

RESOLUTION NO. _____

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

WHEREAS, on September 18, 2018, the City Council of the City of San José ("City") adopted the current version of City Council Policy No. 9-5, entitled "Travel by Elected and Appointed City Officials" ("Policy No. 9-5"), which describes the City's policy with respect to regulation of official travel by elected and appointed City officials; and

WHEREAS, the City desires to adopt a revised Policy No. 9-5 to align personal meal reimbursements with the City's Employee Travel Policy, which provides for per diem reimbursements for meals during travel;

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

The City Council Policy No. 9-5 entitled, "Travel by Elected and Appointed City Officials," which policy is attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, supersede City Council Policy 9-5, adopted on September 18, 2018.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

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, 2018	

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; 9/18/2018, Item 3.6, Resolution No. 78790

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 ("Employee Travel Policy"). Certain provisions of the Employee Travel Policy are incorporated into this Policy as set forth below.

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.

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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. Council may approve up to five (5) of its elected members to travel for Official or Unofficial Delegation Travel, as long as it does not result in cancellation of a Council or Council Committee meeting due to lack of quorum. Council Staff travelling on Official or Unofficial Delegation Travel shall notify the City Clerk approximately six (6) weeks prior to the travel date, and the information shall be placed in the memorandum from the City Clerk regarding the Mayor/Council Travel on Official or Unofficial Delegation Travel.
 - 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): 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 Council. The Mayor/Council Travel Budget will be used for the Delegation Leader's travel-related costs. The City Clerk will place approval of the Delegation Leader and related travel costs from the Mayor/Council Travel Budget as a single agenda item with the Councilmembers' Requests to Travel and Excused Absence from 3.a.ii below at a City Council meeting to be determined by the City Clerk.
 - ii. Additional Councilmembers: Additional Councilmembers interested in participating in the Official Delegation shall submit a Request to Travel and Excused Absence 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

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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.

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- 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.
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"). Personal meals may not be purchased with a City Procurement Card per Section 5.5.4.4 of the Employee Travel Policy.

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

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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 (except for meals) 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

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~~4. Meals, if not already provided as part of event registration, excluding alcoholic beverages.~~

45. Other reasonable and necessary expenses, e.g., car rental, business-related communications, mileage reimbursement for those not receiving a vehicle allowance, etc.

56. Travel-related fees for cancellation, rescheduling, etc. when changes are made necessary by City business.

67. Personal phone calls up to \$10 per day with proper documentation (i.e. hotel statement showing phone usage).

If not already provided as part of event registration, meals, excluding alcoholic beverages, are reimbursed on per diem basis pursuant to the terms and restrictions set forth in Section 5.5.4.4 of the Employee Travel Policy.

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 expenses²
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 #67 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 (15) 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

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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.

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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		●

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EXHIBIT 3
MATRIX OF TRAVEL APPROVAL REQUIREMENTS FOR OFFICIAL TRAVEL
BY CITY COMMISSIONS³

	No Formal Approval Required	City Council approves the travel
In-state travel using Commission budget	●	
Out-of-state travel using Commission budget		●
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 in its entirety").

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~~ ("the Employee Travel Policy in its entirety").