



Staff Report

RESOLUTION SPECIFYING OFFICIAL FUNCTIONS FOR WHICH REIMBURSEMENT OF COSTS OF ATTENDANCE IS AUTHORIZED AND APPROVING A REIMBURSEMENT POLICY

Honorable Mayor and Council Members:

Summary

Effective January 1, 2006, the California Government Code has been amended to require that local entities adopt, at a public meeting, a policy regarding reimbursable expenses for City officials prior to paying for expenses allowed by the policy. Attached to this staff report is the draft reimbursement policy for Council consideration. This policy has been drafted utilizing the recommended policy provided through the League of California Cities.

The RDA agenda for tonight contains a companion resolution for adoption by the RDA Board.

Background & Discussion

City officials may be reimbursed for actual and necessary expenses incurred in the performance of official duties. See Government Code §36514.5. See also Health and Safety Code §33114 (similar authority as to expenses of redevelopment agency members).

The statutes authorizing expense reimbursement are strictly construed against public officials. "An expense must meet four requirements to be reimbursable: (1) It must be an expense of a member of the city council; (2) It must be an 'actual' expense; (3) The expense must have been 'incurred in the performance of official duties'; and (4) It must be a 'necessary' expense." 65 Cal.Op.Atty.Gen. 517, 521 (1982) (interpreting Government Code §36514.5). Moreover, these statutes authorize but do not require reimbursement; the ultimate decision is made by the Council itself. 65 Cal.Op.Atty.Gen. 517, 523 (1982).

Government Code §53232.1 authorizes the reimbursement for expenses incurred by members of the local agency's governing board in attending:

1. A meeting of the City Council
2. A meeting of an advisory body or
3. A conference or organized educational activity conducted in compliance with Government Code §54952.2, including but not limited to ethics training which will now also be

required by the Government Code.

The amendments to Government Code §53232.1 provide that a local agency may also pay compensation for attendance at occurrences not specified above only if the governing board has adopted, in a public meeting, a written policy specifying other types of occasions which constitute the performance of official duties for which a member of the City Council may receive payment. Pursuant to Government Code §53232.2, if a local agency reimburses members of the City Council for actual and necessary expenses incurred in the performance of their official duties, the written policy, adopted in a public meeting, must specify the types of occurrences that qualify for reimbursement relating to travel, meals, lodging and other actual and necessary expenses. See Government Code §53232.2(b). The policy must also specify the reasonable reimbursement rates for travel, meals and lodging and other actual and necessary expenses. If it does not, the City must use Internal Revenue Service rates for reimbursement of travel, meals and lodging and other necessary expenses. See Government Code §53232.2(c). The City must provide expense report forms to be filed by the City Council for reimbursement of actual and necessary expenses (Government Code §53232.3) and those reports must document that expenses meet the existing policy adopted at a public meeting. See Government Code §53232.3(b). City Councilmembers must submit reports within a “reasonable time” after incurring the expense and the reports must be accompanied by receipts documenting the expense. See Government Code §53232.3(c). City Councilmembers are now also required to provide brief reports on meetings attended at the expense of the local agency and those reports must be made at the next regular meeting of the City Council after the event. See Government Code §53232.3(d). All documents relating to reimbursable expenditures are public records subject to disclosure under the Public Records Act.

Government Code §53232.4 now provides that penalties for misuse of public resources or falsifying expense reports include, but are not limited to:

1. The loss of reimbursement privileges.
2. Restitution to the local agency.
3. Civil penalties for misuse of public resources pursuant to Section 8314 of the Government Code.
4. Prosecution for misuse of public resources pursuant to Section 424 of the Penal Code.

Currently, reimbursement policies are addressed in Council Protocols VI H and I. City procedures generally comply with AB 1234, but these changes are necessary to track the specific language of the new law. These sections will be revised to refer to the attached resolution. Council protocols will be reviewed by the Council at an upcoming meeting.

General Plan/Vision Statement

No impact.

Fiscal Impact

The City does not anticipate any fiscal impact.

Public Contact

Posting of City Council Agenda.

Recommendation

It is recommended that the City Council review and adopt the resolutions approving the attached policy governing reimbursable expenses for City Officials.

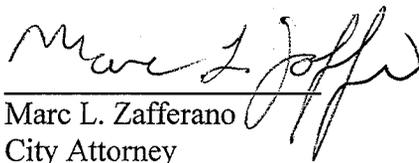
Alternatives

1. Explore other reimbursement provisions consistent with AB 1234

Attachments

- A. Resolution
- B. Exhibit A - Reimbursement Policy
- C. Government Code § 53232.1 through 53232.4

Respectfully submitted,



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City Attorney

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ATTACHMENT A

City Council Resolution

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY OF BELMONT SPECIFYING OFFICIAL FUNCTIONS FOR WHICH REIMBURSEMENT OF COSTS OF ATTENDANCE IS AUTHORIZED AND APPROVING A REIMBURSEMENT POLICY

WHEREAS, the City has adopted a policy specifying the procedures and policies for reimbursement of expenses.

WHEREAS, the Chapter 700 of the 2005 California Statutes requires the City to specify what official functions are subject to reimbursement for attendance costs for City officials if a function does not fit into the three narrow categories identified by the Legislature.

WHEREAS, the City takes its stewardship over the use of its limited public resources seriously.

WHEREAS, public resources should only be used when there is a substantial benefit to the City.

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 City; 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 City'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 elected and appointed officials on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured.

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 City credit card, cash advances or other line of credit.

WHEREAS, as an example, attendance at meetings and events of the following organizations are an integral part of service as a Councilmember for the City in representing the City's interests and hearing and learning about and sharing the far-reaching concerns of the community:

- Association of Bay Area Governments (ABAG)
- Belmont Chamber of Commerce
- California Legislature

- City/County Association of Governments (C/CAG)
- Cities Selection Committee
- Council of Cities (Council of Mayors)
- League of California Cities, both Peninsula Division and State
- League of Women Voters (North San Mateo County and South San Mateo County chapters)
- North County Council of Cities
- SAMCEDA
- San Mateo County Convention & Visitors Bureau
- San Mateo County Progress Seminar
- Neighborhood Association Meetings

WHEREAS, reimbursement of the costs of attendance at these events and meetings to City officials is appropriate and should be authorized, subject to available funds in the relevant budgets.

NOW, THEREFORE, BE IT RESOLVED that the City of Belmont does hereby resolve as follows:

Section 1. In addition to reimbursement for functions and activities specified in Chapter 700 of 2005 California Statutes, reimbursement for the costs of attendance by City officials at meetings and events of the above-enumerated and similar organizations is authorized and that all expense reimbursements shall be processed pursuant to and governed by the policy attached hereto as Exhibit A, Reimbursement Policy.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on February 14, 2006 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

ATTACHMENT B

Exhibit A to City Council Resolution – Reimbursement Policy

EXHIBIT A

REIMBURSEMENT POLICY

As used herein, the term "City" shall mean the City Council of Belmont, the City of Belmont Redevelopment Agency, Planning Commission, Finance Commission, Park & Recreation Commission; the term "City official" shall mean the members of said agencies; and the term "days" shall mean calendar days.

AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of local, regional, state and national government on City adopted policy positions;
2. Attending educational seminars designed to improve City officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a long-time employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events;
6. Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member.

All other expenditures require prior approval by the City Council.

The following expenses also require prior City Council approval:

1. International and out-of-state travel; and
2. Expenses which exceed the annual budget established by the City Council for travel expenses.

Examples of personal expenses that the City 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 City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

COST CONTROL

To conserve City resources and keep expenses within community standards for City officials, expenditures should adhere to the following 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. In the event that a more expensive transportation form or route is used, the cost borne by the City will be limited to the cost of the most economical, direct, efficient and reasonable transportation form.

Automobile mileage is reimbursable at Internal Revenue Service rates presently in effect (*see* www.irs.gov). 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.

LODGING

Lodging costs will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed the group rate published by the conference sponsor for the meeting in question. For overnight stays in other contexts, 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 or 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 or www.policyworks.gov/perdiem).

The City will not pay for alcohol/personal bar expenses.

TELEPHONE/FAX/CELLULAR

City officials will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City 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 should 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 City officials receive reimbursement from another agency are not reimbursable.

CASH ADVANCE POLICY

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager ten (10) days prior to the need for the advance with the following information:

- The purpose of the expenditure(s);
- The benefits of such expenditure to the residents of City;
- The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
- The dates of the expenditure(s).

Any unused advance must be returned to the City treasury within five (5) days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the City Manager is uncertain as to whether a request complies with this policy, the City Manager shall seek resolution from the City Council.

CREDIT CARD USE POLICY

City does not issue credit cards to individual office holders but does have an agency credit card for selected City expenses. City office holders may use the City's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted within ten (10) business days of use.

City credit cards may not be used for personal expenses, even if the official subsequently reimburses the City.

EXPENSE REPORT CONTENT AND SUBMISSION DEADLINE

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

City officials must submit their expense reports within thirty (30) days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

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 of compliance with this policy.

REPORTS TO GOVERNING BOARD

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

COMPLIANCE WITH LAWS

City 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.

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 City, 3) the City'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.

ATTACHMENT C

Government Code § 53232.1 through 53232.4

Historical and Statutory Notes

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties."

§ 53232.1. Local agencies; compensation of legislative body members for attendance at specified occurrences; compensation for other occasions; application to salaried members

(a) When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences:

(1) A meeting of the legislative body.

(2) A meeting of an advisory body.

(3) A conference or organized educational activity conducted in compliance with subdivision (e) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234).

(b) A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.

(c) This section shall not apply to any local agency that pays compensation in the form of a salary to members of a legislative body, including, but not limited to, those local agencies whose legislative bodies' compensation is subject to Section 36516 or 36516.1, subparagraph (B) or (C) of paragraph (2) of subdivision (a) of Section 21166 or Section 22840 of the Water Code, Section 11908.1 of the Public Utilities Code, Section 6060 of the Harbors and Navigation Code, or subdivision (b) of Section 1 or Section 5 of Article XI of the California Constitution.

(Added by Stats.2005, c. 700 (A.B.1234), § 3.)

Historical and Statutory Notes

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties."

§ 53232.2. Local agencies; reimbursement of members of legislative body for expenses incurred in performance of official duties; written policy; reimbursement rates

(a) When reimbursement is otherwise authorized by statute, a local agency may reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties, including, but not limited to, activities described in Article 2.4 (commencing with Section 53234).

(b) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then the governing body shall adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses.

(c) The policy described in subdivision (b) may also specify the reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. If it does not, the local agency shall use the Internal Revenue Service rates for reimbursement of travel, meals, lodging, and other actual and necessary expenses as established in Publication 463, or any successor publication.

(d) If the lodging is in connection with a conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234), lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body at the time of booking. If the group rate is not available, the member of a legislative body shall use comparable lodging that is consistent with the requirements of subdivisions (c) and (e).

(e) Members of the legislative body shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.

Additions or changes indicated by underline; deletions by asterisks * * *

- (f) All expenses that do not fall within the adopted travel reimbursement policy or the Internal Revenue Service reimbursable rates as provided in subdivision (c), shall be approved by the governing body, in a public meeting before the expense is incurred, except as provided in subdivision (d).
- (g) This section shall not supersede any other laws establishing reimbursement rates for local agencies. (Added by Stats.2005, c. 700 (A.B.1234), § 3.)

Historical and Statutory Notes

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties."

Cross References

- Airport districts, board members, compensation and reimbursement for expenses incurred in performance of official duties, see Public Utilities Code § 22407.
- California water district officers, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 34741.
- California water storage district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 40355.
- City council, expense reimbursement, see Government Code § 36514.5.
- Contra Costa water district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 30507.1.
- County board of supervisors, traveling expense reimbursement, see Government Code § 25008.
- County drainage districts, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 56031.
- County sanitation districts, board members, reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 4733.
- County water districts, directors, compensation for meeting attendance and reimbursement for expenses incurred in performance of official duties, see Water Code § 30507.
- County waterworks districts, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 55305.
- Fire protection districts, directors and employees, reimbursement for expenses related to professional or vocational meetings, see Health and Safety Code § 13866.
- Harbor commission, commissioners, reimbursement for actual and necessary expenses incurred in performance of duties, see Harbors and Navigation Code § 6060.
- Hospital districts, board of directors, compensation and reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 32103.
- Irrigation districts, directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 21166.
- Levee district board members, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 70078.
- Memorial districts, board members, reimbursement for expenses incurred in performance of official duties, see Military and Veterans Code § 1197.

- Mosquito abatement and vector control districts, board members, reimbursement for expenses incurred on official business, see Health and Safety Code § 2030.
- Municipal utility districts, board members, reimbursement for expenses incurred in performance of official duties, see Public Utilities Code § 11908.1.
- Municipal utility districts, directors, compensation and reimbursement for expenses incurred in performance of official duties, see Public Utilities Code § 11908.2.
- Municipal water district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 71255.
- Pest abatement districts, board members, reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 2851.
- Public cemetery districts, board of trustees members, compensation and reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 9031.
- Reclamation districts, board of trustees, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 50605.
- Recreation and Park Districts, board members, compensation and reimbursement for expenses incurred in performance of official duties, see Public Resources Code § 5784.15.
- Regional park, park and open-space, and open-space districts, board members, reimbursement for expenses incurred in performance of official duties, see Public Resources Code § 5536.5.
- Resource conservation districts, directors, reimbursement for expenses incurred in performance of official duties, see Public Resources Code § 9303.
- Sanitation district officers, reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 6489.
- Small craft harbor districts, directors, reimbursement for expenses incurred in performance of official duties, see Harbors and Navigation Code § 7047.
- Water conservation district directors, compensation reimbursement for expenses incurred in performance of official duties, see Water Code § 74208.
- Water district directors, reimbursement for expenses incurred in performance of official duties, see Water Code § 20201.5.
- Water replenishment district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 60143.

§ 53232.3. Expense report forms

- (a) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then a local agency shall provide expense report forms to be filed by the members of the legislative body for reimbursement for actual and necessary expenses

Additions or changes indicated by underline; deletions by asterisks * * *

incurred on behalf of the local agency, but not be limited to,

- (b) Expense reports shall Section 53232.2, for expenditure
- (c) Members of a legislative body shall document the expense, as determined by documenting each expense.

(d) Members of a legislative body shall file the local agency at the next meeting.

(e) All documents related to this section shall be filed under the California Public Information Act (Title 1).

(Added by Stats.2005, c. 700 (A.B.1234), § 3.)

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties."

Airport districts, board members, compensation and reimbursement for expenses incurred in performance of official duties, see Public Utilities Code § 22407.

California water district officers, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 34741.

California water storage district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 40355.

City council, expense reimbursement, see Government Code § 36514.5.

Contra Costa water district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 30507.1.

County board of supervisors, traveling expense reimbursement, see Government Code § 25008.

County drainage districts, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 56031.

County sanitation districts, board members, reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 4733.

County water districts, directors, compensation for meeting attendance and reimbursement for expenses incurred in performance of official duties, see Water Code § 30507.

County waterworks districts, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 55305.

Fire protection districts, directors and employees, reimbursement for expenses related to professional or vocational meetings, see Health and Safety Code § 13866.

Harbor commission, commissioners, reimbursement for actual and necessary expenses incurred in performance of duties, see Harbors and Navigation Code § 6060.

Hospital districts, board of directors, compensation and reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 32103.

Irrigation districts, directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 21166.

Levee district board members, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 70078.

Additions or changes indicated by underline; deletions by asterisks * * *

ent policy or the Internal approved by the governing provided in subdivision (d). ent rates for local agencies.

incurred on behalf of the local agency in the performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel.

(b) Expense reports shall document that expenses meet the existing policy, adopted pursuant to Section 53232.2, for expenditure of public resources.

(c) Members of a legislative body shall submit expense reports within a reasonable time after incurring the expense, as determined by the legislative body, and the reports shall be accompanied by the receipts documenting each expense.

(d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

(e) All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(Added by Stats.2005, c. 700 (A.B.1234), § 3.)

Historical and Statutory Notes

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties."

Cross References

Airport districts, board members, compensation and reimbursement for expenses incurred in performance of official duties, see Public Utilities Code § 22407.

Memorial districts, board members, reimbursement for expenses incurred in performance of official duties; see Military and Veterans Code § 1197.

California water district officers, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 34741.

Mosquito abatement and vector control districts, board members, reimbursement for expenses incurred on official business, see Health and Safety Code § 2030.

California water storage district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 40355.

Municipal utility districts, board members, reimbursement for expenses incurred in performance of official duties, see Public Utilities Code § 11908.1.

City council, expense reimbursement, see Government Code § 36514.5.

Municipal utility districts, directors, compensation and reimbursement for expenses incurred in performance of official duties, see Public Utilities Code § 11908.2.

Contra Costa water district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 30507.1.

Municipal water district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 71255.

County board of supervisors, traveling expense reimbursement, see Government Code § 25008.

Pest abatement districts, board members, reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 2851.

County drainage districts, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 56031.

Public cemetery districts, board of trustees members, compensation and reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 9031.

County sanitation districts, board members, reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 4733.

Reclamation districts, board of trustees, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 50605.

County water districts, directors, compensation for meeting attendance and reimbursement for expenses incurred in performance of official duties, see Water Code § 30507.

Recreation and Park Districts, board members, compensation and reimbursement for expenses incurred in performance of official duties, see Public Resources Code § 5784.15.

County waterworks districts, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 55305.

Regional park, park and open-space, and open-space districts, board members, reimbursement for expenses incurred in performance of official duties, see Public Resources Code § 5536.5.

Fire protection districts, directors and employees, reimbursement for expenses related to professional or vocational meetings, see Health and Safety Code § 13866.

Resource conservation districts, directors, reimbursement for expenses incurred in performance of official duties, see Public Resources Code § 9303.

Harbor commission, commissioners, reimbursement for actual and necessary expenses incurred in performance of duties, see Harbors and Navigation Code § 6060.

Sanitation district officers, reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 6489.

Hospital districts, board of directors, compensation and reimbursement for expenses incurred in performance of official duties, see Health and Safety Code § 32103.

Small craft harbor districts, directors, reimbursement for expenses incurred in performance of official duties, see Harbors and Navigation Code § 7047.

Irrigation districts, directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 21166.

Levee district board members, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 70078.

Additions or changes indicated by underline; deletions by asterisks * * *

§ 53232.3

GOVERNMENT CODE

Water conservation district directors, compensation reimbursement for expenses incurred in performance of official duties, see Water Code § 74208.

Water district directors, reimbursement for expenses incurred in performance of official duties, see Water Code § 20201.5.

Water replenishment district directors, compensation and reimbursement for expenses incurred in performance of official duties, see Water Code § 60143.

§ 53232.4. Penalties for misuse of public resources or falsifying expense reports

Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting policies¹ may include, but are not limited to, the following:

- (a) The loss of reimbursement privileges.
(b) Restitution to the local agency.
(c) Civil penalties for misuse of public resources pursuant to Section 8314.
(d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

(Added by Stats.2005, c. 700 (A.B.1234), § 3.)

¹ So in enrolled bill.

Historical and Statutory Notes

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties."

Article 2.4

ETHICS TRAINING

Section

53234. Definitions.

53235. Ethics training for officials of local agencies that provide compensation, salary, stipend, or expense reimbursement to members of a legislative body.

Section

53235.1. Training timetable and frequency.

53235.2. Training records and contents, period to maintain.

Article 2.4 was added by Stats.2005, c. 700 (A.B.1234), § 4.

Historical and Statutory Notes

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties."

Cross References

Local agencies, compensation of legislative body members for attendance at specified occurrences, see Government Code § 53232.1.

§ 53234. Definitions

For the purposes of this article, the following terms have the following meanings:

- (a) "Legislative body" has the same meaning as specified in Section 54952.
(b) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.
(c) "Local agency official" means the following:

(1) Any member of a local agency legislative body or any elected local agency official who receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

Additions or changes indicated by underline; deletions by asterisks * * *

GOVERNMENT CODE

(2) Any employee designated by a local agency as an ethics officer under this article.

(d) "Ethics laws" include, but are not limited to:

(1) Laws relating to personal financial disclosure, prohibiting bribery and conflict-of-interest laws.

(2) Laws relating to claiming precontractual restrictions, prohibitions against the use of public funds, mass transportation against gifts of public funds, mass or discounted transportation by transport.

(3) Government transparency laws, including open government laws.

(4) Laws relating to fair processes, including process requirements, incompatible office disqualification from participating in decision-making.

(Added by Stats.2005, c. 700 (A.B.1234), § 3.)

Hist

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

§ 53235. Ethics training for officials or expense reimbursement

(a) If a local agency provides any type of training or provides reimbursement for actual expenses incurred in the performance of official duties pursuant to this article.

(b) Each local agency official shall receive ethics training relevant to his or her public duties.

(c) If any entity develops curricula to be reviewed by the Practices Commission and the Attorney General on any proposed course content. When the Practices Commission and the Attorney General approve the curricula.

(d) A local agency or an association of local agencies shall provide self-study materials with tests, to meet the requirements of this article, in-person, or online.

(e) All providers of training courses to local agencies shall provide proof of participation to meet the requirements of this article.

(f) A local agency shall provide information to its local officials at least once a year regarding ethics training requirements. (Added by Stats.2005, c. 700 (A.B.1234), § 3.)

Hist

2005 Legislation

Section 41 of Stats.2005, c. 700 (A.B.1234), provides:

"SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a

§ 53235.1. Training timetable and frequency

(a) Each local agency official in local government whose term of office ends before January 1, 2007, shall complete ethics training before January 1, 2007. Thereafter, each local agency official shall complete ethics training in subdivision (a) of Section 53235 at least once a year.

Additions or changes indicated by underline; deletions by asterisks * * *