to all members of the Indio City Council, including their positions as member of the Indio Water Authority, Indio Public Financing Authority, Indio Housing Authority or any other entity or body created by the Indio City Council and members of appointed commissions as set forth in Section 18 of this Resolution (collectively referred to herein as "public official"). Accordingly, references to the "City" as used in this policy shall be deemed to incorporate the Indio Water Authority, the Indio Public Financing Authority, the Indio Housing Authority or any other entity or body created by the Indio City Council and reference to a "public official" shall be applicable to the member of the legislative body of these agencies as well as members of appointed commissions when applicable. Members of the City Council and members of other legislative bodies of the City should adhere to these guidelines to conserve City resources and keep expenses within community standards. 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 this policy, unless such excess amounts have been approved in advance by the City Council.

Section 2. Expenses. City funds, equipment, supplies, and staff time must only be used for authorized business of the City of Indio.

Section 3. Authorized Expenses. Expenses incurred by a public official in connection with the following types of activities generally constitute authorized expenses, and may be reimbursed by the City as long as the other requirements of this policy are met:

A. Communicating with representatives of regional, state and national government on City policy positions.

B. Attending educational seminars designed to improve public officials' skill, knowledge, and information levels.

C. City workshops (e.g., priority setting programs and the performance evaluation of appointed staff).

D. Participating in regional, state and national organizations whose activities benefit or affect the City's interests.

E. Attending City, community, regional and other events whose activities benefit or positively affect the City's interests.

F. Implementing a City-initiated strategy and/or policy, including but not limited to strategies and/or policies for attracting or retaining businesses to the City, which will typically involve at least one staff member and which may include out-of-state travel.

G. Gathering facts and information regarding City projects, issues and priorities in other jurisdictions.

Section 4. Prior Approval. The reimbursement of any international travel shall require prior approval by the City Council. Prior approval by the City Council is not required for travel in the contiguous United States.

Section 5. Non-Reimbursable Expenses. Examples of personal expenses that the City will not reimburse include, but are not limited to:

- A. The personal portion of any trip.
- B. Political or charitable contributions.
- C. Family expenses, including spouse or partner's expenses when accompanying official on agency-related business, as well as children-or pet-related expenses.
- D. Entertainment expenses, including but not limited to theater, movies (either in-room or at the theater), recreational events not related to City business (including gym, massage and/or golf related expenses), and cultural events not related to City business.
- E. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline.
- F. Personal alcohol or bar expenses.
- G. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by seeking and receiving approval from the City Council prior to incurring the expense.

Section 6. Transportation. The most economical mode and class of transportation reasonably consistent with scheduling needs and the public official's time constraints must be used, using the most direct and time-efficient route. Public officials are to utilize on-line travel services and secure the least expensive flights and car rental arrangements possible at the time of the purchase. In addition to the primary travel cost, e.g., airfare, rental rate, etc., a public official making transportation arrangements should also consider secondary costs, e.g., baggage charges, special fees, etc. Reservations for air transportation should be booked as early as is reasonable to take advantage of lower cost air fares.

The public official must use government and group rates offered by a provider of transportation when available. Travel in business class, first class or any category on any flight above the coach/economy level is the exception and allowable only if (a) the

public official pays the cost difference or (b) the public official can document that no other option exists and the selected flight is the only option for travel.

Upon request from the Finance Department, supporting documentation that the flight and car reservations made were the least expensive option available may be requested from the public official.

A. Airfare/Train/Personal Vehicle. Allowance for air and train travel is based on actual round trip coach fare, tourist fare or by the method least costly to the City. Public officials are expected to make special efforts to take advantage of discounts, special fares and travel vouchers whenever available at reasonable and convenient times. Travel by personal vehicle shall not exceed the cost of the airfare or train fare.

B. Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see [www.irs.gov](http://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 bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed when a rental vehicle is used during official travel.

If an official is required to use the official's own personal vehicle for City business, the official must, prior to using said vehicle, do the following: (i) Complete the "Authorization to Drive City of Indio Vehicle or Private Vehicle for City Business Form" authorizing the employee to use a personal vehicle which must be approved by the Director of Human Resources/Risk Manager; (ii) provide proof of insurance and insure the vehicle to the minimum limits required by the City's personnel policies; (iii) have their policies of automobile liability insurance endorsed to reflect business use; and (iv) maintain a valid driver's license. The use of motorcycles, mopeds and similar types of vehicles is expressly prohibited.

In the event of an incident or accident, the City does not assume responsibility for any physical damage to a public official's personal vehicle or for the payment of any kind of deductible.

C. Car Rental. Allowance for car rental is based on actual cost to rent a mid-range size vehicle. Public officials are expected to make special efforts to take advantage of discounts, special fares and travel vouchers whenever available at reasonable and convenient times. The car rental may include a global positioning system if said equipment is standard; only standard equipment is allowed. Public officials must have a valid California driver's license and proof of insurance when using a rental vehicle while on City business.

D. Taxis and/or Shuttles. Taxis and/or shuttles may be reimbursed, including up to a 20 percent gratuity per fare, when the cost of such fare is equal or less than the cost of car rental, gasoline and parking combined, or when such transportation is

necessary to the related city business activity. Public officials are expected to take the most economical mode and class of transportation consistent with scheduling needs and the officials' time constraints.

E. Parking Expenses. The City will provide reimbursement for actual cost of parking associated with travel, including parking at the airport, hotel and conference parking, training or meeting site or in conjunction with any activity set forth in Section 3 of this policy.

Section 7. Lodging. Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. No reimbursement shall be made when official travel is within 60 miles of the City Hall unless prior authorization is sought and granted from the City Council. Public officials are to utilize on-line travel services and secure the least expensive lodging rates possible at the time of the purchase. In addition to the primary travel cost, e.g., room rate, etc., a public official making lodging arrangements should also consider secondary costs, e.g., internet service fees, property use fees, etc. Reservations for lodging should be booked as early as is reasonable to take advantage of lower rates.

The public official must use government and group rates offered by a provider of lodging when available. If the public official chooses to utilize a higher rate hotel or accommodation outside this policy, the public official is personally responsible for the difference in cost except if the public official can document that no other option exists and the selected lodging is the only option available.

A. Conferences/Meetings. If such lodging is in connection with a conference or organized educational activity conducted in compliance with Government Code Section 54952.2(c), lodging expenses shall 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 paragraph B of this Section.

B. Other Lodging. The public official must request government lodging rates, when available. Lodging rates that are equal or less to 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 or for a particular hotel property, the lodging rate shall not exceed two hundred seventy-five dollars (\$275) per night, inclusive of all occupancy and accommodation taxes and other room related taxes and fees. If the lodging exceeds this not-to-exceed limit, the public official shall seek pre-approval by the City Council before incurring such expense. Higher lodging rates based upon late registration or negligence in not making an early reservation will be reimbursed at \$275 per night rate as described herein.

Section 8. Meals. Public officials should, when available, take meals that are provided as part of a seminar or conference registration fee. Reimbursable meal expenses and associated gratuities shall not exceed a daily rate of \$65 per person for breakfast, lunch and/or dinner including tax and tip. This amount shall be adjusted

annually without further action by the City Council 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 Los Angeles/Anaheim/Riverside Metropolitan Area. (The annual adjustment will be based on this area whether travel is within the area or not.) Tips in excess of 20% of the cost of a meal will not be reimbursed nor will tips made at fast food restaurants and/or convenience stores. A public official's meal reimbursement claim shall be based on actual meal cost. Individual meals may be aggregated to create a daily total not to exceed the maximum daily rate. If a public official exceeds the daily amount for meals, the public official is required to pay these expenses from their personal funds. Reimbursement for a meal during attendance at any single day event requires advance approval from the City Council. If approved, the maximum reimbursement for any single meal is \$15, \$20, \$30 for breakfast, lunch or dinner, respectively, inclusive of taxes and tip.

Section 9. Telephone/Fax. Public officials shall be reimbursed for the actual cost of all actual telephone and fax expenses while traveling on City business in order to accomplish City-related business. The bill should identify which calls were made on City business. Personal phone calls are not a reimbursable expense.

Section 10. Internet/Computer Rental and Related Equipment. On out-of-town trips, public officials will be reimbursed for the actual cost of Internet access connection and/or usage fees away from home, computer rental and related equipment if such use and devices are necessary for City-related business. Personal internet usage is not a reimbursable expense.

Section 11. Tips and Gratuities. Reasonable expenses for tips and gratuities are allowed for hotel and transportation purposes will be reimbursed. Baggage handling fees of up to \$2 per bag will be reimbursed. Tips for meals are included in the daily meal rate, and therefore are not separately reimbursed.

Section 12. Conference/Meeting Registration Fees, etc. Conference, meeting or other registration fees in conjunction with the authorized activities as set forth in Section 3 of this policy will be reimbursed.

Section 13. 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 Finance Department not less than ten (10) business days prior to the need for the advance with the following information: (a) the purpose of the expenditure(s); (b) the anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and (c) the dates of the expenditure(s).

Any unused advance must be returned to the City treasury within ten (10) 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.

Section 14. Expense Report Content and Submission Deadline. Each public official submitting a claim for reimbursement under this policy must file a "City of Indio Expense Reporting Claim Form," and must include date, business destination, amount, and business purpose. Claims shall be filed promptly, no later than the end of the month following the month in which the travel and/or other necessary expenses occurred. Claims filed after this time will not be considered for payment.

All expenses reported on must comply with this policy. Expense reports must document that the expense in question meets the requirements of this Policy, including providing receipts and/or credit card slips. Original receipts must include the name of the establishment where service was provided and the date on which the service was rendered. Restaurant receipts must include the items ordered as well as the total payment made. The inability to provide such documentation in a timely fashion may result in the expense being borne by the public official. The information submitted is a public record.

Section 15. Verification of Expense Reports. All expenses are subject to verification that they comply with this Policy. The Finance Director shall review each claim form for compliance with this policy. The Finance Director or his/her designee may request additional documentation or explanation of individual expenditures for which a public official requests reimbursement.

Section 16. Reports To the Public. As required by Government Code Section 53232.2(d), each public official shall briefly report, orally or in writing, on meetings attended at City expense at the next regular meeting of the legislative body. If multiple public officials attended a meeting, a joint report or individual report on behalf of all attendees may be made.

Section 17. Compliance With Laws. Public officials should keep in mind that some expenditures could be subject to reporting under the Political Reform Act and other laws. Records of all City expenditures and documentation regarding expense reimbursements are public records subject to disclosure under the Public Records Act.

Section 18. Commission Travel and Expenses. Members of Commissions as set forth in Chapter 32 of Title 3 of the Indio Municipal Code will not be reimbursed for any expenses except as provided in this Section 18. Members of Commissions may be reimbursed for expenses in conjunction with attendance at educational seminars or meetings that relate to their Commission when that seminar or meeting is located outside of the City if such attendance is authorized by the City Manager or his/her designee and funds are budgeted for such purpose. In such case, the commissioner or committee member must comply with the applicable provisions of this Resolution.

Section 19. 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 agency's reporting

the expenses as income to the elected official to state and federal tax authorities; civil penalties of up to \$1,000 per day and three times the value of the resources used; and prosecution for misuse of public resources.

Section 20. The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 15<sup>th</sup> day of July, 2015, by the following vote:

**AYES:** Holmes, Miller, Strange, Wilson, Ramos Watson

**NOES:** None

  
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**LUPE RAMOS WATSON, MAYOR**

**ATTEST:**

  
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**CYNTHIA HERNANDEZ, CMC  
CITY CLERK**