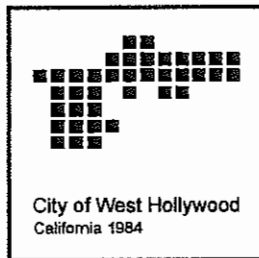


# *CITY OF WEST HOLLYWOOD*



## ***Code of Conduct for Elected and Appointed Officials***

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# **CITY OF WEST HOLLYWOOD**

## **CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS**

### **I. Introduction**

The purpose of this Code of Conduct (“Code”) is to define the role of elected and appointed officials (members of the City Council and its subsidiary Commissions and Boards, collectively “City officials” or “officials”) in the governance of the City. This Code consists of policies and implementing rules intended to advance the City’s goals of providing efficient and high quality services to its residents and providing a safe and productive work environment for its employees.

### **II. Background**

West Hollywood is a general law city governed by the council/manager form of government. The City Council, with the assistance of its advisory commissions and boards makes policies and fundamental governmental decisions; the City Manager is charged with implementing those policies and decisions and administering the day-to-day affairs of the City with the assistance of his/her staff. The City Council has direct authority over the City Manager and the City Attorney; all other employees of the City are under the direct authority of the City Manager. This Code establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between officials and employees.

### **III. Limitations**

This Code addresses selective aspects of the governance of the City and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. Those include, among others, the California Constitution, various provisions of the California Government Code (including the Brown Act and the Political Reform Act) and Labor Code, federal laws prohibiting discrimination and harassment, and the provisions of the City’s own Municipal Code. Elected and appointed officials should be familiar with these laws to assure that they exercise their responsibilities properly; to that end, the City provides periodic training and education programs which should be attended by all City officials. In addition, the City Attorney is available to respond to questions about these matters.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. At bottom, it is expected that officials will manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that officials will treat each other, City employees, residents and business-people with courtesy and respect in a manner that reflects well on the City.

#### IV. Policies and Rules

What follows are general policies governing the conduct of City officials. Following each policy is a set of rules that give specific application to the policy. In *italics* following each rule, is an explanation of the rule and guidance for interpreting and applying the rule.

Policy 1. City officials shall deal with the administrative service solely through the City Manager or his/her delegee.

##### **Rules:**

1.1 Officials shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research.

*City staff is organized in a hierarchical structure, and City employees work under the direction and control of several layers of management culminating with the City Manager. Individual officials are not part of that management structure and have no authority to direct employees. When an official attempts to give an employee direction, the employee is put in an awkward position and the management structure is undermined. In some cases such actions have the potential for liability. Officials are not authorized directly to give work assignments to Employees. Employees are instructed not to take directions or work assignments from officials and to report any such attempts to their Department Director. An official may ask a routine question of staff; beyond that, concerns about work assignment should be addressed to the City Manager or to the appropriate Department Director.*

1.2 Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff perform their assigned functions or duties.

*City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities or decisionmaking processes by an official creates confusion and stress and places the employee in the difficult position of either disregarding his or her assigned work or appearing to disrespect the official's wishes. All requests for work or research should be directed to the appropriate Department Director. From time to time an official may believe that a problem must be looked into immediately, and is tempted to direct an employee to drop everything and focus on that problem. Officials must, however, communicate their concern to the appropriate Department Director or the City Manager.*

1.3 Officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.

*It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in its creativity and its receptivity to new and different ideas; creativity is fostered by an open and nonjudgmental atmosphere where candor is not penalized. City employees are hired to offer their professional judgments and opinions. Officials are certainly free to disagree with those judgments; indeed, those officials ultimately may have the final word. But, those disagreements must not extend to threats or generate fear of reprisal. Officials enjoy substantial authority within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization.*

1.4 Officials shall not threaten a City employee with disciplinary action.

*If an official is concerned about the performance of a City employee, that concern should be expressed privately to the City Manager or to the employee's Department Director. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority properly to discipline its employees. It is never acceptable for an official directly to threaten disciplinary action of any kind. And, rarely, if ever, is it appropriate to criticize publicly a non-managerial employee. Officials should certainly have high expectations of employees' work performance; but, there is no room in the City organization for public humiliation of any person.*

Policy 2. City officials shall act collectively in a properly noticed and constituted meeting; officials have no authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.

**Rules:**

2.1 Officials shall not make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless such representation or promise has been duly authorized by the appropriate body.

*When officials engage in conversations with residents, applicants, developers, lobbyists and officials of other governmental agencies, they should be cautious not to make representations or promises that they cannot legally make or keep. Future actions of a legislative body cannot be promised or predicted with certainty. Individual officials do not have authority to make commitments on behalf of the City unless expressly authorized to do so by the body of which they are a member.*

2.2 When making public utterances, officials shall make it clear whether they are authorized to speak on behalf of the body of which they are a member, or whether they are presenting their own views.

*Officials occasionally speak before other public bodies, neighborhood groups or to the press. When doing so, they should always make it clear whether they are presenting their own point of view or whether they have been authorized by the body of which they are a member to present a particular view. They should be clear in all oral and written utterances whether they are using their title for identification purposes or because they are speaking in an official capacity. Use of City letterhead shall comply with Rule 4.1 herein. The actions and recommendations of subsidiary bodies are presented to the City Council as part of the staff report, and often memorialized in a resolution. If a subsidiary body feels it necessary to supplement these written transmittals, it should expressly authorize one of its members to speak on its behalf. Seldom should an individual member of a commission or board feel it necessary to explain his or her votes at a City Council meeting.*

2.3 Officials shall not interfere with the manner by which the City Manager performs his or her duties.

*The City Manager takes direction from the Council acting as a body, not from individual members. And, while the Council as a body may offer its views on matters within the Manager's area of authority (such as hiring subordinates), it is the Manager, as chief executive officer of the organization, that makes the final decisions on such matters. The Manager cannot function effectively if he or she receives inconsistent direction from individual Councilmembers or is not given the support and independence necessary to administer the City.*

2.4 City officials shall not interfere with the implementation by City staff of approved projects and programs.

*The City Manager is charged with the implementation of approved projects or programs. City Councilmembers must avoid interfering with or directing the Manager's method of carrying out the City Council's decisions, even if the project or program was conceived and initiated by an individual Councilmember. Once a project or program receives Council approval, it is an official activity of the City, not of any individual Councilmember. City officials do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.*

Policy 3. Appointed legislative bodies shall limit their activities to matters within their subject matter jurisdiction.

#### **Rules:**

3.1 Commissions and Boards shall address only those matters determined by the Municipal Code or by the Council to be within their subject matter jurisdiction; staff need not place on an agenda, provide resources for or implement requests, directions or actions outside that jurisdiction. Unless directed otherwise by the City Council, Commissions and Boards shall refrain from consideration of policy issues that are under active consideration by the Council.

*The Municipal Code sets forth the subject area jurisdiction of the City's Commissions. The City Council establishes the duties of its advisory boards. These subsidiary bodies are limited to acting and/or making recommendations within the area of their jurisdiction, and in accordance with by-laws approved by the City Council.*

3.2 The City Council as a whole shall provide direction and guidance to its subsidiary bodies.

*There may be times when the Council feels that an advisory body is straying from its mission or making decisions or recommendations inconsistent with the Council's vision for the City. It is preferable for the Council to communicate its concerns to such bodies in a joint study session.*

Policy 4. City resources shall be used solely for proper governmental purposes, and only with proper authorization.

**Rules:**

4.1 City letterhead may be used by City Councilmembers for official City business.

*City letterhead must be used with care to avoid misunderstandings. Letterhead may be used to communicate official City policy or actions. It is also routinely used by Councilmembers to respond to inquiries or communicate their individual opinions, in which event the author should be clear about whose view is being presented. Appointed City officials are not authorized to use City letterhead.*

4.2 City employees shall not be asked or directed to spend time on non-City business.

*It is improper to ask or require a City employee to engage in non-City related activities. Non-City activities include, among other things, election campaign-related activities and personal errands. This rule especially pertains to Council deputies, who are most susceptible to influence from Councilmembers in the management of their time. Further, City employees should not be solicited to engage in political activity on behalf of a City official; they may, of course, choose to do so when off-duty and away from City Hall.*

4.3 When traveling on City business, officials holding a City credit card shall adhere to the City's credit card use policy.

*The City has adopted a policy governing the use of City credit cards for official business, and otherwise obtaining reimbursement for business-related expenses. It is expected that all officials holding City credit cards will adhere strictly to this policy.*

4.4 Officials shall not use or disclose information obtained through City service for improper purposes.

*Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.*

Policy 5. When representing the City, officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.

**Rules:**

5.1 When representing the City on official business, officials shall behave responsibly and in a manner as to project a positive image for the City.

*Whenever an official is representing the City, in or out-of-town, the official is “on-duty” and should behave in a manner that will reflect well on the City. When out-of-town or at social events there is a temptation to behave more informally than one might in City Hall, which can lead to awkward or embarrassing situations, and in extreme cases to improper or illegal behavior. When at official functions, officials should avoid drinking alcohol to excess.*

5.2 Officials shall exercise best efforts to avoid the appearance of impropriety in the performance of their official duties.

*The public’s confidence in the integrity and fairness of City government often hinges on the behavior of City officials. Real or perceived ethical lapses by City officials undermine the effectiveness of the City and cast a shadow on the decisions of its legislative bodies. Often, ethical considerations extend beyond the legal requirements of conflict of interest law.*

V. City Council Deputies

City Council Deputies are unique among employees in City Hall. Unlike other employees they answer directly to City Councilmembers as well as the City Manager, and may be given work assignments directly by the Councilmember to whom they are assigned. They are employed at- will, meaning that they can be terminated without cause at any time.

Deputies are unique from an operational point of view as well. Most of their time is spent performing assignments directly from the Councilmember for whom they work, sometimes representing him or her to constituents, representatives of other governmental agencies and other City staff. In this capacity, Deputies communicate their Councilmembers’ wishes or viewpoints.

Deputies are subject to all of the policies and rules in this Code when acting as a surrogate of the Councilmember to whom they are assigned when relating both to City employees and others, and are otherwise subject to the same rules, expectations of conduct and disciplinary procedures as other employees of the City.

## VI. Enforcement

The City is committed to maintaining a healthy, fulfilling and humane workplace. To that end, every City official is expected to observe the foregoing policies and rules when engaged in City business.

Complaints alleging a violation of this Code of Conduct by a City official should be directed to the City Manager or the City Attorney. Upon receipt of a complaint of a minor nature, the City Manager and the City Attorney shall together determine a course of action. The City Manager and the City Attorney shall, should they fail to resolve the complaint or should the complaint be of a serious nature, consult with the Mayor (unless the Mayor is the subject of the complaint, in which event they shall consult with the Mayor Pro Tem or other Councilmember, in order of seniority, as is appropriate under the circumstances) in order to determine an appropriate course of action.

The goal of enforcement of this Code of Conduct is corrective, rather than penal, and a progressive approach to curing violations shall be employed, beginning with informal methods and proceeding to more formal methods as necessary. If appropriate, informal counseling and instruction (including referral to the Employee Assistance Program if appropriate) shall be utilized to correct the official's behavior prior to recommending imposition of sanctions.

Should less drastic measures fail, the City Council may in a public meeting impose one or more of the following sanctions:

- Reprimand
- Censure
- Travel or expense reimbursement restrictions
- Loss of committee or liaison assignments
- Removal from an appointed commission or board
- Loss of staff support or use of City resources
- Other penalties as may be applicable under the circumstances



RESOLUTION NO. 06-3354

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A REIMBURSEMENT POLICY IN ACCORDANCE WITH GOVERNMENT CODE §§ 53232.2 AND 53232.3

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds and declares as follows:

A. Elected and appointed City Officials are responsible for promoting and protecting public health, safety, and welfare. Among other things, these duties may require City Officials to:

1. Discuss the City's concerns with state and federal officials;
2. Participate in regional, state and national organizations that affect the City's interests;
3. Attend educational seminars designed to improve City Officials' skills and provide information;
4. Promote public service and morale;
5. Attend meetings, ceremonial events and other activities sponsored by constituents, neighborhood groups, business organizations and similar groups;
6. Promote economic development; and
7. Meet with constituents, business owners and others with an interest in the City.

B. It is in the public interest to reimburse City Officials' expenses incurred in connection with these activities consistent with the provisions of this Resolution.

SECTION 2. *Declaration of Policy.* This Resolution is adopted in accordance with Government Code §§ 53232.2 and 53232.3 so that the City of West Hollywood may reimburse appropriate expenses incurred by elected and appointed City officials while on authorized travel or otherwise engaged in the conduct of City business. Absent City Council approval, and only in extraordinary circumstances, the City will not reimburse City Officials an amount

greater than allowed by this Resolution for expenses incurred during the course of conducting City business.

**SECTION 3. *Definitions.*** Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Resolution:

A. "City Officials" means members of the City Council and members of boards, commissions, and committees appointed by the City Council.

B. "Reimbursement" means all forms of payment for expenses incurred by City Officials in the course of their official duties whether paid directly by the City (including without limitation, with a City-issued credit card) or advanced by City Officials with personal funds and later reimbursed from City funds.

**SECTION 4. *City Business – Authorized Activities.***

A. Expenses incurred while engaging in the following City business activities are generally authorized expenses if all requirements of this Resolution are fulfilled:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
2. Attending educational seminars designed to improve City Officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value or cost);
5. Attending City events; and
6. Attending meetings with constituents, neighborhood groups, business organizations, and attending conferences for the City-approved purpose of attracting or retaining businesses to the City.

B. Expenditures incurred in connection with activities or events not listed in Paragraph A above require prior approval by the City Council. In addition, the following require City Council preauthorization:

1. International Travel

2. Expenses foreseeably exceeding \$5,000 per trip.

SECTION 5. *Unauthorized Expenses.* The City will not reimburse City Officials for expenses incurred outside the scope of the City Official's duties including, for example and not limitation, the following:

- A. The personal portion of any trip. For example, if a City Official elects to travel to an event in advance or stay longer on personal business, the City need only reimburse the City Official for roundtrip travel costs and costs incurred during the event's duration;
- B. Political or charitable contributions or events;
- C. Family expenses, including partner's expenses when accompanying a City Official on City-related business, as well as children- or pet-related expenses;
- D. Entertainment expenses, including theater, movies (either in-room or at the theater), sports or other cultural events;
- E. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- F. Personal losses incurred while on City business;
- G. Expenses for which City Officials receive reimbursement from another agency are not reimbursable; and
- H. Alcohol/personal bar expenses.

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

SECTION 6. *Transportation.*

- A. *Generally.* City Officials must use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. Government and group rates must be used when available.
- B. *Airfare.* Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities ([www.cacities.org/travel](http://www.cacities.org/travel)), the California State Association of Counties ([www.csac.counties.org/default.asp?id=635](http://www.csac.counties.org/default.asp?id=635)) and the State of California are presumed to be the most economical and

reasonable for purposes of reimbursement under this policy.

*C. Automobile.*

1. Automobile mileage is reimbursed at Internal Revenue Service rates in effect (see [www.irs.gov](http://www.irs.gov)). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls and parking fees, which are also reimbursable. Mileage is not reimbursable when a City vehicle is used.
2. Only travel for City business outside of West Hollywood is authorized for reimbursement.
3. A City Official may leave from his/her home for City business. However, the City will not reimburse mileage that exceeds mileage from City Hall to the destination point.

*D. Car Rental.* Rental rates that are equal or less than those available through the State of California's website ([www.catravelmart.com/default.htm](http://www.catravelmart.com/default.htm)) are considered the most economical and reasonable for purposes of reimbursement under this policy.

*E. Taxis/Shuttles.* Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

*F. Airport Parking.* Long-term parking must be used for travel exceeding 24-hours.

*G. Other.* Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed.

**SECTION 7. Lodging.**

*A.* Lodging expenses will be reimbursed only at the single occupancy rate for rooms, but reimbursement may include internet/broadband access and fitness facilities if not included in the room rate.

*B.* Lodging expenses will be reimbursed for when travel on official City business reasonably requires an overnight stay.

*C.* Conferences/Meetings. If lodging is associated with a conference, lodging expenses must not exceed the group rate published by the

conference sponsor for the meeting in question if such rates are available at the time of booking.

D. Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at [www.catravelmart.com/lodguideframes.htm](http://www.catravelmart.com/lodguideframes.htm). Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.

#### SECTION 8. *Meals and Incidental Expenses.*

A. For meals associated with City business within: Los Angeles County

Breakfast:	\$ 12
Lunch:	\$ 20
Dinner:	\$ 32

B. For meals associated with City business outside of Los Angeles County where an overnight stay is required, a City Official may claim a per diem in the amount of \$64.

1. The time calculations for per diem starts when the City Official begins travel. For each 24-hour period thereafter, the City Official can claim the full per diem amount.
2. If there is a period of time at the end of the trip that is less than 12 hours, the City Official cannot claim more than one-half (1/2) the per diem rate.
3. Receipts are not required to claim per diem.
4. Any reimbursement claim for expenses that exceed the per diem rate may constitute additional income for tax purposes.

C. This policy is not applicable to meals provided in connection with City sponsored events.

SECTION 9. *Registration fees.* Registration fees for conferences and seminars are reimburseable, but shall be paid in advance by the City whenever possible.

SECTION 10. *Telephone/Fax/Cellular.* City Council members will receive a flat allowance for telephone and fax expenses incurred in connection with the

performance of City business in the amount of \$250 a month. The City Council finds that this amount accurately reflects average monthly expenses for telephone and fax usage; hence submission of bills is not required.

**SECTION 11.        *Cash Advance Policy.***

A. From time to time, it may be necessary for a City Official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager 5 days before the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
3. The dates of the expenditure(s).

B. Any unused advance must be returned to the City's Finance Department within two business days of the City Official's return, along with an expense report and receipts documenting how the advance was used in compliance with this Resolution.

C. In the event the City Manager is uncertain as to whether a request complies with this policy, the City Manager must seek City Council approval.

**SECTION 12.        *Credit Card Use Policy.***

A. City Officials may use their city issued credit card for Business and Travel Expenses in accordance with this Resolution. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted within five business days of use.

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

**SECTION 13.        *Expense Report Content and Submission Deadline.***

A. All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the City.

B. Expense reports must document that the expense in question met the requirements of this policy. For example, if a meeting is with a legislator,

the City Official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.

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

D. Inability to provide such documentation in a timely fashion may result in the expense being borne by the City Official.

E. All expenses are subject to verification that they comply with this policy.

SECTION 14. *Reports to City Council.* At the City Council meeting following an activity, each City Official must briefly report on meetings attended at City expense. If multiple City Officials attended, a joint report may be made.

SECTION 15. *Compliance With Laws.* Some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the California Public Records Act.

SECTION 16. *Violation Of This Policy.* Use of public resources or falsifying expense reports in violation of this Resolution may result in any or all of the following:

- A. Loss of reimbursement privileges;
- B. A demand for restitution to the City;
- C. The City's reporting the expenses as income to the City Official to state and federal tax authorities;
- D. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and
- E. Prosecution for misuse of public resources.

SECTION 17. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 18. The City Clerk is directed to certify the passage and

adoption of this Resolution; cause it to be entered into the City of West Hollywood book of original Resolutions; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Resolution, cause it to be published or posted in accordance with California law.

SECTION 19. This Resolution will become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting this 21st day of February, 2006 by the following vote:

AYES:	Councilmember:	Duran, Guarriello, Mayor Pro Tempore Heilman, Prang, and Mayor Land.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



\_\_\_\_\_  
ABBE LAND, MAYOR

ATTEST:



\_\_\_\_\_  
THOMAS R. WEST, CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
MIKE JENKINS, CITY ATTORNEY



CITY COUNCIL  
CONSENT CALENDAR

**APPROVED**  
*1 one change  
off of Hrisbo*

February 21, 2006

SUBJECT: APPROVAL OF EXPENSE REIMBURSEMENT POLICY  
PURSUANT TO AB1234 (GOVERNMENT CODE  
SECTIONS 53232.2 AND 53232.3)

INITIATED BY: CITY ATTORNEY  
(Mike Jenkins) *TW for M.J.*

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STATEMENT ON THE SUBJECT:

The City Council will consider adopting an expense reimbursement policy applicable to elected and appointed officials of the City as required by newly enacted Government Code Sections 53232.2 and 53232.3.

RECOMMENDATION:

That the City Council adopt Resolution No. *06-3354* A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A REIMBURSEMENT POLICY IN ACCORDANCE WITH GOVERNMENT CODE §§ 53232.2 AND 53232.3.

BACKGROUND AND ANALYSIS:

Assembly Bill 1234 ("AB 1234") was adopted by the state legislature in late 2005 and became effective on January 1, 2006. AB 1234 requires cities to adopt a written policy for reimbursement of "actual and necessary" expenses incurred by city council members and members of bodies created by the City Council that are subject to the Brown Act. The policy is required to address reimbursement of expenses relating to travel, meals and lodging and the filing of expense reports. The City Attorney, in consultation with the City Manager and Finance Director, prepared the Resolution before you. Its adoption will bring the City into compliance with AB1234.

The bill also requires council members and the members of bodies that are subject to the Brown Act that receive any type of compensation, salary, stipend, or reimbursement of expenses, except individuals whose term of office ends before January 1, 2007, attend two hours of ethics training approved by Fair Political Practices Commission and the Attorney General. It is anticipated that a qualifying program will be made available on line through the League of California Cities and also available at League conferences. Staff will monitor that and let you know of your training options when they become available

AGENDA ITEM

2.K.

Subject  
Council Meeting Date  
Page 2 of 2

**ALTERNATIVES:**

The City has no alternative but to adopt a policy pursuant to AB 1234. Council may want to make adjustments to the recommended policy following deliberations.

**CONFORMANCE WITH VISION 2020:**

This item is consistent with the Ongoing Strategic Program of Institutional Integrity.

**OFFICE OF PRIMARY RESPONSIBILITY**

City Attorney

**FISCAL IMPACT:**

The adoption of the policy will have no direct fiscal impact. The amounts allowed for reimbursement under the policy are established by the annual budget. Thus, the policy itself has no impact on the General Fund.

RESOLUTION NO. 06-3354

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ESTABLISHING A REIMBURSEMENT POLICY IN ACCORDANCE WITH GOVERNMENT CODE §§ 53232.2 AND 53232.3.

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A. Elected and appointed City Officials are responsible for promoting and protecting public health, safety, and welfare. Among other things, these duties may require City Officials to:

1. Discuss the City's concerns with state and federal officials;
2. Participate in regional, state and national organizations that affect the City's interests;
3. Attend educational seminars designed to improve City Officials' skills and provide information;
4. Promote public service and morale;
5. Attend meetings, ceremonial events and other activities sponsored by constituents, neighborhood groups, business organizations and similar groups;
6. Promote economic development; and
7. Meet with constituents, business owners and others with an interest in the City.

B. It is in the public interest to reimburse City Officials' expenses incurred in connection with these activities consistent with the provisions of this Resolution.

SECTION 2. *Declaration of Policy.* This Resolution is adopted in accordance with Government Code §§ 53232.2 and 53232.3 so that the City of West Hollywood may reimburse appropriate expenses incurred by elected and appointed City officials while on authorized travel or otherwise engaged in the conduct of City business. Absent City Council approval, and only in extraordinary circumstances, the City will not reimburse City Officials an amount

greater than allowed by this Resolution for expenses incurred during the course of conducting City business.

**SECTION 3. *Definitions.*** Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Resolution:

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B. "Reimbursement" means all forms of payment for expenses incurred by City Officials in the course of their official duties whether paid directly by the City (including without limitation, with a City-issued credit card) or advanced by City Officials with personal funds and later reimbursed from City funds.

**SECTION 4. *City Business – Authorized Activities.***

A Expenses incurred while engaging in the following City business activities are generally authorized expenses if all requirements of this Resolution are fulfilled:

1. Communicating with representatives of regional, state and national government on City adopted policy positions;
2. Attending educational seminars designed to improve City Officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events; and
6. Attending meetings with constituents, neighborhood groups, business organizations, and attending conferences for the City-approved purpose of attracting or retaining businesses to the City.

B. Expenditures incurred in connection with activities or events not listed in Paragraph A above require prior approval by the City Council. In addition, the following require City Council preauthorization:

1. International Travel

2. Expenses foreseeably exceeding \$5,000 per trip.

SECTION 5. *Unauthorized Expenses.* The City will not reimburse City Officials for expenses incurred outside the scope of the City Official's duties including, for example and not limitation, the following:

- A. The personal portion of any trip. For example, if a City Official elects to travel to an event in advance or stay longer on personal business, the City need only reimburse the City Official for roundtrip travel costs and costs incurred during the event's duration;
- B. Political or charitable contributions or events;
- C. Family expenses, including partner's expenses when accompanying a City Official on City-related business, as well as children- or pet-related expenses;
- D. 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;
- E. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- F. Personal losses incurred while on City business;
- G. Expenses for which City Officials receive reimbursement from another agency are not reimbursable; and
- H. Alcohol/personal bar expenses.

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

SECTION 6. *Transportation.*

- A. *Generally.* City Officials must use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. Government and group rates must be used when available.
- B. *Airfare.* Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities ([www.cacities.org/travel](http://www.cacities.org/travel)), the California State Association of Counties ([www.csac.counties.org/default.asp?id=635](http://www.csac.counties.org/default.asp?id=635)) and

the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

*C. Automobile.*

1. Automobile mileage is reimbursed at Internal Revenue Service rates in effect (see [www.irs.gov](http://www.irs.gov)). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls and parking fees, which are also reimbursable. Mileage is not reimbursable when a City vehicle is used.
2. Only travel for City business outside of West Hollywood is authorized for reimbursement.
3. A City Official may leave from his/her home for City business. However, the City will not reimburse mileage that exceeds mileage from City Hall to the destination point.

*D. Car Rental.* Rental rates that are equal or less than those available through the State of California's website ([www.catravelsmart.com/default.htm](http://www.catravelsmart.com/default.htm)) are considered the most economical and reasonable for purposes of reimbursement under this policy.

*E. Taxis/Shuttles.* Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

*F. Airport Parking.* Long-term parking must be used for travel exceeding 24-hours.

*G. Other.* Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed.

**SECTION 7. Lodging.**

A. Lodging expenses will be reimbursed only at the single occupancy rate for rooms.

B. Lodging expenses will be reimbursed for when travel on official City business reasonably requires an overnight stay.

C. Conferences/Meetings. If lodging is associated with a conference, lodging expenses must not exceed the group rate published by the

conference sponsor for the meeting in question if such rates are available at the time of booking.

D. Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at [www.catravelsmart.com/lodguideframes.htm](http://www.catravelsmart.com/lodguideframes.htm). Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.

**SECTION 8. *Meals and Incidental Expenses.***

A. For meals associated with City business within: Los Angeles County

Breakfast: \$ 12

Lunch: \$ 20

Dinner: \$ 32

B. For meals associated with City business outside of Los Angeles County where an overnight stay is required, a City Official may claim a per diem in the amount of \$64.

1. The time calculations for per diem starts when the City Official begins travel. For each 24-hour period thereafter, the City Official can claim the full per diem amount.
2. If there is a period of time at the end of the trip that is less than 12 hours, the City Official cannot claim more than one-half (1/2) the per diem rate.
3. Receipts are not required to claim per diem.
4. Any reimbursement claim for expenses that exceed the per diem rate may constitute additional income for tax purposes.

C. This policy is not applicable to meals provided in connection with City sponsored events.

**SECTION 9. *Registration fees.*** Registration fees for conferences and seminars are reimburseable, but shall be paid in advance by the City whenever possible.

**SECTION 10. *Telephone/Fax/Cellular.*** City Council members will receive a

flat allowance for telephone and fax expenses incurred in connection with the performance of City business in the amount of \$250 a month. The City Council finds that this amount accurately reflects average monthly expenses for telephone and fax usage; hence submission of bills is not required.

**SECTION 11.        *Cash Advance Policy.***

A. From time to time, it may be necessary for a City Official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Manager 5 days before the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
3. The dates of the expenditure(s).

B. Any unused advance must be returned to the City's Finance Department within two business days of the City Official's return, along with an expense report and receipts documenting how the advance was used in compliance with this Resolution.

C. In the event the City Manager is uncertain as to whether a request complies with this policy, the City Manager must seek City Council approval.

**SECTION 12.        *Credit Card Use Policy.***

A. City Officials may use their city issued credit card for Business and Travel Expenses in accordance with this Resolution. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted within five business days of use.

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

**SECTION 13.        *Expense Report Content and Submission Deadline.***

A. All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the City.

B. Expense reports must document that the expense in question met the



requirements of this policy. For example, if a meeting is with a legislator, the City Official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.

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

D. Inability to provide such documentation in a timely fashion may result in the expense being borne by the City Official.

E. All expenses are subject to verification that they comply with this policy.

SECTION 14. *Reports to City Council.* At the City Council meeting following an activity, each City Official must briefly report on meetings attended at City expense. If multiple City Officials attended, a joint report may be made.

SECTION 15. *Compliance With Laws:* Some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the California Public Records Act

SECTION 16. *Violation Of This Policy.* Use of public resources or falsifying expense reports in violation of this Resolution may result in any or all of the following:

- A. Loss of reimbursement privileges;
- B. A demand for restitution to the City;
- C. The City's reporting the expenses as income to the City Official to state and federal tax authorities;
- D. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and
- E. Prosecution for misuse of public resources.

SECTION 17. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 18. The City Clerk is directed to certify the passage and adoption of this Resolution; cause it to be entered into the City of West Hollywood book of original Resolutions; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Resolution, cause it to be published or posted in accordance with California law.

SECTION 19. This Resolution will become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting this 21st day of February, 2006 by the following vote:

AYES:	Councilmember:
NOES:	Councilmember:
ABSENT:	Councilmember:
ABSTAIN:	Councilmember:

\_\_\_\_\_  
ABBE LAND, MAYOR

ATTEST:

\_\_\_\_\_  
THOMAS R. WEST, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
MIKE JENKINS, CITY ATTORNEY

RESOLUTION NO. 14-4554

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF WEST HOLLYWOOD REVISING THE  
POLICY FOR THE DISTRIBUTION OF TICKETS  
AND PASSES RECEIVED BY THE CITY OF WEST  
HOLLYWOOD

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES  
HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The City Council finds as follows:

A. On January 1, 2012, the California Fair Political Practices Commission ("FPPC") amended its regulations regarding the distribution of tickets and passes received by public agencies, and the circumstances under which such distribution would not require disclosure by public officials as income or a gift;

B. The FPPC regulations continue to require the City to set forth a written policy regarding the distribution of tickets and passes received by the City;

C. The FPPC recognizes the discretion of local agency governing bodies, including the City Council, to determine if the distribution of tickets and passes serves a legitimate public purpose of the agency;

D. The receipt of such tickets and passes is a resource of the City and not of its officials or employees;

E. The City desires to continue to distribute this resource in a manner that furthers the public purposes of the City, as described herein; and

F. The City has a strong public purpose in ensuring the quality and continued improvement of events and attractions in the City.

SECTION 2: Definitions. Unless specifically stated to the contrary, all terms in this Resolution shall be defined as set forth in California Government Code section 82000, *et seq.*, and California Code of Regulations, Title 2, Division 6, Section 18944.1.

SECTION 3: Purpose of Policy. The purpose of this policy is to ensure all tickets and passes received by the City are distributed in furtherance of the City's stated public purposes and in accordance with California Code of Regulations, Title 2, Division 6, Section 18944.1.

SECTION 4: Application. This resolution shall apply only to tickets or passes distributed by the City to, or at the behest of, public officials. This

includes distribution of any tickets or passes received under contract or agreement where the consideration to the City includes a certain number of tickets or passes to the event which is the subject of the contract or agreement. Tickets or passes received by an official from sources other than the City shall be treated in accordance with any applicable section of the Political Reform Act and FPPC regulations.

**SECTION 5: Public Purposes.** Tickets and passes shall be distributed by the City only in furtherance of any or all of the following public purposes:

- A. Promotion of local businesses, events, tourism, or public facilities.
- B. Promotion of public or private events on City-owned property.
- C. Promotion of City programs, facilities, and available resources.
- D. Promotion of programs and resources available to the City's residents from sources other than the City.
- E. Promotion or acknowledgement of the achievements or accomplishments of residents or businesses of the City.
- F. Promotion of special events under any City contract or agreement.
- G. Fostering or promotion of economic growth or economic development in the City.
- H. Employee recognition or retention.
- I. Practicing open government through appearances by public officials or participation at public or private events.
- J. Hosting of public or private events intended to serve any of the public purposes identified in this Resolution.
- K. As an incident to the above public purposes, allowing for the immediate family of public officials to accompany the officials to events to accomplish any of the purposes listed in this Resolution.

**SECTION 6: Limitations on Tickets or Passes Distributed to Public Officials.** Tickets or passes distributed to a public official under this policy are solely for the personal use of the official or his or her immediate family or no more than one guest solely for their attendance at the event. Any unused ticket or pass distributed to a public official under this policy must be returned to the City for redistribution if the ticket or pass remains valid. Under no circumstances may the ticket or pass be sold or further distributed by the official, except to the official's immediate family for their personal use.

**SECTION 7: Other Benefits Not Included.** Recipient officials are cautioned to consult Section 18944.1(f) of the FPPC regulations, which limits the ticket or pass gift exemption to only the benefit the official receives that are provided to all members of the public with the same class of ticket.

**SECTION 8: Ticket or Pass Distribution.** The City Manager, or his or her designee, shall be responsible for distribution of tickets or passes in accordance with this policy. The City Council hereby authorizes the City Manager to exercise the City's discretion in determining if distribution of the tickets or passes complies

with this policy, including any distribution to the City Manager or his or her immediate family.

**SECTION 9: Posting of Policy.** This policy shall be posted on the City's website in a prominent fashion.

**SECTION 10: Posting of Ticket or Pass Distribution.** In accordance with Section 18944.1(d) of the FPPC's regulations, any distribution of passes or tickets under this policy shall be recorded on FPPC Form 802 and maintained as a public record. The form will be forwarded to the FPPC for posting on their website. The form will also be posted in a prominent fashion on the City's website within thirty (30) days of the distribution. The posting shall contain all information required by Section 18944.1(d). The posting shall use FPPC Form 802, or other form approved for this purpose by the FPPC.

**SECTION 11:** The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City's original resolutions; and make a minute of the adoption of the Resolution in the City Council's records and the minutes of this meeting.

**SECTION 12:** This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of West Hollywood at a regular meeting held this 5<sup>th</sup> day of May, 2014 by the following vote:

<b>AYES:</b>	<b>Councilmember:</b>	Duran, Land, Prang, Mayor Pro Tempore Heilman and Mayor D'Amico.
<b>NOES:</b>	<b>Councilmember:</b>	None.
<b>ABSENT:</b>	<b>Councilmember:</b>	None.
<b>ABSTAIN:</b>	<b>Councilmember:</b>	None.



\_\_\_\_\_  
JOHN D'AMICO, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
YVONNE QUARKER, CITY CLERK

CITY OF WEST HOLLYWOOD  
ADMINISTRATIVE REGULATION

No. 102

Effective Date: 12/13/85

Revised: 09/01/99

SUBJECT: RECEIPT OF GIFTS

PURPOSE:

To establish a uniform policy regarding receipt of gifts by City officials and employees.

APPLICATION:

This Regulation shall apply to all City elected officials, appointed officials and employees (hereinafter "City official or employee").

Compliance with this Regulation does not ensure compliance with or excuse non-compliance with the California Political Reform Act of 1974, as amended, and as implemented by the Fair Political Practices Commission.

DEFINITIONS:

Business before the City: A person or entity has "business before the City" for purposes of this Regulation if within twelve (12) months of offering a gift to a City official or employee, the person or entity: i) has or will submit a bid or proposal to the City to perform services or provide supplies or equipment; or ii) has or will submit an application to the City for a permit, license or regulatory approval of any kind.

Gift: A "gift" for purposes of this Regulation is any bestowal of money or anything of value, or provision of a discount or rebate, to any City official or employee for which nothing of equal or greater value is exchanged, or which is not required by law to be given, or which is given in appreciation of service rendered or perceived rendered by a City official or employee in the course and scope of his/her duties. "Gift" does not include: i) any discount or rebate made in the regular course of business and offered to the general public without regard to official status; ii) receipt of something of value from those who do not have business before the City; iii) inheritances; iv) plaques and trophies; and v) campaign contributions.

**POLICY:**

No City official or employee shall accept a gift from any person or entity with business before the City unless: (i) it is edible and can be shared with other employees (such as candy), (ii) it is something that can be displayed publicly in City Hall (such as flowers or art) and is conveyed immediately upon receipt to the City Manager, or his/her designee, for such purpose, or (iii) it is turned over immediately upon receipt to the City Manager, or his/her designee, and used as a raffle prize, the proceeds from which shall be donated to charity or deposited in the City's general fund. Under no circumstances shall a City official or employee accept a gift of cash from any person or entity with business before the City.

Any City official or employee who is offered or receives a gift shall advise the offeror of this policy and of the ultimate disposition of the proffered gift, and shall provide the offeror an opportunity to withdraw or reclaim the gift.

Nothing herein shall prohibit a gift or donation to the City in furtherance of its governmental purposes.

CITY OF WEST HOLLYWOOD  
ADMINISTRATIVE REGULATION

No. 414

Effective Date: 03-24-97

SUBJECT: POLITICAL ACTIVITY

**Purpose**

The City of West Hollywood encourages its employees to participate in the political and government process and be informed on public issues and candidates for public office. However, the City has established guidelines relating to political activities of City employees based upon federal, state, and local laws and prohibits political activity that is illegal.

**Application**

The City's Administrative Regulation applies to all City employees (including City Manager, Assistant City Manger, Department Directors and Division Managers). Other City representatives such as City officials, Members of City Commissions, Boards, and Task-Forces, contractors, or consultants may also be prohibited from using their official relationship with the City to endorse or oppose political candidates or activities.

**Policy**

1. It is unlawful for the City of West Hollywood or its employees to expend City funds on partisan and/or political matters and on other issues that are on a ballot for an election. Additionally, this policy prohibits the use of employees' time, City equipment and supplies, and the payment of expenses for City officials who travel for the purpose of promoting a particular view on political matters.
2. The City may also prohibit or limit the solicitation or receipt of political funds or contributions to promote the passage or defeat of a ballot measure concerning working conditions during the working hours of its officers and employees. The City also has the right to limit entry into City offices for such purposes during working hours.
3. California Government Code prohibits officers and employees of the City from directly or indirectly soliciting political funds or contributions from other officers or employees of the City unless the solicitation is done through the mail and is part of a solicitation directed to a large segment of the public which may incidentally include officers and employees of the City of West Hollywood. This is designed to protect employees from feeling pressured into contributing to political causes or for fear that if they fail to do so, their job will be affected.



4. No City employee or official shall participate in political activities of any kind while in a uniform or other clothing that is issued by the City.
5. City employees and officials are prohibited from engaging in political activity or solicitation during working hours and on the City's property.
6. The Hatch Act applies to all employees whose positions are funded by federal funds. According to this Act, the following acts or activities are prohibited:
  - a) Use of an employee's official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
  - b) Direct or indirect coercion, attempts at coercion, commanding or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
  - c) Candidacy for a partisan elective office.
  - d) Participation in partisan or non-partisan political activities during working hours.

Employees who are on sick leave, vacation or other leave are governed by the provisions of the Hatch Act while on the leave.

### **Responsibilities**

1. The City expects all employees, City officials, Members of City Commissions, Boards, and Task-Forces to be responsible for adhering to the City's policy regarding political activities. Additionally, contractors, consultants, or others doing business for or with the City will be required to abide by the City's policy regarding political activities while engaged in City business or activities.
2. It is the responsibility of the City Manager, all Department Directors, Division Managers and any other supervisory employee to use their best efforts to take the necessary and proper steps, including disciplinary action, to prevent improper or illegal political activities by City employees.
3. Supervisors should promptly investigate any complaint or report of improper or illegal political activities and notify the Human Resources Division or City Manager of any findings or suspected findings.
4. Any employee who feels that improper political activities are occurring on City property is strongly encouraged to bring the issue up to his/her supervisor, the Human Resources Manager, or the City Manager.
5. The Human Resources Manager is responsible for promptly initiating an investigation after receiving a complaint or report of suspected illegal political activity.

**Procedures**

1. In determining whether a reported political activity is improper, the totality of circumstances, the nature of the act or behavior, and the context in which the reported incident occurred will be investigated.
2. Individuals found to have engaged in any form of improper or illegal political activity, as defined by this policy, will be subject to disciplinary action, according to the City's disciplinary procedures, which will be based on a number of factors including the severity of the conduct and the past history of the individual's conduct.
3. Statement of findings and disciplinary action taken will be included in the offending party's permanent personnel file and in his/her performance evaluation, unless the investigation discloses no misconduct.
4. An employee or individual working for or representing the City who knowingly makes a false claim against another employee of improper or illegal political activity will be subject to disciplinary action up to and including termination.

CITY OF WEST HOLLYWOOD  
ADMINISTRATIVE REGULATION

No. 306 revised

Revised effective 4-1-91

SUBJECT: TRAVEL REIMBURSEMENT PROCEDURES RULES AND  
REGULATIONS

The City of West Hollywood recognizes the constructive value of professional conferences, seminars, and meetings. To that end, the City provides travel funds for City officials, department directors, division managers, and other employees who attend such official events. This is recognized as "administrative" travel. However, in an effort to allow more employees to travel, while also keeping costs low, it is necessary to keep travel expenditures at a minimum.

Travel funds for out-of-state meetings will normally be provided only for City elected officials, department directors and division managers. Other employees may be provided with travel funds for conferences held within the State of California. Any exceptions shall be submitted to the City Manager for approval. Final travel approval shall come from the City Manager via a Travel Request form (attached), submitted near the actual date of travel.

Requests for additional travel funds will not normally be approved except in cases of emergency or other special situations. In such instances, requests must be routed through the Finance Division for City Manager approval.

**Per Diem and Computation**

Any officer or employee who is required or authorized by the Council or City Manager to travel in the discharge of his/her duties shall receive, in addition to his transportation and hotel accommodation expenses, a per diem allowance for each day or fraction thereof while so engaged on a trip lasting more than one day. For those City employees who elect to use actual versus per diem rate, reimbursement will be made up to \$80.00 per day.

Councilmembers/City Manager	\$50 per diem, or may elect actual expenses
Other employees	\$50 per diem

For trips of only one day, or when overnight lodging was not required, receipts must be submitted for expenses other than travel, and the employee will be reimbursed for either receipts or per diem, whichever is less.

Per diem shall be allowed or reimbursed for days actually spent on City business, for programmed days of a conference or meetings, and for time spent in travel by air. Per diem for time spent in travel other than by air, such as rail or automobile, must be

approved by the City Manager. Per diem shall be computed for the days of the conference attended and for travel days not to exceed one day before and after the conferences, and shall be allowed only if time and/or travel schedules prohibit travel at reasonable hours on the actual beginning and ending days of a conference.

Department directors may adjust per diem (not to exceed the maximum allowable) in instances (a) in which some or all meals are provided by the school or seminar or in the registration fee, or (b) in which the employee commutes to the conference from home. A similar adjustment may be made in departure/arrival times.

## **Transportation**

1. Travel by Air - All travel on City business by one employee outside the six county SCAG region and the City of Santa Barbara shall be by air unless the City Manager approves another mode of transportation. Reimbursement shall be calculated on the basis of the cost of travel by air using the shortest and most direct route. All air travel shall be booked at least a week in advance, when possible, so as to receive the lowest fares possible, other than night coach, which may be chosen by the individual but is not required. No air travel shall be first class. If two or more employees are traveling within a day's drive (no more than 4 hours), they should usually travel together, by car, instead of air.
2. Use of Private Vehicle - If a personal vehicle is used for travel, transportation allowance or reimbursement shall be based on the cost of air travel and transportation from the airport to the point of destination and return, or the current per mile rate allowed under IRS rules, whichever is less (see example below).

### **Example:**

- Drive to Santa Barbara = 185 miles round trip
- Reimbursed \$.24 per mile =  $$.24 \times 185 = \$44.40$
- Air travel to Santa Barbara = \$101 round trip
- Transportation to conference from airport by Air Limo = \$13.00 round trip
- $\$101 + \$13 = \$114.00$

(\$44.40 < \$114.00, so the reimbursement is \$44.40)

3. Use of City-owned Vehicle - There shall be no allowance or reimbursement for transportation when a City-owned vehicle is used. However, any out-of-pocket expenses incurred in operating the vehicle shall be reimbursed. All receipts, including those acquired from the use of a City credit card, must be turned in upon return and charged to the proper department.

## **Hotel Accommodations**

All officers and employees shall either prepare a Request for Payment and receive funds in advance, be reimbursed for hotel accommodations, or by City credit card.

Reimbursable days for lodging requests should correspond to the foregoing travel policy regarding dates of arrival and departure. The expenses of local telephone calls and official long distance calls, which are billed on the hotel statement, are allowed as hotel accommodation expenses.

## **Additional Allowance**

Authorized City officials and employees will be reimbursed for conference registration fees, vehicle parking expenses and, if travel is by air, transportation expenses at the point of destination to the hotel and for return from the hotel to the point of departure. The

City Manager is authorized to make exceptions or restrictions in the above policy when such variations will be more economical to the City.

## **PROCEDURE**

The traveler should submit a travel request form to his/her Division Manager (under \$1,000) or Department Director (\$1,000 or over) and, if necessary, the City Manager, at least two weeks ahead of the scheduled trip. Once the trip is approved, the proper forms (explained below) must then be completed and forwarded to the Finance Division for processing.

### **A. Travel Advance Requested**

Advance travel expenses for travel outside the metropolitan Los Angeles area should not be drawn from petty cash. Under emergency or special circumstances, it may be necessary to use a petty cash advance; however, this should be an exception and avoided whenever possible.

If an advance is approved by the Division Manager (under \$1,000) or Department Director (\$1,000 or over), the following procedure should be followed:

1. A Request for Payment form should be prepared indicating expenses for which funds are required.
2. Advance public transportation will usually be handled through a local travel bureau. Advance booking of air travel shall be expected so the City may take advantage of reduced rates. In most cases, the travel agency will bill the City directly. A Request for Payment should be processed in those instances where the warrants are to be made payable to the travel agency.
3. Advance hotel reservations (requiring deposit) and registration fees should be processed on a Request for Payment form(s) in those instances where the warrants are to be made payable to the hotel and/or the conference sponsor.
4. It is desirable that all Request for Payments pertaining to the scheduled trip be submitted to Finance at the same time.
5. Immediately upon return from a trip, the traveler should complete a Travel Expense form according to instructions found on the form and forward it to the Finance for processing.
6. If the form indicates that cash advances exceeded actual expenses, the traveler's personal check, made payable to the City, should accompany the submittal.
7. Where applicable, a reimbursing warrant will be issued to the traveler.

### **B. No Travel Advance Requested (Approved)**

1. All expenses incurred by the traveler must be documented with receipts, except those covered by per diem.
2. Immediately upon return from a trip, the traveler should complete a Travel Expense form according to instructions found on the form and forward it to Finance for processing.
3. If the form indicates cash advances have exceeded actual expenses, the traveler's personal check, made payable to the City, should accompany the submittal.
4. Where applicable, a reimbursing warrant will be issued to the traveler.

C. Travel Expense Report

This report must be completed by all persons upon returning from travel within 5 working days and submitted to Finance.

**NOTE: WHEN TRAVEL IS REIMBURSED BY A GRANT, SPECIAL ARRANGEMENTS MUST BE MADE WITH THE FINANCE OFFICER TO ASSURE APPROPRIATE COMPENSATION.**

CITY OF WEST HOLLYWOOD  
TRAVEL REQUEST

NAME \_\_\_\_\_ DEPARTMENT \_\_\_\_\_

REASON FOR TRAVEL/CONFERENCE TITLE: \_\_\_\_\_

LOCATION: \_\_\_\_\_

DATES: \_\_\_\_\_

DATES OF TRAVEL: \_\_\_\_\_

ESTIMATED CONFERENCE EXPENSE

TRAVEL - AIR \$ \_\_\_\_\_

- Personal car @ \$.25/mile \_\_\_\_\_

- Other (specify) \_\_\_\_\_

HOTEL \_\_\_\_\_ nights @ \$ \_\_\_\_\_

PER DIEM \_\_\_\_\_

REGISTRATION \_\_\_\_\_

OTHER \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

ADVANCE OF FUNDS YES NO Amount \$ \_\_\_\_\_

\_\_\_\_\_  
Traveler's signature

\_\_\_\_\_  
Department Director's/Division Head's Signature

Amount Budgeted \$ \_\_\_\_\_

\_\_\_\_\_  
Finance Director

Funds Available? Yes No Per Diem  
Actual Expenses

\_\_\_\_\_  
City Manager's Signature

\_\_\_\_\_  
Date



CITY OF WEST HOLLYWOOD  
TRAVEL EXPENSE REPORT

ASSOCIATION \_\_\_\_\_ WHERE \_\_\_\_\_

DATE ARRIVED \_\_\_\_\_ DATE DEPARTED \_\_\_\_\_

---

Please itemize your expenses and return to the City within 7 days following the conference.

Items directly paid by the City (either check or charge card) need not be reported on this form.

ADVANCE TRAVEL EXPENSE check # \_\_\_\_\_ \$ \_\_\_\_\_

TRAVEL EXPENSES:

Registration \$ \_\_\_\_\_

Transportation: plane, bus, train \$ \_\_\_\_\_

Mileage: \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile \$ \_\_\_\_\_

Lodging: \_\_\_\_\_ nights @ \$ \_\_\_\_\_ \$ \_\_\_\_\_

PER DIEM OR ACTUAL EXPENSES:

PER DIEM

\_\_\_\_\_ X \$ \_\_\_\_\_ \$ \_\_\_\_\_  
number of days per diem rate

OR

ACTUAL (attach receipts)

Meals \$ \_\_\_\_\_

Miscellaneous and incidental \$ \_\_\_\_\_  
(list on reverse side)

TOTAL EXPENDITURES \$ \_\_\_\_\_

AMOUNT OF EXPENSES IN EXCESS OF ADVANCE \$ \_\_\_\_\_

AMOUNT OF ADVANCE IN EXCESS OF EXPENSES \$ \_\_\_\_\_

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Approved by Finance Officer

Signature

Date

CITY OF WEST HOLLYWOOD  
MILEAGE REIMBURSEMENT CLAIM

TO: Finance Department

FROM: \_\_\_\_\_ Name  
 \_\_\_\_\_ Department

	Date: MM/DD/YY	Purpose of Trip/Destination	Parking	Total
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

Employee's Signature: \_\_\_\_\_ Total Miles: \_\_\_\_\_ @ \$.\_\_\_\_/mile.

Supervisor's Signature: \_\_\_\_\_ Total Reimbursement \$ \_\_\_\_\_

Department Director's Signature \_\_\_\_\_ To Account # \_\_\_\_\_

## **Chapter 2.76 Election and Campaign Regulations**

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### **2.76.010 Purpose.**

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The purpose of this chapter is to establish limits on the amounts of money that may be contributed to political campaigns in municipal elections for City Council office. It is the City Council's intent to address the perception that unregulated campaign contributions lead to improper influence over elected officials and to establish realistic, narrowly tailored and enforceable limits on the amounts which may be contributed to political campaigns consistent with rights of political expression protected by the United States Constitution.

The City Council finds that the establishment of campaign contribution limits is authorized by Section 10202 of the California Elections Code and Section 81013 of the California Government Code.

The Council further finds that the limit imposed herein is not so low as to infringe on candidates' ability to communicate with the voters, as evidenced by the research and report prepared by the City Clerk indicating that in recent municipal elections the large majority of contributions were in amounts at or lower than the limit imposed herein.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

### **2.76.020 Definitions.**

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The definitions set forth in the Political Reform Act of 1974, as amended (California Government Code Sections 81000 *et seq.*) shall govern the interpretation of this chapter. As used in this chapter:

a. The word "candidate" shall include a candidate's controlled committee.

b. A "committee" shall be limited to a committee formed or existing primarily to support or oppose a candidate for City Council.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

### **2.76.030 Contribution Limitations.**

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No person shall make a contribution to any candidate that would cause the total amount contributed by such person to exceed five hundred dollars (\$500.00) in connection with any single election. No candidate for City Council shall solicit or accept a contribution from any person that would cause the total amount received from such person to exceed five hundred dollars (\$500.00) in connection with any single election.

For purposes of this section:

a. Contributions by spouses or domestic partners shall be treated as separate contributions and shall not be aggregated.

b. Contributions by children under the age of eighteen shall be attributed equally to each parent or guardian.

This section shall not apply to expenditures by a candidate of his or her own funds in support of his or her own campaign.

(Ord. 11-866 § 1, 2011; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

### **2.76.040 Election Cycle.**

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No person shall make a contribution to any candidate or any committee prior to the date that is twenty-four months before the election for which the contribution is made. No candidate for City Council or any committee shall solicit or accept a contribution from any person prior to the date that is twenty-four months before the election for which the contribution is made.

(Ord. 13-907 § 1, 2013; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

#### **2.76.050 Campaign Accounts.**

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No candidate for City Council or committee shall expend contributions received in connection with a particular election on campaign expenses associated with a subsequent election. Campaign accounts of candidates elected to office in which there is a surplus following payment of campaign debts shall be redesignated as officeholder accounts and maintained in compliance with Section 2.76.060. Any surplus funds beyond those permitted to be retained in an officeholder account shall be expended exclusively in compliance with Government Code Section 89515 or remitted to the city to be used for programs that enhance voter education and participation in elections. Candidates shall provide the City Clerk with documentary evidence that the balance in their campaign accounts complies with Section 2.76.060 within ten days of redesignation of the account as an officeholder account.

(Ord. 13-907 § 1, 2013; Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

#### **2.76.060 Officeholder Accounts.**

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Following the municipal election at which a candidate is elected or re-elected, the candidate's campaign account shall be redesignated as an officeholder account. No person shall make and no City Councilmember shall solicit or accept a contribution directly into an officeholder account. An officeholder account shall not hold more than ten thousand dollars (\$10,000.00) at any one time. Funds in an officeholder account shall be used only for officeholder expenses associated with holding office in accordance with Sections 89512 through 89519 of the California Government Code, excluding that part of Subsection 89513(g) pertaining to loans to candidates, political parties or committees. Funds in an officeholder account shall not be used or expended: (a) in connection with an election of the City Councilmember or any other person for any elected office; (b) for campaign consulting, research, polling or similar services in connection with an election; (c) for membership dues in any athletic club or similar club or organization membership in which is primarily personal or social (but excluding membership in or contributions to community-serving or civic organizations); (d) as supplemental compensation for city employees for performance of an act that would be required or expected of that person in the regular course of his or her duties; or (e) for any expenditure that would violate the provisions of Government Code Sections 89506 and 89512 through 89519. Every City Councilmember who establishes and maintains an officeholder account shall file with the City Clerk a semi-annual report on a form provided by the Clerk enumerating all deposits into the officeholder account and identifying all disbursements from the account in excess of one hundred dollars (\$100.00) by showing the payee, date, amount, person(s) whose expenses were reimbursed and purpose of each such disbursement. The Councilmember shall retain all receipts, invoices and other documents documenting disbursements from the account.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

#### **2.76.070 Remedies for Violations.**

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In addition to any other remedy provided by law, the portion of any contribution that exceeds the maximum contribution permitted by this chapter shall be remitted to the city and used for programs that enhance voter education and participation in elections.

(Ord. 09-835 § 1, 2009; Ord. 09-830 § 1, 2009)

**Chapter 2.72 Lobbying**

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**2.72.010 Lobbyist – Defined.**

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“Lobbyist” shall mean any individual who is employed, retained or contracts for economic consideration to communicate with any elective official or any officer or employee of the City of West Hollywood for the purpose of influencing a legislative or administrative action.

(Ord. 85-44, 1985; prior code § 21000)

**2.72.020 Registration.**

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Prior to conducting any activities for the purpose of influencing any action by the City of West Hollywood, any lobbyist shall register with the City Clerk by filing a written statement containing:

- a. The lobbyist’s full name, business address and telephone number;
- b. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed or with whom he or she contracts to perform lobbying services in the city; and
- c. A description of the subject matter of the lobbyist’s engagement.

(Ord. 97-491 § 1, 1997; Ord. 85-44, 1985; prior code § 21001)

**2.72.030 Registration Equivalents.**

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A lobbyist is deemed to be registered with the City Clerk if he or she has otherwise provided the City of West Hollywood in writing with the information required by Section 2.72.020 or has appeared at a public meeting of the City of West Hollywood and has stated the required information for the record.

(Ord. 85-44, 1985; prior code § 21002)

**2.72.040 Registration Fee.**

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The City Clerk may charge a fee for filing, amending and/or renewal of a registration, the amount of which shall be determined by resolution of the City Council.

(Ord. 97-491 § 2, 1997; prior code § 21003)

**2.72.050 Registration – Time.**

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Every lobbyist required to file a registration statement under this chapter shall register with the City Clerk no later than ten days after being engaged as a lobbyist, and shall renew the registration annually as required in Section 2.72.060.

(Ord. 97-491 § 3, 1997; prior code § 21004)

**2.72.060 Registration – Duration.**

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Registration shall be renewed with the City Clerk on an annual basis between May 21st and June 1st of each year. Registration shall be valid for one year.

(Ord. 97-491 § 3, 1997; prior code § 21005)

#### **2.72.070 Amendment of Registration Information.**

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If any change occurs concerning any of the information required by Section 2.72.020, the lobbyist shall file an amendment reflecting the change within ten days of the change.

(Ord. 97-491 § 2, 1997; Ord. 85-44, 1985; prior code § 21006)

#### **2.72.080 Notice of Termination.**

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Lobbyists may file a notice of termination with the City Clerk within ten days after ceasing all activity which required registration.

(Ord. 97-491 § 2, 1997; prior code § 21007)

#### **2.72.090 Post-Employment Lobbying.**

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a. Members of the City Council and their deputies, members of the Planning Commission, department heads, and division managers are “designated employees and officials” for purposes of this section.

b. Designated employees and officials shall not, for a period of one year after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the City Council or any committee, subcommittee, Board, Commission, or present member thereof, or any officer or employee of the City, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

c. Subsection (b) shall not apply to any individual who is, at the time of the appearance or communication, a board member, officer, employee, or representative of another local government agency, a public agency, or a nonprofit organization, and is appearing or communicating on behalf of that agency or organization.

(Ord. 14-941 § 1, 2014)