

RESOLUTION NO. 74003

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 August 6, 2006, 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 update the policy for travel by the Mayor, Members of the Council, certain Board and Commission members and Council Appointees, to include provisions consistent with the City's Employee Travel Policy and to also revise the previous Policy No. 9-5, in order to allow the Mayor, when insufficient time prevents obtaining Council approval, to travel and represent the City with matters of special interest to the City or to authorize another Councilmember to attend in his place;

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

The City Council Policy No. 9-5 entitled, "Travel Policy for Mayor, City Council, Council Appointees and Certain City Commissions," 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 August 6, 2006.

ADOPTED this 18th day of September, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT A

CITY OF SAN JOSE, CALIFORNIA REVISED CITY COUNCIL POLICY NO. 9-5 "TRAVEL POLICY FOR MAYOR, CITY COUNCIL, COUNCIL APPOINTEES AND CERTAIN COMMISSIONS"

BACKGROUND

Council policy to regulate official travel by elected and appointed City officials was first established by Council action on October 10, 1972. The Policy was amended a number of times over the years, but no substantial changes have been made since 1997.

PURPOSE

To establish City policy and prescribe guidelines applicable to official travel by elected City officials and their staff, Council appointed City officials and members of San José's Boards and Commissions, with the exception of members of the City's two Retirement Boards.

SCOPE

This policy Statement and travel guidelines apply to the Mayor, to Members of the City Council, to unclassified staff of the Mayor and Council, Council Appointees, to members of the City's Planning Commission, Civil Service Commission and Elections Commission (hereinafter referred to as "Commissions").¹ 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. (hereinafter referred to as the "Employee Travel Policy"). This policy also addresses funding sources for official travel by elected City officials.

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 Commissions and Council Appointees may be authorized

¹ With the exception of the City's two Retirement Boards (who have their own source of funding and travel policies), the travel of all other City Boards, Commissions and Committees established by the City Council are subject to the City Policy Manual Section 1.8.2 ("Employee Travel Policy")

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. For the Mayor and Council Members, Section 408 of the City Charter authorizes expenditure reimbursement for performance of their duties or functions of office.

3. **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 Commissions shall be specifically designated by the City Council or Commission Chair to act as the official representatives of the City of San José.

Summary of Approval Requirements for Official Travel

1. **Travel Approval for Mayor, Council Members and Council Appointees:** Requests for travel approval, when required, must be submitted to the City Council far enough in advance that Council approval is obtained prior to the first day of travel (for exceptions, see item D, below.)

Any in-state or local official travel requires no separate approval, as long as funds are available in the Mayor's, Council Members' or Appointees' budget. Except as noted below, all out-of-state travel of an official nature, even if taken at no cost to the City, must be approved by the City 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.
- B. The Council hereby approves all official travel for which funds are available for the Mayor, Council Members, and Council Appointees without separate approval required, 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 City Council.
- C. The Council hereby approves all official travel for which funds are available for the Mayor, Council Members, and Council Appointees without separate approval required, in support of leadership positions of any international, national, state or regional association of governments endorsed by the Council.
- D. When insufficient time prevents obtaining Council approval, the Mayor, at his/her discretion, may travel to attend and represent the City in

connection with matters of special interest to the City or may authorize any other Council Member to attend in his/her place. Following such travel, the Mayor shall submit to the City Council, an informational memorandum describing the nature of the trip, the reason for the urgency, the anticipated cost and the source of funding.

- E. When considering approval of requested travel by members of the Council, the City Council shall ensure that California Open Meeting requirements (Brown Act) are not violated.
- 2. **Travel Approval for Commissions:** Travel by members of the City's Commissions which is out-of-state or exceeds one day in duration shall require City Council approval. These proposals will include anticipated costs and a funding source for the proposed travel. Any in-state or local official travel requires no separate approval, as long as funds are available in the Commission budget.
- 3. **Travel Approval for Council Staff:** The Mayor or Council Member will review and approve all local, in-state and out-of-state travel by their unclassified office staff members, provided funds are available within the Mayor or Council Member's own Office Budget. Travel by classified civil service staff shall be governed by the Employee Travel Policy.

Travel Guidelines

- 1. Travel and related expenses may constitute a gift prohibited by Chapter 12.08 of the San José Municipal Code unless authorized by the City Council. This policy shall be interpreted in accordance with 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.
- 2. Every effort should be made to choose the lowest cost for all modes of transportation, lodging and parking.
- 3. When traveling on official City business by scheduled air carrier, use of San José Mineta International Airport as the origin and destination point shall be mandatory unless:
 - A. Scheduled air carrier service to or from the destination is not available from San José Mineta International Airport; or
 - B. 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 compared to flights arriving or

departing from other Bay Area airports.

- C. The total cost of travel to or from Norman Y. Mineta San Jose International Airport exceeds the cost of travel to or from an alternative airport. In determining whether to approve the use of an alternate airport, consideration should be given to all costs associated with travel to and from such airport.
 - D. If for City business reasons, an employee is not in San Jose and is closer to an alternate airport.
- 4. When two or more City officials, Mayor/Council Office staff or members of a City Commission are authorized to attend the same event and ground transportation is to be utilized during any portion of travel, they are encouraged to coordinate travel arrangements to maximize the use of ground transportation in order to minimize the expense to the City.
 - 5. The Mayor, Council Members, their staff, members of the public that serve on a City Commission, 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. Said reports are required if the Mayor/Council Travel Budget has been used for the travel. The report may include, but in no way be limited to:
 - A. A listing of any workshops, seminars, presentations, speeches or other sessions attended with descriptions of information gathered;
 - B. A listing of any presentations made with a description of information presented;
 - C. 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.
 - 6. The Mayor, Council Members, their staff, members of Commissions and Council Appointees should attempt to reduce the environmental impact of their travel by following reasonable guidelines as set forth in the Employee Travel Policy.
 - 7. When using a City Procurement Card to pay for travel-related expenditures, the Mayor, Council Members, their staff, and Council Appointees shall follow City Policy Manual Section 5.1.2 ("City Procurement Cards").

Funding of Council Travel Activities

The Mayor, Council Members' and their staff's travel activities for public purposes which are beneficial to the City may take many forms. Travel proposals which require Council

approval will include justification and identify the funding source. The list below gives criteria for deciding which type of Council travel activity should be funded from what source.

Non-City funds: Non-City funds, e.g., personal, Officeholder or other outside funds, are always a funding alternative, provided they adhere to the gift regulations of the San José Municipal Code, City Council Policy and the requirements of the Political Reform Act (Government Code Sections 81000 et seq.).

1. **Mayor's Office Budget:** All Mayor's travel and Mayor's staff travel is to be paid from the Mayor's Office Budget, with the exception of travel that meets the criteria for the Mayor/Council Travel Fund, if so requested. If travel is requested by the Administration, then funding may be from the budget of the Office of Economic Development or the appropriate department.
2. **Council Office Budgets,** subject to the availability of funds as appropriated each year:
 - A. International Travel (Economic Development Budget if so requested by Administration) and all Conferences where a 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.
 - B. Leadership position or membership on any local or regional organization or committee.
 - C. All Council Staff travel.
3. **Mayor/Council Travel Budget,** subject to the availability of funds as appropriated each year:
 - A. The annual City-to-City trip jointly sponsored by the San José/Silicon Valley Chamber of Commerce, San José State University and the City of San José;
 - B. Trips to advocate for priority legislation when appointed by Council to represent the City's position;
 - C. Trips to represent the City on Boards and Committees of the League of California Cities, the National League of Cities or the U.S. Conference of Mayors when appointed by the Council or otherwise officially appointed to serve on such boards or committees.

The Mayor will make a recommendation regarding the amount to be budgeted for the Mayor/Council Travel Budget each year during the annual budget

process.

Procedure for Obtaining Travel Approval

The following procedures apply to travel by elected City officials and their authorized staff members, and appointed City officials. Council Appointees proposing out-of-state travel shall submit their request to the City Council and shall include justification for the travel, expected cost and source of funding.

Those Council Members proposing to use the Mayor/Council Travel Budget shall submit their travel proposals, including justification, to the City Council for approval. The following guidelines should be used by the Council when reviewing travel requests proposing to use the Mayor/Council Travel Budget:

1. Travel is consistent with current adopted budget and/or legislative priorities, or
2. Clear monetary benefit is evident, i.e., testifying regarding legislation that could have an impact on the City's revenues, as well as legislation that may enhance the City's fiscal integrity, or
3. Revenue enhancement opportunity is clearly attainable, or
4. Travel is related to the Mayor or Council Members' roles or duties, i.e., Standing Committee assignment, liaison assignment, task force assignment, economic development, etc.

For those proposals requesting Mayor/Council Travel Budget funding, the City Clerk's Office will submit a statement with the travel request of how much uncommitted Mayor/Council Travel budget remains and how much year-to-date each trip has cost. If there are multiple requests to testify/lobby on the same issue, justification must be given for the appropriate number needed to testify.

Procedures for Obtaining Reimbursement and Documenting Expenses

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. Reimbursement procedure is subject to current City policy. Receipts for expenses must be included:

1. Transportation (public carrier) and parking
2. Hotel expenses including parking, housekeeping, resort, reasonable tips, or other fees. 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.

3. Event registration
4. Meals, if not already provided as part of event registration, excluding alcoholic beverages
5. Other reasonable and necessary expenses, e.g., car rental, business-related communications, mileage reimbursement for those not receiving a vehicle allowance, etc.
6. Travel-related fees for cancellation, rescheduling, etc. when changes are made necessary by City business
7. Personal phone calls up to \$10 per day with proper documentation (i.e. hotel statement showing phone usage).

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 ²
3. Non-business transportation expenses
4. Expenses for spouses, other family members or unauthorized guests
5. Non-business related communications, including internet fees (with the exclusion of #7 above),
6. Entertainment expenses, spa or exercise fees

Payment Methods

Payment for travel by Commission members, or Council Appointees is subject to the same procedures as travel by the Mayor and Council Members. Any reimbursement requests shall be documented by receipts and submittal of the Statement of Travel Expenses form to the Director of Finance within fifteen working days of return and must meet the criteria listed above.

² In rare circumstances of an extended business trip over 7 calendar days and where the employee is required to conduct City business in excess of 5 days, reasonable laundry expenses may be reimbursed for necessary business wear. If the business trip extends over 7 days due to personal extension, no laundry services or dry cleaning expenses will be reimbursed.

Attachments: Exhibit 1 – Travel Matrix for Mayor/Council
 Exhibit 2 – Travel Matrix for Council Appointees
 Exhibit 3 – Travel Matrix for Commissions

MATRIX OF TRAVEL APPROVAL REQUIREMENTS
FOR OFFICIAL TRAVEL BY
MAYOR AND CITY COUNCIL MEMBERS *

	Mayor/Council Member approves travel	City Council approves the travel
In-state travel using District budget or Mayor's Office budget	●	
Out-of-state travel using District budget or Mayor's Office budget		●
International travel using District budget or Mayor's Office budget		●
In-state travel, out-of-state travel, or international travel using travel using another department's budget, another govt entity budget or other outside non-City funds donated as a gift to the City		●
Any travel using the Mayor/Council Travel Budget		●
Any official travel using funds donated as a gift to the City		●
Any travel when appointed by Council to represent the City to advocate for legislation		●
Travel on the annual City-to-City trip sponsored by SJSU & Chamber of Commerce		●
Any travel when officially appt'd to LCC, NLC or US Conf. of Mayors Committees		●
LCC, NLC or US Conference of Mayors conference using District or Mayor's budget**		●

* Official travel by Council Assistants or Mayor's Assistants is approved by the Council Member or Mayor.

** If an NLC or US Conference of Mayors meeting/conference is out-of-state, separate City Council approval is not necessary.

Council Policy 9-5
EXHIBIT 2

MATRIX OF TRAVEL APPROVAL REQUIREMENTS
FOR OFFICIAL TRAVEL BY
COUNCIL APPOINTEES

	No Formal Approval Required	City Council approves the travel
In-state travel using Council Appointee's budget	●	
Out-of-state travel using Council Appointee's budget		●
International travel using Council Appointees budget		●
In-state travel, out-of-state travel, or international travel using another department's budget, another govt entity budget or other outside non-City funds donated as a gift to the City		●
Travel on the annual City-to-City trip sponsored by SJSU & Chamber of Commerce		●

MATRIX OF TRAVEL APPROVAL REQUIREMENTS
FOR OFFICIAL TRAVEL BY
CITY COMMISSIONS³

	No Formal Approval Required	City Council approves the travel
In-state travel using Commission budget	●	
Out-of-state travel using Commission budget Council Appointee's budget		●
International travel using Commission budget		●
In-state travel, out-of-state travel, or international travel using another department's budget, another govt entity budget or other outside non-City funds donated as a gift to the City		●

³ City Commissions are defined as the City's Planning Commission, Civil Service Commission and Elections Commission. Travel by all other City Boards, Commissions and Committees is governed by City Policy Manual Section 1.8.2 ("Employee Travel Policy").