

**RESOLUTION NO. 3752**  
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO ESTABLISHING A POLICY REGARDING REIMBURSEMENT OF EXPENSES FOR THE USE OF PUBLIC RESOURCES BY ELECTED OFFICIALS**

WHEREAS, the Town of San Anselmo takes its stewardship over the use of its limited public resources seriously; and

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

WHEREAS, this policy satisfies the requirements of Government Code sections 53232.2 and 53232.3; and

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

WHEREAS, such benefits include:

1. Discussing the community's concerns with state and federal officials;
2. Participating in regional, state and national organizations whose activities affect the Town;
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; and

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

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws; and

WHEREAS, this policy also applies to any advanced payments made to vendors on behalf of an official.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of San Anselmo hereby adopts the following Town of San Anselmo Expense and Use of Public Resources Policy that is hereby incorporated and made a part of this Resolution; directs that all elected officials be provided with a copy of the adopted policy; and directs that such policy take effect immediately upon adoption.

**Town of San Anselmo Expense and**

# Use of Public Resources Policy

## Authorized Expenses

Town 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 constituents and representatives of local, regional, state and national government on Town 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 (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 Town, which will typically involve at least one staff member; and

All other expenditures require prior approval by the Town Council.

The following expenses also require prior Town Council approval:

1. International and out-of-state travel;
2. Expenses which exceed the amounts budgeted for the expense activity;
3. Expenses exceeding \$500 per trip

Examples of personal expenses that the Town 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 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 the propriety of a particular type of expense should be resolved by the Town Council 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. Government and group rates must be used when available.

**Airfare.** 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](http://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.

**Automobile.** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see [www.irs.gov](http://www.irs.gov)). For 2006, the rate is 44.5 cents per mile. 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.

**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.

### **Lodging**

Lodging expenses will be reimbursed or paid for when travel on official Town business reasonably requires an overnight stay.

**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, see next section.

**Other Lodging.** Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. Another helpful source of guidance is Internal Revenue Service per diem rates for lodging, which include adjustments for higher cost locations (see Publication 1542 at [www.irs.gov](http://www.irs.gov) or [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem)). The site also has references to hotels that have government rates at or below Internal Revenue Service per diem limits.

## **Meals**

Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost locations (see Publication 1542 at [www.irs.gov](http://www.irs.gov) or [www.policyworks.gov/perdiem](http://www.policyworks.gov/perdiem)). The Town will not pay for alcohol/personal bar expenses.

## **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.

## **Advanced Payments to Vendors**

From time to time, it may be necessary for the Town to make advanced payments to vendors to cover certain expenses for travel or for doing business on the Town's behalf. Such request for an advance should be submitted to the Finance Director five working days prior to the need for the payment with the following information:

1. The purpose of the expenditure(s);
2. The benefits of such expenditure to the residents of Town
3. The anticipated amount of the expenditure(s) as demonstrated by a written quote (for example, hotel rates, meal costs, transportation expense); and
4. The dates of the expenditure(s).

Any advanced payment that subsequently not needed must be reported promptly in writing to the Town to ensure the Town the opportunity to obtain a refund.

## **Expense Report Content and Submission Deadline**

All expense reimbursement requests must be submitted on an expense report form provided by the Town.

Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the Town official should explain whose meals were purchased, what issues were discussed and how those relate to the Town's adopted legislative positions and priorities.

Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by original receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Mileage may be reimbursed without a receipt, with the amount calculated on actual miles traveled.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

## **Audits Of Expense Reports**

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

## **Reports To Town Council**

At the next regular Town Council meeting following the date of the expenditures, 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.

## **Violation Of This Policy**

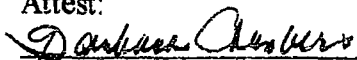
Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the Town, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

The foregoing resolution and the policy contained therein, were duly adopted at a regular meeting of the Town Council of the Town of San Anselmo on the 7<sup>th</sup> day of February, 2006, by the following vote:

AYES:	Breen, Cooper, Freeman, Roth, Thornton
NOES:	(None)
ABSENT:	(None)
ABSTAIN:	(None)

  
Barbara Thornton, Mayor

Attest:

  
Barbara Chambers, Town Clerk