

RESOLUTION NO. 42-2006

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF TIBURON
ADOPTING A POLICY STATEMENT PERTAINING TO
THE USE OF PUBLIC RESOURCES AND
TO ESTABLISH A POLICY FOR REIMBURSEMENT
FOR TRAVEL AND OFFICIAL BUSINESS
PURSUANT TO AB 1234**

WHEREAS, the Town of Tiburon takes its stewardship over the use of its public resources seriously;

WHEREAS, public resources should only be used when there is a substantial benefit to the Town of Tiburon;

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 Town of Tiburon;
3. Attending educational seminars designed to improve 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 Town'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 the Town's elected and appointed officials on the use and expenditure the Town's resources, as well as the standards against which those expenditures will be measured.

WHEREAS, the California Government Code permits the Town to reimburse employees and members of the Town Council for expenses incurred in the performance of official duties;

WHEREAS, Assembly Bill 1234 (2005) requires the Town Council, prior to providing reimbursement to members of Town legislative bodies, to adopt a policy regarding the reimbursement of expenses incurred by members of legislative bodies in the performance of official duties;

WHEREAS, the Town Council adopted a policy on October 4, 2001, pertaining to reimbursement for expenses incurred by of Town officials and employees at business meetings and conferences (Administrative Policy and Procedure No. 2);

WHEREAS, this resolution is intended to modify said existing policy to (a) satisfy the pertinent requirements of AB 1234 relating to reimbursement of expenses of members of legislative bodies; and (b) update the Town's reimbursement policy applicable to employees;

WHEREAS, this policy is meant to provide guidance to elected and appointed officials on the use and expenditure of Town of Tiburon 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.

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;

WHEREAS, this policy also applies to any charges made to a Town of Tiburon credit card, cash advances or other line of credit;

NOW, THEREFORE, the Tiburon Town Council does hereby revoke (Administrative Policy and Procedure No. 2) and adopt the following policy with regard to the use of public resources and reimbursement thereof:

POLICY FOR USE OF PUBLIC RESOURCES AND REIMBURSEMENT

Authorized Expenses

Town of Tiburon funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized Town 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 Town of Tiburon 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 Town's interests;
4. Recognizing service to the Town of Tiburon (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending Town events;
6. Implementing a Town-approved strategy for attracting or retaining businesses to the Tiburon, which will typically involve at least one staff member.

All other expenditures require prior approval by the Town Council.

The following expenses also require prior approval by the Town Council:

1. Out-of-State travel;
2. Expenses which exceed the annual limits established by the Municipal Budget for Council and Commissions.

Non-Reimbursable expenses

Examples of personal expenses that the Town of Tiburon 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 an official on agency-related business, as well as children or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the 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 Town business.

Any questions regarding a particular type of expense should be resolved by the approving authority before the expense is incurred.

Cost Control

To conserve Town 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 Town 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.

Travel by Air. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. If those fares are not available, air travel using coach or economy fares may be used. Travel by private automobile will be authorized in lieu of flying, when it does not necessitate more time away from the job. The total travel cost shall be computed on direct route distances, but in no case shall the expense exceed the round trip cost by air.

Mileage Allowance: No Town employee shall be authorized mileage allowance for privately-owned vehicle travel in the performance of official business or approved function within the County of Marin if a Town-owned vehicle is available and suitable for such use. When authorized, the Town will reimburse an official or employee's private vehicle usage at a rate equal to the current rate set by the Internal Revenue Service for mileage deduction. Employees receiving a monthly auto allowance may receive mileage reimbursement in addition to the monthly allowance for mileage driven over 100 miles (round-trip) if attending a conference, seminar or business meeting.

Meals

The Town will reimburse an official or employee for meals consumed while attending a meeting or conference on behalf of the Town. The Town will not reimburse for expenses incurred for the consumption of alcoholic beverages. Meal expenses and associated gratuities will be reimbursed at the following rates:

Breakfast	\$15
Lunch	\$20
Dinner	\$40

Meal reimbursement will not be granted if meals have already been paid for as part of a registration fee.

Lodging

The Town will reimburse lodging expenses for when travel on official Town business reasonably requires an overnight stay. Such overnight stay shall be pre-authorized by the Town Manager.

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, travelers must request government 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, lodging rates that do not exceed \$200 per night are presumed reasonable and hence reimbursable.

Other Expenses

Telephone Charges: Necessary business-related telephone calls incurred by an employee on authorized travel may be reimbursed. Telephone bills should identify which calls were made on Town business. For cellular calls when the official or employee has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

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.

Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a 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.

Telephone/Fax/Cellular: Officials will be reimbursed for actual telephone and fax expenses incurred on Town business. Telephone bills should identify which calls were made on Town 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.

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 15 percent will be reimbursed. Expenses for which Town officials receive reimbursement from another agency are not reimbursable.

Reimbursement of Expenses for Non-Employees: When a Town employee or official is accompanied by his/her spouse the Town will not reimburse transportation, meal or activity expenses incurred by the spouse.

AUTHORIZATION AND APPROVAL OF REQUESTS AND EXPENSES

Department Heads may authorize attendance, travel and reimbursement of all normal and necessary expenses incurred by employees, in the course of official Town business according to the following guidelines. In areas not specifically covered, the Town Manager's decision shall govern.

Requests for authorization to attend conferences and/or meetings must be submitted in advance to the Department Head, or in case of a Department Head requesting authorization, to the Town Manager.

When attendance at a conference or meeting requires advanced payment or registration, a conference brochure listing the various fees must be attached to a Warrant request form and forwarded to the Finance Department in sufficient time to meet registration deadlines.

Receipts and expense statements are to be submitted to the Administrative Services Department for processing and filing within 30 days after attendance. Processing shall include verification of policy compliance. Receipts must be filed for all major expenses when available such as registration, hotel, travel, and meals. Expenses are to be submitted on the Travel Expense Statement form accompanied with all required receipts and documentation.

The Town Manager shall review and approve expense statements submitted by the Town Council and Department Heads. Department Heads shall review and approve expenses submitted by all other employees.

Reimbursement of costs shall be based on the minimum number of days and hours required to transact Town business. Early departures and late arrivals shall be at the employee's own expense except where savings to the Town can be demonstrated and where prior approval of the Town Manager is received. Reimbursement will not be allowed for travel between an employee's residence

and the location of a meeting or conference on normal workdays which does not exceed the employee's normal commute distance.

Reports to Governing Board

At the following Town governing body meeting, each official shall briefly report on meetings attended at Town expense. If multiple officials attended, a joint report may be made.

Compliance with Laws

Town 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.

Effect of Violation

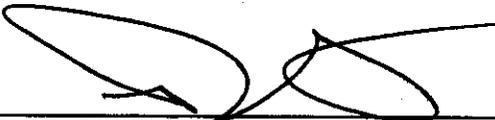
A violation of this Reimbursement Policy may result in the following penalties, including, but not limited to: 1) loss of reimbursement privileges; 2) restitution to the Town; 3) civil penalties for the misuse of public resources pursuant to Section 424 of the California Penal Code; and 4) prosecution for misuse of public resources pursuant to Section 424 of the California Penal Code.

Effective Date

This resolution and policy shall take effect upon adoption by the Town Council.

PASSED AND ADOPTED by the Town Council of the Town of Tiburon on this 4th day of October, 2006, by the following vote:

AYES: Councilmembers: Berger, Fredericks, Slavitz, Smith
NOES: Councilmembers: None
ABSENT: Councilmembers: Gram



PAUL SMITH, MAYOR
TOWN OF TIBURON

ATTEST: 

DIANE CRANE IACOPI, TOWN CLERK