



## Legislation Details (With Text)

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**Title:** CONSIDER REVISING SMP 2.11 EVENT ATTENDANCE AND REPORTING AND RESCINDING SMP 1.46 FOR REIMBURSEMENT OF EXPENSES FOR CONFERENCE ATTENDANCE BY COUNCILMEMBERS (CITY COUNCIL)  
**Sponsors:**  
**Indexes:**  
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**Attachments:** 1. SMP 1.46, 2. SMP 2.11

Date	Ver.	Action By	Action	Result
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## Report to Mayor and City Council

Tuesday, April 02, 2019

Discussion

### SUBJECT:

**CONSIDER REVISING SMP 2.11 EVENT ATTENDANCE AND REPORTING AND RESCINDING SMP 1.46 FOR REIMBURSEMENT OF EXPENSES FOR CONFERENCE ATTENDANCE BY COUNCILMEMBERS (CITY COUNCIL)**

### I. SUMMARY

During the March 27, 2019, Special Council meeting the Council continued this matter to this meeting. Subsequent to the adjournment of the special meeting, staff has located a more recent policy dated November 18, 2003 (Exhibit No. 2). SMP 2.11 is the Event Attendance and Reporting policy that established a procedure whereby elected officials, city employees, commission and board members are authorized to attend conferences that are beneficial to the city.

In SMP 2.11, Section III(A)6(f) outlines a procedure for a daily per diem for those that travel on behalf of the city. This policy allows for a \$50.00 per day, per diem for meals (minus the meals included with the cost of the registration of the conference). The \$50.00 includes gratuity. This policy requires an expense record be submitted and states that receipts are not required for per diems. Staff has determined that this policy is not in line with the City Charter or the California Government Code, which require receipts be turned in along with expense reports.

SMP 1.46 pertains to reimbursement of travel and conferences attendance by Councilmembers only. SMP 2.11 pertains to elected officials, employees, commission, committee or board members. SMP 1.46, dated November 6, 1991, predates SMP 2.11. Both policies are outdated. SMP 2.11 is far more detailed and thorough. Staff recommends SMP 1.46 be repealed completely and SMP 2.11 should be modified to reflect today's practices in alignment with the City Charter. Article III, Section 304 of the City Charter governs the compensation and expenses of City Council.

SMP 1.46 is so outdated, it contains provisions for such things as City Council credit cards and City Council phone cards, which the City no longer has. It is also the case that current reimbursement practice under SMP 2.11 does not conform to this SMP.

The charter references the California Government Code, which section 53232.2 provides that if a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then the governing body shall adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses.

This discussion is for the City Council to provide direction on a travel policy, and Staff will return with a new Council Policy on travel reimbursements consistent with the charter and State law. The relevant code sections are included below.

## **II. RECOMMENDATION**

TAKE the following actions:

1. RESCIND SMP 1.46
2. DIRECT staff to revise SMP 2.11 to reflect today's practices in alignment with the City Charter and the California Government code related to the compensation and expenses.
  - 1.

## **III. ALTERNATIVES**

None.

## **IV. BACKGROUND**

Article III, Section 304 of the City Charter governs the compensation and expenses of City Council.

*All of the members of the city council, including the mayor, shall continue to be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties as stated in, and limited by, the provisions of law applicable to the reimbursement for expenses city council members in general law cities as set forth in Government Code Sections 36514.5, 53232.2 and 53232.3 or any successor provision thereto. The city manager shall be responsible for*

*collecting any receipts from the members of the city council for reimbursable expenses within sixty days of the incurrence of any eligible expense, and shall submit quarterly reports to the city council regarding said expenses.*

Since the charter references specific sections in the California Government Code, it is useful to include those sections in full here. California Government Code Section 36514.5 states:

City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

*(Amended by Stats. 2005, Ch. 700, Sec. 2. Effective January 1, 2006.)*

California Government Code Section 53232.2 states:

(a) When reimbursement is otherwise authorized by statute, a local agency may reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties, including, but not limited to, activities described in Article 2.4 (commencing with Section 53234).

(b) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then the governing body shall adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses.

(c) The policy described in subdivision (b) may also specify the reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. If it does not, the local agency shall use the Internal Revenue Service rates for reimbursement of travel, meals, lodging, and other actual and necessary expenses as established in Publication 463, or any successor publication.

(d) If the lodging is in connection with a conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234), lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body at the time of booking. If the group rate is not available, the member of a legislative body shall use comparable lodging that is consistent with the requirements of subdivisions (c) and (e).

(e) Members of the legislative body shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.

(f) All expenses that do not fall within the adopted travel reimbursement policy or the Internal Revenue Service reimbursable rates as provided in subdivision (c), shall be approved by the governing body, in a public meeting before the expense is incurred, except as provided in subdivision (d).

(g) If a member of a legislative body chooses to incur additional costs that are above

the rates established pursuant to this section and those costs have not been approved pursuant to subdivision (f), then the member of a legislative body may do so at his or her own expense.

(h) This section shall not supersede any other laws establishing reimbursement rates for local agencies.

*(Amended by Stats. 2006, Ch. 643, Sec. 10. Effective January 1, 2007.)*<sup>3</sup>.

Finally, California Government Code Section 53232.3 states:

(a) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then a local agency shall provide expense report forms to be filed by the members of the legislative body for reimbursement for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel.

(b) Expense reports shall document that expenses meet the existing policy, adopted pursuant to Section 53232.2, for expenditure of public resources.

(c) Members of a legislative body shall submit expense reports within a reasonable time after incurring the expense, as determined by the legislative body, and the reports shall be accompanied by the receipts documenting each expense.

(d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

(e) All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

*(Added by Stats. 2005, Ch. 700, Sec. 3. Effective January 1, 2006.)*

## **V. FISCAL IMPACT**

None.

## **VI. EXHIBITS**

1. SMP 1.46 (pgs. 5-6)
2. SMP 2.11 (pgs. 7-17)

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Prepared by: City Manager's Office