

RESOLUTION 2010-15

RESOLUTION SUPERSEDING 2007-04 AMENDING THE CITY COUNCIL AND COMMISSION ETHICS TRAINING POLICY, COUNCIL EXPENSE REIMBURSEMENT POLICY AND COUNCIL DISCRETIONARY TRAVEL POLICY

WHEREAS, pursuant to Municipal Code Section 2.20.030, the City Council established compensation for the Mayor and Council members in consideration of the performance of their official duties on behalf of the City;

WHEREAS, no compensation has been established for Commission members in consideration of the performance of their official duties on behalf of the City except for Planning Commissioners who receive \$50 per meeting not to exceed \$100 per month pursuant to Resolution 2009-12.

WHEREAS, in performing said official duties, the Mayor, Council Members, and some Commissioners have received expense reimbursements via an administrative process for actual and necessary expenses incurred;

WHEREAS, AB 1234 (Government Code Section 53234 et seq.) requires that if a local agency offers any type of compensation, salary or stipend to a member of the legislative body, or provides reimbursement for actual and necessary expenses incurred by the same in the performance of official duties, then all members of the legislative body shall receive specified ethics training and complete a 2 hour ethics training session every two years;

WHEREAS, AB 1234 also requires that local agencies adopt a specified reimbursement policy for actual and necessary expenses incurred by members of the legislative body in the performance of their official duties (e.g., travel, meals and lodging);

WHEREAS, this Resolution officially adopts an ethics training policy and expense reimbursement policy in compliance with AB 1234; and

WHEREAS, the Policies established by this Resolution shall apply to Commission members that have received (or will receive) reimbursement for actual and necessary expenses incurred in the performance of their official duties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ENCINITAS HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Ethics Training Policy

- 1.1 In order to remain eligible for compensation and reimbursement, each Council member shall provide evidence to the City Clerk, of the

timely completion of semi-annual ethics training required pursuant to Government Code Section 53235.

The City Clerk shall maintain records of such compliance showing the dates that the Council members received such training every two years and the provider of the training

- 1.2 The City Manager and City Clerk shall also obtain the ethics training prescribed pursuant to Government Code Section 53235 and retain evidence of completion of ethics training every two years in the office of the City Clerk.**

SECTION 2. Reimbursement Policy

2.1 Reimbursement of Expenses

The Mayor and Council members are eligible for reimbursement for actual and necessary expenses incurred by the same for the following:

A. Travel, meals, registration fees, lodging, and incidental expenses reasonably incurred by the Mayor and Council members in connection with activities such as:

- 1) conferences and educational workshops, including required ethics training sessions, pertinent to the business of the City and the duties and responsibilities of Council members;**
- 2) meetings with local, state, and federal legislators or officials to discuss matters of concern to the City;**
- 3) community events sponsored by or featuring the City;**
- 4) community meetings at which City projects or programs are presented, featured or discussed;**
- 5) meetings with the City staff or community members concerning City business;**
- 6) media appearances to discuss City issues;**
- 7) internal activities such as cultural celebrations, employee group meetings and employee recognition events;**
- 8) any other meeting, event or activity which supports the activities of the City and which is deemed by the Council to be of benefit to the City.**

[Above referenced events and similar activities shall be deemed by the City Council to constitute the performance of official duties. Related incidental expenses include the following: public transportation to/from airport; parking expenses; fuel for rental cars; expenses related to conducting City business while traveling such as for phone, internet or facsimile communications]

B. If approved in advance by the City Council, the Mayor and City Council members may be reimbursed for office equipment, communication devices, supplies, publication subscriptions, membership dues, and other materials/equipment utilized in the performance of official duties.

2.2 Reimbursement Rates

A. Reimbursement rates for travel, lodging, and meal expenses incurred by the Mayor or Council members shall be in accordance with the following unless specifically approved by the City Council in advance of incurring the expense. Where this Resolution does not identify the reasonable reimbursement rates for travel, meals and lodging, the City shall use the Internal Revenue Service Rates as established in Publication 463 or any successor publication.

B. Travel reimbursement shall not exceed the government or group rate for airline, ground transportation, and rental cars where such rate is available. Reimbursement for rental cars is allowable if shuttle services are not available and it is the most economical means of transportation. Air transportation shall be economy or coach class. Rental cars shall be restricted to midsize level, unless a group of City officials/personnel are traveling together. The Mayor or Council members wishing to upgrade flight or rental car class for personal convenience or to combine personal with business travel thereby resulting in an increased fare, shall pay the increased cost over the rates set forth herein.

C. Lodging reimbursement shall not exceed the government or group rate for lodging where such rate is available. Reimbursement for lodging at conferences and organized educational activities shall not exceed the maximum group lodging published by the activity sponsor if that rate is available at time of booking. The Mayor or Council member wishing to upgrade rooms and or hotels to incur additional guest charges shall not be reimbursed for the cost differences.

D. Meal reimbursement will be in accordance with the rates applicable to all City employees.

2.3 Council member Vehicle Allowances

Council members are expected to conduct City business within San Diego County through the attendance of meetings of Boards and Commissions, as appointed by the City Council, as well as meetings with City staff, constituents, attendance at events, etc., within San Diego County, during various hours of the day or night, and it is determined by the City Council that their effectiveness, in representing the City, is dependent of the frequent availability of adequate and reliable vehicles.

The City Council finds and determines that in lieu of vehicles purchased and maintained by the City, and supplied to the Mayor and Council members, private vehicles owned or leased by the Mayor and Council members, which are maintained, repaired, fueled, lubricated and insured by the same constitute "actual and necessary" expenses related to conducting City business. Therefore, a monthly vehicle allowance shall be paid to the Mayor and Council members in the amount of \$350.00 (Three Hundred and Fifty Dollars).

2.4 Expense Reimbursement Forms

The Mayor and Council members shall utilize expense reimbursement forms provided by the City Manager in requesting expense reimbursement in accordance with this Resolution. The Mayor and Council members must include receipts and any other information to demonstrate that the reimbursement is consistent with this Resolution and California law. Expense reports must be submitted within 30 days after being incurred. Expense reports and attached documentation are disclosable under the California Public Records Act.

2.5 Discretionary Travel Reimbursement

Discretionary Travel: Travel outside of the San Diego County area conducted at the discretion of an individual councilmember to participate in official conferences, meetings or training opportunities to obtain information or enhance skills in the performance of their official duties. Types of discretionary travel expenses appropriate for City reimbursement include: conference fees, transportation, lodging and meals for participation in League of California Cities sponsored or co-sponsored events, professional conferences, training opportunities and orientation for new Council members.

A. Council members may submit for reimbursement actual and necessary expenses for discretionary travel for position-related travel and training expenditures.

B. An allotment of \$1,500.00 per councilmember, or other amounts as adopted by City Council, will be budgeted in the City's annual Financial Plan for discretionary travel expenditures.

C. Individual council members shall not exceed the per councilmember adopted budget allotment for discretionary travel expenditure reimbursement without approval of the City Council.

D. Requests for reimbursement or prepayment of discretionary travel expenses shall be submitted consistent with Administrative

Policy F001 (Travel and Reimbursement) and F002 (Meal Reimbursement Allowance).

2.6 Reporting Back

The Mayor and Council members shall briefly report on outside meetings attended at City expense at the next regular Council meeting following the event at which he or she attended. Said reports may be oral or in writing. If a written report is received in time, it shall be included in the packet for the City Council Meeting.

2.7 Violation of Policy

Misuse of public resources or falsifying expense reports in violation of this Resolution may result in any or all of the following: 1) loss of reimbursement privileges; 2) restitution to the City; 3) civil penalties for misuse of public resources; and 4) prosecution for misuse of public resources.

SECTION 3. Excepting Section 2.3, the policies established by this Resolution shall apply to Commission members that have received (or will receive) reimbursement for actual and necessary expenses incurred in the performance of their official duties.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 10th day of March, 2010 by the following vote, to wit;

AYES: Barth, Bond, Dalager, Houlihan, Stocks.
NAYS: None.
ABSTAIN: None.
ABSENT: None.



Dan Dalager, Encinitas Mayor

ATTEST:



Deborah Cervone, City Clerk