COUNCIL POLICY 9-5

TRAVEL BY ELECTED AND APPOINTED CITY OFFICIALS

Red-lined to show changes

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

City of San José, California

COUNCIL POLICY

TITLE TRAVEL BY ELECTED AND APPOINTED CITY OFFICIALS	PAGE 1 of 9	POLICY NUMBER 9-5
EFFECTIVE DATE November 20, 1972	REVISED DATE September 18, 2007	

APPROVED BY COUNCIL ACTION: 10/10/72, Resolution No. 42984; 12/16/80, Item 11e; 12/5/83, Item 10c; 9/13/83, Item 8b(2); 1/27/87, Item 6f(6); 2/24/87, Item 7b(4); 5/19/87, Item 7b(5); 12/12/89, Item 7b(2)(d); 5/21/91, Item 7b(5); 6/21/94, Item 7b(1)(f); 6/20/95, Item 9aa.; 9/16/97, Item 7b(6); 8/8/06, Item 3.6(c), Resolution No. 73340; 9/18/2007, Item 3.5, Resolution No. 74003

A. BACKGROUND

Council policy to regulate official travel by elected and appointed City officials was first established by Council action on October 10, 1972. The Council has amended the Policy ~~was amended a number of~~several times ~~over the years~~, but has not made any changes~~no substantial changes have been made~~ since ~~1997~~2007.

B. PURPOSE

To establish City policy and prescribe guidelines ~~applicable to~~for official travel by elected City officials and their staff, Council ~~appointed City officials~~Appointees, and ~~members of San José's~~ Boards and Commissions members, ~~with the exception of~~ except members of the City's two Retirement Boards. Travel should be necessary to accomplish the purposes of the City effectively and economically, and incurred expenses should be prudent, reasonable and necessary.

C. SCOPE

The travel guidelines in this~~is~~ P~~p~~olicy ~~Statement and travel guidelines~~ apply to: the Mayor~~,~~; ~~to~~ CouncilmMembers ~~of the City Council,~~; ~~to~~ unclassified Mayor/Council staff ~~of the Mayor and Council,~~; Council Appointees~~,~~; and the ~~to members of the~~ City's Planning Commissioners, Civil Service Commissioners, and members of the ~~Elections Commission~~Board of Fair Campaign and Political Practices (~~hereinafter~~ referred to as "City Commissioners").[1]

Travel by City Officials and employees ~~other than those~~not specified ~~under~~ in this Policy ~~Statement shall be~~is administered ~~and regulated~~ by the City Manager and regulated ~~pursuant~~ under the~~to the City's~~ "Employee Travel Policy," City Policy Manual Section 1.8.2, as amended. ~~(hereinafter referred to as the "Employee Travel Policy").~~

This P~~p~~olicy also addresses funding sources for official travel by elected City officials.

1. **Public Purpose**: Travel by City officers and employees for a public purpose is an appropriate activity and expense that may require Council approval ~~when performed for a public purpose~~. Requests for travel ~~shall be~~are limited to events ~~from which~~ where the City derives specific benefits through attendance of a City representative(s), and~~,~~ if needed, ~~shall be~~are supported~~,~~ ~~if needed,~~ by travel brochures, official notifications or other documentation to help Council in considering the travel request.

2. **Expense Reimbursement**: Subject to this Policy, Chapters 4.28 and 12.08 of the San José Municipal Code, and the Political Reform Act (Government Code Sections 81000 *et seq.*), T~~t~~he Mayor~~, the Mayor's staff~~, Council~~m~~ M~~m~~embers, ~~and~~ Mayor/Council Staff~~their staff~~, ~~members of~~Commissioners, ~~Commissions~~ and Council Appointees ~~Council Appointees~~ may ~~be authorized to~~ undertake official, authorized 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 ~~M~~members, Section 408 of the City Charter authorizes ~~expenditure~~ reimbursement for expenses incurred in the performance of their duties or functions of office.

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

3. **Official City Representative**: When travel to a conference, convention, or other similar event is authorized and undertaken for a municipal purpose~~s~~, the Council or Commission Chair must specifically designate one or more Council~~m~~ ~~M~~embers or ~~members of~~ City Commissioners, respectively, ~~shall be specifically designated by the City Council or Commission Chair~~ to act as the official representatives of the City of San José.

   a. Official Delegation Travel: Travel organized, led, and/or staffed by the City such as a Sister City Trip, or other City-organized mission.

      i. Mayor or Mayor's Representative (Delegation Leader): T~~a~~he Mayor or the Mayor's designated Councilmember representative ~~may Councilmember~~will serve as the "Delegation Leader" for the Official Delegation Travel, subject to approval by the Rules and Open Government Committee. The Mayor/Council Travel Budget will be used for the Delegation Leader's travel-related costs.

      ii. Additional Councilmembers: Additional Councilmembers interested in participating in the Official Delegation shall submit a Request to Travel and Excused Memorandum to the City Clerk approximately six (6) weeks prior to the travel date. The memorandum shall list the intended dates of travel and their absences for meetings of the City Council, Council Committee, and other legislative bodies in which they represent the City. To ensure quorum for City Council and Council Committee meetings during the Official Delegation Travel, the City Clerk will place all travel requests related to an Official Delegation as a single agenda item at a City Council meeting to be determined by the City Clerk.

   b. Unofficial Delegation Travel: Travel organized, led, and staffed by organizations or entities other than the City such as the Silicon Valley Organization (formerly Chamber of Commerce) Annual Study Mission or Silicon Valley Leadership Group's Fall/Spring Advocacy Trip. The Mayor or Councilmembers interested in participating in such travel shall submit a Request to Travel and Excused Memorandum to the City Clerk approximately six (6) weeks prior to the travel date. The memorandum shall list the intended dates of travel and their absences for meetings of the City Council, Council Committee, and other legislative bodies in which they represent the City. To ensure quorum for City Council and Council Committee meetings during such Unofficial Delegation Travel, the City Clerk will place all travel requests related to an Unofficial Delegation as a single agenda item at a City Council meeting to be determined by the City Clerk.

D. **Summary of Approval Requirements for Official Travel**

1. **Travel Approval for Mayor, Council~~m~~ ~~M~~embers and Council Appointees**: When required, ~~R~~requests for travel approval~~, when required,~~ must be submitted to the ~~City~~ Council ~~far enough~~ in advance so ~~that~~ Council approval is obtained ~~prior to~~before the first day of travel (~~for exceptions, S~~see item d~~D~~, below, for exceptions~~.~~). Council Appointees proposing out-of-state travel must submit their request to the City Council and must include justification for the travel, expected cost, and source of funding.

   ~~Any i~~In-state or local official travel does not require~~s~~ Council ~~no separate~~ approval~~, as long as~~if funds are available in the Mayor's, Council~~m~~ ~~M~~embers' or Appointees' budget. Except as noted below, the Council must approve all out-of-state official travel ~~of an official nature, even if taken at no cost to the City, must be approved by the City Council~~ even if taken at no cost to the City.

   a~~A~~. Where funds are available in the Councilmember's budget, Council approval is not required for Councilmember travel ~~of Council Members~~ that is made necessary because of a~~by~~ standing Council assignment~~s~~, but such ~~. T~~travel ~~taken under these conditions without Council approval~~ should be limited to regularly scheduled or specially convened meetings of an official nature.

   b~~B~~. Where funds are available in the Mayor's, Councilmembers' or Appointees' budget, ~~The~~ Council approval is not required for ~~hereby approves all~~ official travel ~~for which~~where ~~funds are available~~ for the Mayor, Council~~m~~ ~~M~~embers, and Council Appointees ~~without separate approval required,~~ to attend 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.

cC. Where funds are available in the Mayor's, Councilmembers' or Appointees' budget, The Council hereby approves allapproval is not required for official travel for whichwhere funds are available for the Mayor, Councilm 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.

dD. When there is insufficient time prevents to obtaining Council approval, the Mayor, at his/her discretion, may travel to attend and represent the City in connection withon matters of special interest to the City or may authorize any other Councilm Member to attend in his/her placeinstead. Following such travel, the Mayor shall must submit to the City Council, an informational memorandum to Council describing the nature of the trip, the reason for the urgency, the anticipated cost, and the source of funding.

eE. When considering approval of requested travel requestsby members of the Council, the City Council shall must follow the City's Consolidated Open Government and Ethics ResolutionSunshine Ordinance and ensure that California Open Meeting requirements in the (Brown Act, as amended. (Gov. Code §§ 54950 *et seq.*)) are not violated.

2. **Travel Approval for Commissions**: City Council approval is required for Ttravel by members of the City's Commissionerss which that is out-of-state or exceeds one day in duration shall require City Council approval. Such These proposals requests will must include anticipated costs and a funding source for the proposed travel. Any iIn-state or local official travel does not require Council requires no separate approval, as long as if funds are available in the Commission budget.

3. **Travel Approval for Council Staff:** The Mayor or Councilm Member will review and approve all local, in-state, and out-of-state travel by their unclassified office staff members, and may approve staff travel only if provided funds are available within in the Mayor or Council Mmember's own Office Budget. Travel by classified civil service staff shall be is governed by the Employee Travel Policy.

E. Travel Guidelines

1. Travel and related expenses paid by a third party may constitute be a prohibited 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 aA prohibited gift of travel may be accepted with Council approval subject to the requirements of San José Municipal Code Chapter 12.08 and the Political Reform Act. in the absence of CounRequests to approve an otherwise prohibited gift of travel should be cil approval shall be supported by travel brochures, official notifications, or other documentation to help Council in considering the travel request.

2. Travel Discounts / Gifts of Travel: Travel and related expenses paid by a third party may be a prohibited gift. City officials should not accept any travel discounts not offered to the general public. The California Constitution prohibits public officers from accepting free passes or discounts from transportation companies including railroads and airlines and both interstate and intrastate carriers. (Art. XII, Section 7.) California Constitution, Art. XII, Section 7. City officials should not accept any travel discounts not offered to the general public as a whole. The acceptance of a free pass or discount which that violates this prohibition may result in a forfeiture of public office or employment. See F.1 ("Non-City Funds") below regarding when travel payments may be a personal gift or a gift to the City.

32. Lowest Cost: Every effort should be made to choose the lowest cost for all modes of transportation, lodging and parking.

43. Mandatory Use of Mineta San José International Airport: When traveling on official City business by a scheduled air carrier, use of Mineta San José Mineta International Airport as the point of departure and return origin and destination point shall beis mandatory unless:

Aa. Scheduled air carrier service to or from the destination is not available from Mineta San José Mineta International Airport, or the City official is required to make more than one stop or plane change; or

bB. Total one-way travel time departing from Mineta San José Mineta International Airport compared to flights arriving or departmentdeparting from other Bay Area airports exceeds 2.5 There is more than a one and one-half hours comparatively 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.

cC. IfThe tTotal airfare costs of travel to or from Norman Y. Mineta San José International Airport exceeds $250 when comparing flights from Mineta San José Mineta International Airport to other Bay Area 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 airports.

D. A City official is required to travel for business reasons but is not in San José (for business or personal reasons) and the point of departure is closer to an alternate airport.

54. Carpooling: When two or more City officials, Mayor/Council Office Sstaff or members of a City Commissioners are authorized to attend the same event and ground transportation is to be utilizedmust be used during any portion of travel, they are encouraged to carpool and shall consider the use of public transit or shuttle busescoordinate travel arrangements to maximize the use of ground transportation in order toand minimize the expense of to the City.

65. Post-Travel Report: The Mayor, Council Mmembers, Mayor/Council Stafftheir staff, members of the public that serve on a City CommissionCity Commissioners, and Council Appointees may be asked to submit or present a report to Council a report on the results of their travel within fifteen (15) working days of their return to San José. Said Such reports are required if the Mayor/Council Travel Budget has been used for the travel. The report may include, but in no way beis not limited to:

aA. A listing of any workshops, seminars, presentations, speeches or other sessions attended with descriptions of information gathered;

bB. A listing of any presentations made with a description of information presented;

cC. 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.

76. Employee Travel Policy Guidelines: The Mayor, Councilm Members, Mayor/Council their sStaff, members of CommissionsCommissioners, and Council Appointees should attempt to reduce the environmental impact of their travel by following reasonable the guidelines as set forth in the Employee Travel Policy, City Policy Manual Section 1.8.2 ("the Employee Travel") Policy.

87. City Procurement Card: When using a City Procurement Card to pay for travel-related expenditures, the Mayor, Councilm Members, Mayor/Council Stheir staff, and Council Appointees shall must follow City Policy Manual Section 5.1.2 ("City Procurement Cards").

F. Funding of Council Travel Activities

The Mayor, Council Members' and their staff's tTravel activities that are for a public purposes and which are beneficial to the City may take many forms. Travel proposals which that require Council approval will include justification for the travel and identify the funding source. The list below gives criteria for deciding which type of Council travel activity should be funded from what source.

1. **Non-City funds**: Non-City funds, e.g.,like personal , Officeholder or other outside funds, are always a funding

alternative, ~~, provided~~ if used in compliance ~~they adhere to~~ with ~~the gift regulations of the~~ San José Municipal Code Chapter 12.08, this~~City Council~~ Policy, the City's Code of Ethics, and the requirements of the Political Reform Act ~~(Government Code Sections 81000 et seq.)~~ and Fair Political Practices Commission regulations. Travel payments (e.g., airfare, lodging and food related to the travel) and related expenses paid by a third party may be a prohibited gift, or a personal gift requiring reporting on the Form 700 and potential disqualification.

a. Gift of Travel Payments to City: Depending on the purpose of the travel, the City may accept a gift of travel payment (e.g., airfare, lodging and food related to the travel) for the Mayor, Councilmembers, Council Appointees, Commissioners, or Mayor/Council Staff with Council approval and subject to the requirements of San José Municipal Code Chapter 12.08 and the Political Reform Act. For the City to accept a gift of travel payment, the City Council must accept the travel payments, authorize the travel if required by this Policy, and designate the City representative(s) before travel is taken, and the travel payment must be reported on the FPPC Form 801 within 30 days of the travel. If Council authorization is not obtained before travel, acceptance of the travel payment ~~may~~will result in the receipt of a personal gift, requiring reporting on the recipient's Form 700 and potential disqualification.

Requests to approve gifts of travel to the City should be supported by travel brochures, official notifications, or other documentation to help Council in considering the travel request.

~~1~~2. **Mayor's Office Budget**: ~~All Mayor's travel and Mayor's staff travel is to be paid from t~~The Mayor's Office Budget must be used to pay for the Mayor's travel unless the~~, with the exception of~~ travel ~~that~~ meets the criteria for the Mayor/Council Travel ~~Fund~~Budget, if ~~so~~ requested. The Mayor's Office Budget must be used to pay for ~~A~~all Mayor's Staff travel ~~is to be paid from the Mayor's Office Budget.~~ If travel is requested by the Administration, then funding may be from the budget of the Office of Economic Development or the appropriate department.

32. **Council Office Budgets**: Subject to the availability of funds as appropriated each year, the Councilmember's own Council Office Budget must be used to pay for the Councilmember's travel unless the travel meets the criteria for the Mayor/Council Travel Budget, if requested. Similarly, the Councilmember's own Council Office Budget must be used to pay for their own Council Staff travel.~~:~~

~~A. International Travel (Economic Development Budget if so requested by Administration) and all Conferences where a Councilm 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~~4. **Mayor/Council Travel Budget**, is available only for the Mayor or Councilmember's travel and only for the following trips, subject to the availability of funds as appropriated each year, and subject to Council approval.~~:~~ Such travel proposals must be submitted to the City Council for approval, and must include justification for the travel and identify the category below that the travel falls within. For proposals requesting funding from the Mayor/Council Travel Budget, the City Clerk's Office will submit a statement with the travel request showing how much uncommitted funds remain in the Mayor/Council Travel Budget and how much year-to-date each trip has cost.

a~~A~~. Travel-related costs for the Delegation Leader of Official Delegation Travel, as described in C.3.a ("Official Delegation Travel") above.

b. The annual City-to-City trip ~~jointly~~ sponsored by the Silicon Valley Organization (formerly San José/Silicon Valley Chamber of Commerce)~~, San José State University and the City of San José~~;

~~B.~~ c. Trips to advocate for priority legislation when appointed by Council to represent the City's position.

d~~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.

e. Travel is consistent with current adopted budget and/or legislative priorities.

f. Clear monetary benefit is evident, e.g., 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. If there are multiple requests to testify/lobby on the same issue, justification must be given for the appropriate number needed to testify.

g. Revenue enhancement opportunity is clearly attainable.

h. Travel is related to the Mayor or Council Members' roles or duties, e.g., Standing Committee assignment, liaison assignment, task force assignment, economic development, etc.

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.

~~G. 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 must submit their request to the City Council and shall include and must include justification for the travel, expected cost, and source of funding.~~

~~Those Council M~~members ~~proposing to use the Mayor/Council Travel Budget shall must submit their travel proposals to the City Council for approval, and must include , including justification for the travel and identify , above, , 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 funding from the Mayor/Council Travel Budget funding, the City Clerk's Office will submit a statement with the travel request of showing how much uncommitted funds remain in the Mayor/Council Travel budget 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~~ is authorized ~~be granted~~ upon submission of a Statement of Travel Expenses to the Director of Finance within fifteen (15) working days of return. Reimbursement procedure is subject to current City policy. Receipts for the following 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 that are not ~~generally~~ considered reasonable and necessary ~~shall not be~~are not reimbursable. ~~These~~ Examples 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.

H. Payment Methods

Payment for travel by Commission~~ers~~ers~~Members,~~ or Council Appointees is subject to the same procedures as travel by the Mayor and Council Members. ~~Any r~~Reimbursement requests ~~shall be~~ must include ~~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.

Attachments:

Exhibit 1 - Travel Matrix for Mayor/Council

Exhibit 2 - Travel Matrix for Council Appointees

Exhibit 3 - Travel Matrix for Commissions

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

EXHIBIT 1
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 another department's budget, another govt entity budget or other outside non-City funds donated as a gift to the City (travel gift to City requires Council approval ~~prior to~~**before** travel)		●
Any travel using the Mayor/Council Travel Budget		●
Any official travel using funds donated as a gift to the City (travel gift to City requires Council approval ~~prior to~~**before** travel)		●
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 &~~ SVO/Chamber of Commerce		●
Any travel when officially appt'd to LCC, NLC or US Conf. of Mayors Committees using District or Mayor's budget	●	
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.

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 Appointee's 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 gift to City requires Council approval ~~prior to~~before travel)		●
Travel on the annual City-to-City trip sponsored by ~~SJSU &~~SVO/~~-~~Chamber of Commerce		●

EXHIBIT 3
MATRIX OF TRAVEL APPROVAL REQUIREMENTS FOR OFFICIAL TRAVEL BY CITY COMMISSIONS[3]

	No Formal Approval Required	City Council approves the travel
In-state travel using Commission budget	●	
Out-of-state travel using Commission 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 (travel gift to City requires Council approval ~~prior to~~before travel)		●

[1] ~~With the exception of~~Except for 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").

[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.

[3] For this Policy, City Commissions are defined as the City's Planning Commission, Civil Service Commission and ~~Elections Commission~~Board of Fair Campaign and Political Practices. Travel by all other City Boards, Commissions and Committees is governed by City Policy Manual Section 1.8.2 ("Employee Travel Policy").

COUNCIL POLICY 9-5

TRAVEL BY ELECTED AND APPOINTED CITY OFFICIALS

All changes accepted.

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

City of San José, California

COUNCIL POLICY

TITLE TRAVEL BY ELECTED AND APPOINTED CITY OFFICIALS	PAGE 1 of 9	POLICY NUMBER 9-5
EFFECTIVE DATE November 20, 1972	**REVISED DATE** September 18, 2007	

APPROVED BY COUNCIL ACTION: 10/10/72, Resolution No. 42984; 12/16/80, Item 11e; 12/5/83, Item 10c; 9/13/83, Item 8b(2); 1/27/87, Item 6f(6); 2/24/87, Item 7b(4); 5/19/87, Item 7b(5); 12/12/89, Item 7b(2)(d); 5/21/91, Item 7b(5); 6/21/94, Item 7b(1)(f); 6/20/95, Item 9aa.; 9/16/97, Item 7b(6); 8/8/06, Item 3.6(c), Resolution No. 73340; 9/18/2007, Item 3.5, Resolution No. 74003

A. BACKGROUND

Council policy to regulate official travel by elected and appointed City officials was first established by Council action on October 10, 1972. The Council has amended the Policy several times, but has not made any changes since 2007.

B. PURPOSE

To establish City policy and prescribe guidelines for official travel by elected City officials and their staff, Council Appointees, and Boards and Commissions members, except members of the City's two Retirement Boards. Travel should be necessary to accomplish the purposes of the City effectively and economically, and incurred expenses should be prudent, reasonable and necessary.

C. SCOPE

The travel guidelines in this Policy apply to: the Mayor; Councilmembers; unclassified Mayor/Council staff; Council Appointees; and the City's Planning Commissioners, Civil Service Commissioners, and members of the Board of Fair Campaign and Political Practices (referred to as "City Commissioners").[1]

Travel by City Officials and employees not specified in this Policy is administered by the City Manager and regulated under the "Employee Travel Policy," City Policy Manual Section 1.8.2, as amended.

This Policy also addresses funding sources for official travel by elected City officials.

1. **Public Purpose**: Travel by City officers and employees for a public purpose is an appropriate activity and expense that may require Council approval. Requests for travel are limited to events where the City derives specific benefits through attendance of a City representative(s), and, if needed, are supported by travel brochures, official notifications or other documentation to help Council in considering the travel request.

2. **Expense Reimbursement**: Subject to this Policy, Chapters 4.28 and 12.08 of the San José Municipal Code, and the Political Reform Act (Government Code Sections 81000 *et seq.*), the Mayor, Councilmembers, Mayor/Council Staff, Commissioners, and Council Appointees may undertake official, authorized travel and be reimbursed by the City for all reasonable and necessary expenses incurred while traveling on City business. For the Mayor and Councilmembers, Section 408 of the City Charter authorizes reimbursement for expenses incurred in the 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 a municipal purpose, the Council or Commission Chair must specifically designate one or more Councilmembers or City Commissioners, respectively, to act as the official representatives of the City of San José.

    a. Official Delegation Travel: Travel organized, led, and/or staffed by the City such as a Sister City Trip, or other City-organized mission.

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

i. Mayor or Mayor's Representative (Delegation Leader): The Mayor or the Mayor's designated Councilmember representative will serve as the "Delegation Leader" for the Official Delegation Travel, subject to approval by the Rules and Open Government Committee. The Mayor/Council Travel Budget will be used for the Delegation Leader's travel-related costs.

ii. Additional Councilmembers: Additional Councilmembers interested in participating in the Official Delegation shall submit a Request to Travel and Excused Memorandum to the City Clerk approximately six (6) weeks prior to the travel date. The memorandum shall list the intended dates of travel and their absences for meetings of the City Council, Council Committee, and other legislative bodies in which they represent the City. To ensure quorum for City Council and Council Committee meetings during the Official Delegation Travel, the City Clerk will place all travel requests related to an Official Delegation as a single agenda item at a City Council meeting to be determined by the City Clerk.

b. Unofficial Delegation Travel: Travel organized, led, and staffed by organizations or entities other than the City such as the Silicon Valley Organization (formerly Chamber of Commerce) Annual Study Mission or Silicon Valley Leadership Group's Fall/Spring Advocacy Trip. The Mayor or Councilmembers interested in participating in such travel shall submit a Request to Travel and Excused Memorandum to the City Clerk approximately six (6) weeks prior to the travel date. The memorandum shall list the intended dates of travel and their absences for meetings of the City Council, Council Committee, and other legislative bodies in which they represent the City. To ensure quorum for City Council and Council Committee meetings during such Unofficial Delegation Travel, the City Clerk will place all travel requests related to an Unofficial Delegation as a single agenda item at a City Council meeting to be determined by the City Clerk.

D. Summary of Approval Requirements for Official Travel

1. **Travel Approval for Mayor, Councilmembers and Council Appointees**: When required, requests for travel approval must be submitted to the Council in advance so Council approval is obtained before the first day of travel (See item d, below, for exceptions). Council Appointees proposing out-of-state travel must submit their request to the City Council and must include justification for the travel, expected cost, and source of funding.

   In-state or local official travel does not require Council approval if funds are available in the Mayor's, Councilmembers' or Appointees' budget. Except as noted below, the Council must approve all out-of-state official travel even if taken at no cost to the City.

   a. Where funds are available in the Councilmember's budget, Council approval is not required for Councilmember travel that is necessary because of a standing Council assignment, but such travel should be limited to regularly scheduled or specially convened meetings of an official nature.

   b. Where funds are available in the Mayor's, Councilmembers' or Appointees' budget, Council approval is not required for official travel for the Mayor, Councilmembers, and Council Appointees to attend 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. Where funds are available in the Mayor's, Councilmembers' or Appointees' budget, Council approval is not required for official travel for the Mayor, Councilmembers, and Council Appointees in support of leadership positions of any international, national, state or regional association of governments endorsed by the Council.

   d. When there is insufficient time to obtain Council approval, the Mayor may travel to attend and represent the City on matters of special interest to the City or may authorize any other Councilmember to attend instead. Following such travel, the Mayor must submit an informational memorandum to Council describing the nature of the trip, the reason for the urgency, the anticipated cost, and the source of funding.

e. When considering travel requests, the Council must follow the City's Consolidated Open Government and Ethics Resolution and California Open Meeting requirements in the Brown Act, as amended. (Gov. Code §§ 54950 *et seq.*).

2. **Travel Approval for Commissions**: City Council approval is required for travel by City Commissioners that is out-of-state or exceeds one day in duration. Such requests must include anticipated costs and a funding source for the proposed travel. In-state or local official travel does not require Council approval if funds are available in the Commission budget.

3. **Travel Approval for Council Staff:** The Mayor or Councilmember will review all local, in-state, and out-of-state travel by their unclassified office staff, and may approve staff travel only if funds are available in the Mayor or Councilmember's own Office Budget. Travel by classified civil service staff is governed by the Employee Travel Policy.

E. Travel Guidelines

1. Travel Discounts / Gifts of Travel: Travel and related expenses paid by a third party may be a prohibited gift. City officials should not accept any travel discounts not offered to the general public. The California Constitution prohibits public officers from accepting free passes or discounts from transportation companies including railroads and airlines and both interstate and intrastate carriers. (Art. XII, Section 7.) The acceptance of a free pass or discount that violates this prohibition may result in a forfeiture of public office or employment. See F.1 ("Non-City Funds") below regarding when travel payments may be a personal gift or a gift to the City.

2. Lowest Cost: Every effort should be made to choose the lowest cost for all modes of transportation, lodging and parking.

3. Mandatory Use of Mineta San José International Airport: When traveling on official City business by a scheduled air carrier, use of Mineta San José International Airport as the point of departure and return is mandatory unless:

   a. Scheduled air carrier service to or from the destination is not available from Mineta San José International Airport, or the City official is required to make more than one stop or plane change; or

   b. Total one-way travel time departing from Mineta San José International Airport compared to flights arriving or departing from other Bay Area airports exceeds 2.5 hours comparatively.

   c. Total airfare costs exceed $250 when comparing flights from Mineta San José International Airport to other Bay Area airports.

4. Carpooling: When two or more City officials, Mayor/Council Staff or City Commissioners are authorized to attend the same event and ground transportation must be used during any portion of travel, they are encouraged to carpool and shall consider the use of public transit or shuttle buses.

5. Post-Travel Report: The Mayor, Councilmembers, Mayor/Council Staff, City Commissioners, and Council Appointees may be asked to submit or present a report to Council on the results of their travel within fifteen (15) working days of their return to San José. Such reports are required if the Mayor/Council Travel Budget has been used for the travel. The report may include, but is not 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.

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

6. Employee Travel Policy Guidelines: The Mayor, Councilmembers, Mayor/Council Staff, Commissioners, and Council Appointees should attempt to reduce the environmental impact of their travel by following the guidelines in the Employee Travel Policy, Policy Manual Section 1.8.2.

7. City Procurement Card: When using a City Procurement Card to pay for travel-related expenditures, the Mayor, Councilmembers, Mayor/Council Staff, and Council Appointees must follow City Policy Manual Section 5.1.2 ("City Procurement Cards").

F. Funding of Council Travel Activities

Travel activities that are for a public purpose and are beneficial to the City may take many forms. Travel proposals that require Council approval will include justification for the travel and identify the funding source. The list below gives criteria for deciding which type of Council travel activity should be funded from what source.

1. **Non-City funds**: Non-City funds, like personal or other outside funds, are always a funding alternative if used in compliance with San José Municipal Code Chapter 12.08, this Policy, the City's Code of Ethics, and the requirements of the Political Reform Act and Fair Political Practices Commission regulations. Travel payments (e.g., airfare, lodging and food related to the travel) and related expenses paid by a third party may be a prohibited gift, or a personal gift requiring reporting on the Form 700 and potential disqualification.

   a. Gift of Travel Payments to City: Depending on the purpose of the travel, the City may accept a gift of travel payment (e.g., airfare, lodging and food related to the travel) for the Mayor, Councilmembers, Council Appointees, Commissioners, or Mayor/Council Staff with Council approval and subject to the requirements of San José Municipal Code Chapter 12.08 and the Political Reform Act. For the City to accept a gift of travel payment, the City Council must accept the travel payments, authorize the travel if required by this Policy, and designate the City representative(s) before travel is taken, and the travel payment must be reported on the FPPC Form 801 within 30 days of the travel. If Council authorization is not obtained before travel, acceptance of the travel payment will result in the receipt of a personal gift, requiring reporting on the recipient's Form 700 and potential disqualification. Requests to approve gifts of travel to the City should be supported by travel brochures, official notifications, or other documentation to help Council in considering the travel request.

2. **Mayor's Office Budget**: The Mayor's Office Budget must be used to pay for the Mayor's travel unless the travel meets the criteria for the Mayor/Council Travel Budget, if requested. The Mayor's Office Budget must be used to pay for all Mayor's Staff travel. If travel is requested by the Administration, then funding may be from the budget of the Office of Economic Development or the appropriate department.

3. **Council Office Budgets**: Subject to the availability of funds as appropriated each year, the Councilmember's own Council Office Budget must be used to pay for the Councilmember's travel unless the travel meets the criteria for the Mayor/Council Travel Budget, if requested. Similarly, the Councilmember's own Council Office Budget must be used to pay for their own Council Staff travel.

4. **Mayor/Council Travel Budget**, is available only for the Mayor or Councilmember's travel and only for the following trips, subject to the availability of funds as appropriated each year, and subject to Council approval. Such travel proposals must be submitted to the City Council for approval, and must include justification for the travel and identify the category below that the travel falls within. For proposals requesting funding from the Mayor/Council Travel Budget, the City Clerk's Office will submit a statement with the travel request showing how much uncommitted funds remain in the Mayor/Council Travel Budget and how much year-to-date each trip has cost.

   a. Travel-related costs for the Delegation Leader of Official Delegation Travel, as described in C.3.a ("Official Delegation Travel") above.

   b. The annual City-to-City trip sponsored by the Silicon Valley Organization (formerly San José/Silicon Valley Chamber of Commerce);

   c. Trips to advocate for priority legislation when appointed by Council to represent the City's position.

d. 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.

e. Travel is consistent with current adopted budget and/or legislative priorities.

f. Clear monetary benefit is evident, e.g., 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. If there are multiple requests to testify/lobby on the same issue, justification must be given for the appropriate number needed to testify.

g. Revenue enhancement opportunity is clearly attainable.

h. Travel is related to the Mayor or Council Members' roles or duties, e.g., Standing Committee assignment, liaison assignment, task force assignment, economic development, etc.

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.

G. Procedures for Obtaining Reimbursement and Documenting Expenses

Reimbursement for actual expenses incurred in travel, which meet the conditions defined in this Policy, is authorized upon submission of a Statement of Travel Expenses to the Director of Finance within fifteen (15) working days of return. Reimbursement procedure is subject to current City policy. Receipts for the following 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 that are not considered reasonable and necessary are not reimbursable. Examples 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.

H. Payment Methods

Payment for travel by Commissioners or Council Appointees is subject to the same procedures as travel by the Mayor and Council Members. Reimbursement requests must include 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.

Attachments:

Exhibit 1 - Travel Matrix for Mayor/Council

Exhibit 2 - Travel Matrix for Council Appointees

Exhibit 3 - Travel Matrix for Commissions

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

EXHIBIT 1
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 another department's budget, another govt entity budget or other outside non-City funds donated as a gift to the City (travel gift to City requires Council approval **before** travel)		●
Any travel using the Mayor/Council Travel Budget		●
Any official travel using funds donated as a gift to the City (travel gift to City requires Council approval **before** travel)		●
Any travel when appointed by Council to represent the City to advocate for legislation		●
Travel on the annual City-to-City trip sponsored by SVO/Chamber of Commerce		●
Any travel when officially appt'd to LCC, NLC or US Conf. of Mayors Committees using District or Mayor's budget	●	
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.

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 Appointee's 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 gift to City requires Council approval before travel)		●
Travel on the annual City-to-City trip sponsored by SVO/Chamber of Commerce		●

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

EXHIBIT 3
MATRIX OF TRAVEL APPROVAL REQUIREMENTS FOR OFFICIAL TRAVEL BY CITY COMMISSIONS[3]

	No Formal Approval Required	City Council approves the travel
In-state travel using Commission budget	●	
Out-of-state travel using Commission 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 (travel gift to City requires Council approval **before** travel)		●

[1] Except for 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").

[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.

[3] For this Policy, City Commissions are defined as the City's Planning Commission, Civil Service Commission and Board of Fair Campaign and Political Practices. Travel by all other City Boards, Commissions and Committees is governed by City Policy Manual Section 1.8.2 ("Employee Travel Policy").

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.