

RESOLUTION NO. 73340

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A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING AN AMENDMENT TO CITY COUNCIL POLICY NO. 9-5, "TRAVEL BY ELECTED AND APPOINTED CITY OFFICIALS"

WHEREAS, on September 16, 1997, the City Council of the City of San José ("City") adopted the current version of Policy No. 9-5, "Travel by Elected and Appointed City Officials" ("Policy No. 9-5"), which describes the City's policy with respect to regulation of official travel by elected and appointed City officials; and

WHEREAS, the City desires to adopt a revised Policy No. 9-5 to replace the previous Policy No. 9-5, in order to provide that only the City Council may designate one or more Councilmembers or members of Boards or Commission to act as the official representative of the City, and to require that all out-of-state travel of an official nature by the Mayor, even if taken at no expense to the City, must be approved by the Council;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council Policy No. 9-5 entitled, "Travel by Elected and Appointed Officials," which policy is attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, supersede City Council Policy 9-5, adopted on September 16, 1997.

ADOPTED this 8th day of August, 2006, by the following vote:

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AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, NGUYEN,
PYLE, REED, WILLIAMS, YEAGER

NOES: LeZOTTE; GONZALES

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:
|

LEE PRICE, MMC
City Clerk

EXHIBIT A

CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY NO. 9-5

TRAVEL BY ELECTED AND APPOINTED CITY OFFICIALS

BACKGROUND

Council policy to regulate official travel by elected and appointed City officials was established by Council action on October 10, 1972. Subsequently, at the Council Meeting of June 3, 1980, Council directed that this Policy Statement be reviewed and amended as necessary to accommodate the anticipated increase in Council membership resulting from establishment of Council Districts and the changed economic conditions affecting the City which have transpired since this statement was first ordained. On October 7, 1980 Council directed that the revised Policy include reference to applicable portions of Ordinance No. 20366. In 1989 the Policy was amended to add several changes, including the reimbursement of child care expenses, and to make it clearer and more concise. On September 16, 1997, the Policy was amended to address travel by Mayoral and Council unclassified or contractual staff. There have been other changes from time to time, but no changes were made to the Policy between September 16, 1997 and August 8, 2006. The changes made to the Policy on August 8, 2006 were as follows: (1) to provide that only the City Council may designate one or more Council Members or members of Boards or Commission to act as the official representative of the City; and (2) to require that all out-of-state travel of an official nature by the Mayor, even if taken at no expense to the City, must be approved by the Council.

PURPOSE

To establish City policy and prescribe guidelines applicable to official travel by elected City officials and their staff, and appointed City officials.

SCOPE

This policy Statement and travel guidelines apply to the Mayor, to Members of the Council, to staff of the Mayor and Council Members, to active members of Boards and Commissions and Committees established by Charter or created by Council, and to Council Appointees. Travel by City Officials and employees other than those specified under this Policy Statement shall be administered and regulated by the City Manager pursuant to the City's Policy Manual, Section 1.8.2.

1. **Public Purpose:** Travel by City officers and employees is an appropriate activity and expense when performed for a public purpose. Requests for travel shall be limited to events from which the City derives specific benefits through attendance of a City representative(s), and shall be supported, if needed, by travel brochures, official notifications or other documentation to help Council in considering the travel request.
2. **Expense Reimbursement:** The Mayor, the Mayor's staff, Council Members and their staff, members of City Boards, Commissions and Committees and Council Appointees may be authorized to undertake official travel and be reimbursed by the City for all reasonable and necessary expenses incurred while traveling on City business, subject to the provisions and guidelines prescribed in this Policy Statement and in accordance with applicable provisions in Chapters 4.28 and 12.08 of the San José Municipal Code.
3. **Child Care Reimbursement**
 - A. Where in-state or out-of-state travel creates the need for child care, the City will reimburse child care expenses. Expenses may be incurred locally or at the point of destination.
 - B. The reimbursement maximum may not exceed \$5.00 per hour, per child. The total daily maximum is \$80.00 unless special circumstances, e.g., more than one child, dictate otherwise.
 - C. The claim for reimbursement must be supported by signed child care provider receipts, which should be submitted with the completed Statement of Travel Expenses.
 - D. Reimbursement will likely be treated as income by the Internal Revenue Service. The City will not withhold any taxes from the reimbursement.
 - E. The reimbursement maximum may be increased annually, based on the San José Consumer Price Index (CPI) beginning July 1, 1991. The Child Care Coordinator shall advise the City Clerk of annual changes to the reimbursement maximum. The City Clerk will amend the Council Policy Manual as necessary.
4. **Official City Representative:** When travel to a conference, convention or other similar event is authorized and undertaken for municipal purposes, one or more Council Members or members of City Boards, Commissions and Committees shall be specifically designated by the City Council or Board/Commission/Committee Chair to act as the official representatives of the City of San José.

5. **Travel Approval:** Except as noted below, all out-of-state travel of an official nature, even if taken at no expense to the City, must be approved by Council.
 - A. Council approval is not required for travel of Council Members made necessary by standing Council assignments. Travel taken under these conditions without Council approval should be limited to regularly scheduled or specially convened meetings of an official nature. The Mayor and Council Offices should be notified of impending or anticipated travel which is not being submitted for Council approval under this provision.
 - B. Less than a quorum shall usually be the maximum number of Council Members to receive approval for travel at any one time. When a quorum or more of Council Members are requesting approval for travel at the same time, the requests shall be considered together as a group and Council Meetings shall be canceled if necessary as a result of such approvals.
 - C. The Council hereby approves all official travel for which funds are budgeted for the Council Members, and Council Appointees, without separate approval required for Council Members, to meetings of: The U.S. Conference of Mayors; National League of Cities and its Committees; League of California Cities and its Committees; and other committees to which appointment is made by the Mayor and/or Council. Council approval is required for all official travel by the Mayor.
 - D. Notwithstanding other provisions contained in this Policy Statement, the Mayor may recommend and Council shall consider revocation or disapproval of travel by Council Members if necessary in order to assure that a quorum is present at regularly scheduled Council Meetings.
6. **Board, Commission and Committee Members:** Travel by members of City Boards, Commissions and Committees which is out-of-state or exceeds one day in duration shall require Council approval. This approval will take place via the annual budget process. Proposed local, in-state and out-of-state travel should be identified and separately budgeted in the annual budget document by the City department responsible for the Board, Commission or Committee. Travel proposals which arise after the adoption of the budget shall be submitted to the Rules Committee prior to submittal to the City Council. These proposals will include a funding source for the proposed travel.
7. **Council Staff Travel:** The Mayor or Council Member will review and approve all local, in-state and out-of-state travel by their office staff, whether such assistant is a member of the unclassified civil service or a contract employee, provided funds have been budgeted within the Mayor or Council Member's own Office Budget.

8. **Funding of Council Travel Activities:** The Mayor and Council Members' and their staff's travel activities for public purposes which are beneficial to the City may take many forms. The list below gives criteria for deciding which type of Council travel activity should be funded from what source.

Funding Alternatives :

- A. **Non-City funds:** Non-City funds, e.g., personal or contributed funds, are always a funding alternative. The use of contributed funds requires a Council Resolution.
- B. **Mayor's Office Budget:** All Mayor's travel and Mayor's staff travel. If activity is requested by the Administration - Manager, Department or Office of Economic Development Budget.
- C. **Council Office Budgets:**
- (1) International Travel (Economic Development Budget if so requested by Administration) and all Conferences where Council Member is a delegate, presenter, participant or attendee except for Annual Conferences of the League of California Cities and the National League of Cities.
 - (2) Leadership position or membership on any local or regional organization or committee.
 - (3) All Council Staff travel, except as noted under Council General below.
- D. **Council General Budget,** subject to the availability of funds as allocated by the Finance Committee each year.
- (1) Leadership position (Officer, Steering Committee, Executive Board, Policy Committee) of any international, national or state association of governments.
 - (2) Testifying/Lobbying at state or federal level (Department or Manager's Office budgets if so requested by Administration for a specific project.)
 - (3) Other international, national or state organizations as specifically approved by the Rules Committee.
 - (4) Mayor and Council staff support of leadership position in an organization eligible for Council General funding.

9. The Mayor and Council Members will establish their Office travel budget with information/schedules currently available for the upcoming fiscal year during the annual budget process. The Finance Committee will make recommendations regarding the amount to be budgeted for Council General travel during the normal budget cycle and forward those recommendations to the Mayor for inclusion in the annual budget process.
10. Travel proposals which require Council approval will include justification and identify the funding source if other than the Office Budget of the Mayor or Council Member. Those members proposing to use Council General Funds shall submit their travel proposal, including justification, to the Rules Committee for approval. The following guidelines should be used by the Rules Committee when reviewing travel requests proposing to use Council General monies:
 - A. Travel is consistent with current adopted budget priorities.
 - B. Travel is consistent with current adopted legislative priorities.
 - C. Clear monetary benefit must be evident, i.e., testifying regarding legislation that could have an impact on the City's revenues (i.e., SB 2557), as well as legislation that may enhance the City's fiscal integrity.
 - D. Revenue enhancement opportunity clearly attainable.
 - E. Travel must be related to the Mayor or Council Members' roles or duties, i.e., Standing Committee assignment, liaison assignment, task force assignment, etc.
 - F. If there are multiple requests to testify/lobby on the same issue, justification must be given for the appropriate number needed to testify.
 - G. Discretion given to the Rules Committee to safeguard that all available Council General monies for a given fiscal year not be spent on one trip or by any one Council Member.

For those proposals asking for Council General funding, the City Clerk's Office will add a statement of how much uncommitted Council General travel budget remains and how much year-to-date each Member has used of the Council General travel budget.
11. **Accountability and Authority:** The Council is the responsible authority.
12. **Procedures:** The following procedures apply to travel by elected City officials and their staff, and appointed City officials.

- A. An advance of funds for anticipated travel expenses shall be granted upon submission of a "Request for Advance of Funds" to the Director of Finance.
- B. Reimbursement for actual expenses incurred in travel, which meet the conditions defined in this Policy Statement shall be granted upon submission of a Statement of Travel Expenses to the Director of Finance within fifteen working days of return. Receipts for the following expenses must be included:
 - (1) Transportation (public carrier)
 - (2) Hotel
 - (3) Registration
 - (4) Meals
 - (5) Child Care
 - (6) Other reasonable and necessary expenses, e.g., car rental when necessary.
- C. Generally, reimbursement for hotel rooms shall be limited to single-room accommodations. The Mayor shall be authorized one-bedroom suite accommodations whenever deemed necessary for the benefit of the City.
- D. Travel expenses not generally considered reasonable and necessary shall not be reimbursable. These include, but are not limited to:
 - (1) Fines for traffic violations
 - (2) Dry cleaning and laundry expenses
 - (3) Non-business transportation expenses
 - (4) Expenses for spouses, other family members or unauthorized guests
 - (5) Non-business related telephone calls
 - (6) Entertainment expenses, unless the entertainment serves a municipal purpose.

- E. Travel and related expenses may constitute a gift prohibited by Chapter 12.08 of the San José Municipal Code unless authorized by a majority of the Council. This policy shall be interpreted in accordance with said chapter of the Municipal Code. Any request for Council approval of travel which would constitute a prohibited gift in the absence of Council approval shall be supported by travel brochures, official notifications or other documentation to help Council in considering the travel request.
- F. When traveling on official City business by scheduled air carrier, use of the San José International Airport as the origin and destination point shall be mandatory unless:
 - (1) Scheduled air carrier service to or from the destination is not available from San José International Airport; or
 - (2) There is more than a one and one-half hour scheduled layover at any intermediate airport before reaching the final destination from flights arriving or departing from San José International Airport compared to flights arriving or departing from other Bay Area airports.
- G. The Mayor, Council Members, their staff, members of Boards, Commissions and Committees and Council Appointees may be asked to submit or present to Council a report on the results of their travel within fifteen working days of their return to San José. When funding is allocated from the Council General Fund, the Mayor and Council Members are required to submit or present to Council a report on the results of their travel within fifteen working days of their return to San José.

The report may include, but in no way be limited to:

- (1) A listing of any workshops, seminars, presentations, speeches or other sessions attended with descriptions of information gathered;
- (2) A listing of any presentations made with a description of information presented;
- (3) A listing of individuals or groups with whom the Council Member or Mayor met while traveling including subjects addressed at the meeting and any outcome of the meeting.