ALAMEDA COUNTY

East Bay Regional Communications System Authority

CONTRA COSTA COUNTY

Participating agencies include Alameda and Contra Costa Counties and the following cities and special districts: Alameda, Albany, Antioch, Brentwood, Clayton, Concord, Danville, Dublin, El Cerrito, Emeryville, Fremont, Hayward, Hercules, Lafayette, Livermore, Martinez, Moraga, Newark, Oakley, Pinole, Pittsburg, Pleasant Hill, Pleasanton, Richmond, San Leandro, San Pablo, San Ramon, Union City, Walnut Creek, East Bay Regional Park District, Kensington Police Community Services District, Rodeo-Hercules Fire Protection District and San Ramon Valley Fire Protection District

AGENDA ITEM 9.3

AGENDA STATEMENT
BOARD MEETING
REGULAR MEETING DATE: February 20, 2009

TO: Board of Directors
East Bay Regional Communications System Authority

FROM: William J. McCammon, Executive Director
East Bay Regional Communications System Authority

SUBJECT: Proposed Resolution Establishing a Policy Regarding Official Travel and Other Associated Reimbursement of Expenses and Ethics Training Policy

RECOMMENDATIONS:

1. Adopt the Resolution adopting the Travel Reimbursement Policy and the Ethics Training Policy as set forth in AB 1234; and
2. Direct all Boardmembers and Alternate Boardmembers to provide proof of current ethics training to the Executive Director by April 1, 2009

SUMMARY/DISCUSSION:

Section 10.1 of the EBRCSA's bylaws states that, "*Directors and alternates representing the authority shall receive reimbursement for any actual expenses incurred for travel directly related to the business of the authority. There will be no per diem or travel reimbursement for attending Board of Directors or committee meetings. The Board will adopt the reimbursement policies of Alameda County.*"

Because the Authority's bylaws allow for the reimbursement for any actual expenses incurred for travel directly related to the business of the authority, the Authority must adopt a travel policy that conforms to the requirements and restrictions mandated in Assembly Bill 1234 (AB 1234). AB 1234 imposes restrictions on compensation and the reimbursement of expenses for the members of local legislative bodies, and also includes ethics training requirements for certain local public officials.

Travel Reimbursement

AB 1234 contains certain requirements and restrictions on local agency practices relating to reimbursing local elected and appointed officials' expenses. Local agency includes "a city,

county, city and county, charter city, charter county, charter city and county, or special district." The definition of "legislative body" is tied to the Brown Act definition of legislative body.

AB 1234 requires local agencies to:

- Adopt expense reimbursement policies that specify the kinds of activities that will be reimbursable;
- Identify a "reasonable time" within which requests for reimbursement must be submitted in those policies;
- Use expense report forms; and
- Require that all expenses must be documented with receipts (these documents are public records subject to disclosure).

AB 1234 says that such a reimbursement policy may specify what constitutes reasonable rates for travel, meals, lodging and other expenses. If a local policy does not specify reimbursement rates, then the reimbursable rates default to those in the Internal Revenue Service guidelines. If a legislative body member wants to seek reimbursement for levels of expenses not otherwise authorized under the agency's reimbursement policy, then the official may seek prior approval for such reimbursement from the governing body (before incurring the expense). Officials who spend more than allowed under their agencies' reimbursement policies have the option of simply paying the extra costs themselves.

AB 1234's requirements relating to expense reimbursement policies and restrictions on reimbursement rates only apply to "reimbursements of members of a legislative body." For consistency and ease of administration, some local agencies have elected to adopt policies that govern expense reimbursements for staff as well as elected and appointed officials, but AB 1234 does not require local agencies to do so. It is recommended that consultants whose contracts do not include travel reimbursement clauses follow the mandates of the EBRCSA's Travel Reimbursement Policy.

Alameda County's Travel Reimbursement Policy was used as a template for the draft EBRCSA Travel Reimbursement Policy (attached), and includes all necessary provisions to meet State law. The draft policy was presented to the Finance Committee and it was recommended to move the policy to the full Board for adoption.

Ethics Training

AB 1234 requires that each local agency official receive at least two hours of training every two years in general ethics principles or ethics law relevant to his/her public service. Under AB 1234, if the Authority provides compensation or reimbursement to a member of the legislative body, than all local agency officials must comply. A majority of the Authority's Boardmembers and Alternate Boardmembers are currently required to receive ethics training through their individual agencies and would simply provide the Authority with proof of bi-annual training. Those Boardmembers and Alternate Boardmembers who are not required to receive ethics training through their own agencies are required to receive training as an EBRCSA Boardmember. Free online training is available through the Fair Political Practices Commission (FPPC) website at http://www.localethics.fppc.ca.gov/login.aspx in order to complete the ethics

training requirements in a timely manner. After receiving the online training, Boardmembers should print the completion certificate and provide the Authority with a copy. Training records and a tracking log will be maintained at the Authority office, including the dates that local officials received ethics training, and the name of the entity that provided the training.

It is recommended that the Board adopt a Resolution adopting the Travel Reimbursement Policy and Ethics Training Policy, as set forth in AB 1234; and direct all Boardmembers and Alternate Boardmembers to provide proof of current ethics training to the Executive Director by April 1, 2009 (in conjunction with the filing deadline for annual Statements of Economic Interest Form 700s).

RESOLUTION NO. 09-xx

A RESOLUTION OF THE
EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY
*** * * * * * * * * * * * * * * ***

RESOLUTION ADOPTING TRAVEL REIMBURSEMENT POLICY
AND ETHICS TRAINING POLICY

WHEREAS, members of the Board of the Directors, Authority staff, and Authority consultants on occasion perform official duties that require travel, and incur expenses related to the performance of such official duties; and

WHEREAS, the Government Code permits the Authority to reimburse such travel expenses incurred in the performance of official duties; and

WHEREAS, the Government Code requires the Authority to adopt a policy regarding reimbursement for such expenses incurred in the performance of official duties or to refrain from making such reimbursements; and

WHEREAS, the Finance Committee has reviewed the Travel Reimbursement Policy attached hereto and has recommended its adoption by the Authority; and

WHEREAS, the Government Code further provides that all local agency officials receive at least two hours of training of ethics training every two years when reimbursement is provided to any member of the agency's legislative body; and

WHEREAS, the Board of Directors has reviewed a proposed ethics training policy for the Authority which complies with the requirements of the Government Code.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the East Bay Regional Communications System Authority does hereby approve and adopt the attached Travel Reimbursement Policy and Ethics Training Policy.

On motion of xx, seconded by xx, the foregoing Resolution was passed and adopted this __th day of _____, 200_, by the following votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST: _____
Fawn Holman, Secretary

EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY

ADMINISTRATIVE POLICIES	NUMBER AP 2009-	Page 1 of 3
	REVISION	SUPERSEDES
SUBJECT **TRAVEL REIMBURSEMENT POLICY**	APPROVED BY Resolution # 09-xx	EFFECTIVE DATE

A. POLICY STATEMENT

The following policy applies to EBRCSA Boardmembers, Alternate Boardmembers, Staffmembers and Consultants. Pre-approval for travel must be obtained from the Finance Committee and/or Board Chair prior to travel. A detailed expense report, with itemized receipts, must be submitted within two weeks of the last day of travel in order to receive reimbursement. All Boardmembers traveling at the expensive of the Authority shall provide a brief report at the next regular meeting of the Board of Directors.

Non-reimbursable Expenditures

a) Alcoholic beverages are prohibited expenditures;

b) 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;;

c) Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;

d) Any personal portion of any trip.

Conferences/Seminars or other travel requiring reimbursement

a) Attendance at conferences/seminars or other trips for EBRCSA business must be preapproved by the Finance Committee and/or the Board Chair if the Committee is unable to meet in time to approve the request.

Lodging

a) For conferences/seminars, and EBRCSA business, lodging costs are allowable if the time and the distance traveled justify the overnight stay.
b) The EBRCSA only pays for necessary accommodations.
For example, a four-day conference that begins at 9:00 a.m. on the first day and ends at noon on the last day requires four nights lodging (i.e., the night before the first day through the third day).
c) Lodging may not exceed the maximum group rates published for a conference.
d) For additional savings, the claimant should inquire about obtaining a *government rate* (which is significantly lower than the standard rate) when booking hotel rooms.
e) Restricted and prohibited expenses
- Upgrades from the standard room rate or extras such as movie rentals and health club fees are prohibited expenses.
- Prepayment for lodging is prohibited unless it is included in the conference registration fees as one lump sum. In this rare case, it is included on the *Prepaid Tuition Form*.

f) Supporting documents
   - Reimbursement for lodging costs requires a hotel/motel statement and proof of payment.
   - The individual designates phone calls as "*related to EBRCSA business*" or *"personal*." Personal calls are not reimbursable.
   - A written explanation of any unusual circumstances regarding the number of nights or the cost of the room.

Mileage, public transportation, bridge tolls, and parking

a) Those who use their own vehicles while performing official EBRCSA business may receive reimbursement for mileage, parking, bridge tolls, and public transit fares. Usage of personnel vehicles must be preapproved.
b) Those who use vehicles owned by member agencies may receive reimbursement for parking, and bridge tolls.
c) Mileage
   - Maximum amount reimbursable

     1) The EBRCSA reimburses employees/contractors only for mileage in excess of their regular commute (i.e., it does not reimburse employees/contractors for their regular commute mileage between work and home). The use of the vehicle must be preapproved. Reimbursement will be based on a per mile basis as listed below, or per current IRS rates at time of travel:

Effective Date	Mileage Rate
As of January 1, 2009	55.0 cents per mile

     2) Public transportation, parking, and bridge tolls:

Expense	Receipt required?
Bridge tolls	No, designate as bridge toll on claim form
BART	No, designate as BART on claim form
Bus passes	No, designate as bus pass on claim form
FasTrak Toll Charges	No, designate as FasTrak on claim form
Metered parking	No, designate as metered parking on claim form
Non-metered parking	Proof of payment (e.g., cash receipt) is required
Other transportation	Proof of payment (e.g., cash receipt) is required

Out-of-state travel

a) Out-of-state travel is allowable under specific circumstances. Travel outside of the State of California, on the recommendation of the Executive Director, must be pre-approved by the Finance Committee and /or the Board Chair if timing will not allow for the Committee to meet.

Transportation

a) When traveling to a conference or training, make every effort to obtain the lowest airfare possible and to use the least expensive method of transportation.
b) The claim must ensure that the employee/contractor does not submit a *Personal Expense Claim* that includes transportation expenses for which the EBRCSA already paid.
c) The EBRCSA will reimburse for rental car charges if it is not practical to use shuttles and/or public transportation. Rental car invoice must be submitted to receive reimbursement.

Meals/Incidentals

a) Meals (including tips up to 15 percent) may be reimbursed under specific circumstances.

- Meals must be reasonable in cost and reimbursement requests shall not include alcoholic beverages.
- Meals must be within the travel period. If travel time is involved on the day before and/or the day after the meeting, one meal may be reimbursed on the day of travel.
- The meal was not included in the airfare.
- The meal was not included in the registration fee.
- Normally, only lunch is reimbursed for a day conference.
- Incidentals are defined as fees and tips given to porters, baggage carriers, bellhops, hotel maids, flight attendants, etc., and shall not exceed $3 per day.

The claim is based on one of the following three methods. The method of reimbursement must be the same throughout the trip (e.g., method 1, 2, or 3). Method 3 can only be used if the sponsor of the event does not include the cost of a meal in the registration fees but charges all attendees for the meal:

	Method	**Reimbursement**
1	Detailed receipts (showing items purchased) are provided with the claim for **all** meals.	Meal expenses and associated gratuities will be reimbursed at actual cost generally not exceeding the daily maximum of $61 per day*
2	Receipts are *not* provided for **all** meals.	At a flat rate for the actual cost of the meals: not to exceed $61 per day, $12 for breakfast, $18 for lunch, and $31 for dinner. Without a receipt, the reimbursement amount is the lesser of the actual cost or the flat rate. If the individual purchases less than three meals per day, the claim may not exceed the maximum amount reimbursable for the purchased meals. This is **not** a per diem. The meal must be purchased to be reimbursed. Normally, only lunch is reimbursed for a one-day conference.
3	The sponsor of the event does not include the cost of a meal in the registration fee but charges all attendees for the meal.	Cost of that meal (supported by an original receipt) may be combined with the flat rate for the other meals on the trip.

*Based on 2009 U.S. General Services Administration standards for travel in metropolitan areas most commonly frequented by EBRCSA representatives.

EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY

ADMINISTRATIVE POLICIES	NUMBER AP 2009-	Page 1 of 1
	REVISION	SUPERSEDES
SUBJECT **ETHICS TRAINING POLICY**	APPROVED BY Resolution # 09-xx	EFFECTIVE DATE

A. POLICY STATEMENT

AB 1234 requires that each local agency official receive at least two hours of training every two years in general ethics principles or ethics law relevant to his/her public service. Under AB 1234, if the Authority provides compensation or reimbursement to a member of the legislative body, than all local agency officials must comply.

A majority of the Authority's Boardmembers and Alternate Boardmembers are currently required to receive ethics training through their individual agencies and would simply provide the Authority with proof of bi-annual training.

Those Boardmembers and Alternate Boardmembers who are not required to receive ethics training through their own agencies are required to receive training as an EBRCSA Boardmember. Free online training is available through the Fair Political Practices Commission (FPPC) website at http://www.localethics.fppc.ca.gov/login.aspx in order to complete the ethics training requirements in a timely manner. After receiving the online training, Boardmembers should print the completion certificate and provide the Authority with a copy.

Training records and a tracking log will be maintained at the Authority office, including the dates that local officials received ethics training, and the name of the entity that provided the training. The Authority must retain these records for at least five (5) years after training, and the records are considered public records subject to disclosure under the California Public Records Act.