

RESOLUTION NO. 24-008

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST HOLLYWOOD UPDATING THE
CITY'S PUBLIC OFFICIALS EXPENSE
REIMBURSEMENT POLICY

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 Public Officials are responsible for promoting and protecting public health, safety, and welfare. Among other things, these duties may require Public 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 Public Officials' skills and provide information;
 4. Promote public service and engagement;
 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 Public Officials' expenses incurred in connection with these activities consistent with the provisions of this Resolution.

SECTION 2. *Declaration of Policy and Purpose.* Among other things, this Resolution is intended to update and implement Resolutions No. 06-3354 and 14-4583 and 15-4766 as adopted by the City Council respectively (the "AB 1234 Resolution") and any subsequent amendments to that resolution, which were adopted to comply with Government Code §§ 53232.2 and 53232.3.

The policy set forth in this Resolution shall be known as the West Hollywood Public Official Expense Reimbursement Policy (referred to herein as the "Policy") and shall apply to all reimbursement for expenses associated with City business including, without limitation, travel, meals and mileage. This policy covers elected and appointed officials who receive any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties. Employees are covered by a separate employee reimbursement policy.

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 Policy. Words and phrases not given a meaning by this Policy have the meaning set forth in the AB1234 Resolution or Government Code § 53232.

- A. "Actual and necessary" means expenses that were incurred due to practical necessity, not mere convenience, based on prevailing business practices and consistent with this Policy.
- B. "Public Official" means members of the City Council and members of boards, commissions, and committees appointed by the City Council; provided, however, appointed officials are not entitled to reimbursement for any expenses unless approved in advance by the City Manager. The term "Public Official" does not include City employees.
- C. "Reimbursement" means all forms of payment for expenses incurred by Public 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 Public Officials with personal funds and later reimbursed from City funds.

SECTION 4. City Business – Authorized Activities.

- A. Actual and necessary expenses incurred while engaging in the following City business activities are generally authorized expenses if all requirements of this Policy are fulfilled:
 - 1. Communicating with representatives of regional, state and national government on City adopted policy positions;
 - 2. Attending educational seminars or conferences designed to improve Public Officials' skill and information levels, or conferences for the purpose of attracting or retaining businesses in the City;
 - 3. Participating in regional, state and national organizations whose activities affect the City's interests;
 - 4. Attending City-sponsored or organized events and meetings;

5. Attending meetings with constituents, neighborhood groups, business organizations, and others regarding matters of City business.
 6. Representing the City at ceremonial events or legal proceedings.
 7. Attending meetings and events on the List of Pre-Approved Organizations & Events.
- B. The following applies to travel to international locations:
1. Public Officials will be reimbursed for all business-related transportation, lodging, and meals and incidental expenses.
 2. Meals and incidental expenses will be reimbursed at the per diem rate established by the U.S. General Services Administration (www.gsa.gov) for Los Angeles County.
 3. All international travel requires prior approval by the City Council.
- C. The following expenditures require prior approval by the City Council:
1. Expenditures incurred in connection with activities or events not listed in this Policy;
 2. Expenditures incurred in connection with activities or events not listed in the City Council approved "List of Pre-Approved Organizations & Events";
 3. Expenditures foreseeably exceeding \$5,000.
- D. Public Officials may, if they choose, use personal funds to pay for expenses that exceed reimbursable rates.

SECTION 5. *Unauthorized Expenses.* The City will not reimburse Public Officials for expenses incurred outside the scope of their duties including, and not limited to, the following examples:

- A. The personal portion of any trip. For example, if a Public Official elects to travel to an event in advance or stay longer on personal business, the City need only reimburse 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 Public 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, fuel, or EV charging;
- F. Personal losses incurred while on City business except as provided in the City's insurance authority's memorandum of coverage;
- G. Expenses for which the Public Official receives reimbursement from another agency;
- H. Alcohol/personal bar expenses;
- I. Restaurant meals exclusively among Public Officials and/or employees (for sake of clarity, this provision does not include ceremonial cake or similar ceremonial food intended to collectively celebrate a specific occasion such as a birthday or retirement, or when food is provided by the City to Public Officials and/or employees collectively at a City facility in advance of an official Brown Act City meeting expected to run into the late evening or more than four hours and over a mealtime, or other food that may be provided to officials and the public at an official Brown Act City meeting (all such purchases referenced in this subsection (I) parenthetical to be approved in advance by the City Manager or their designee)); and
- J. Expenses incurred in violation of federal or state law, or City ordinance or policies.
- K. Expenses incurred for travel to cities/states included on the City's list of banned City-sponsored travel, unless the travel is pre-approved by the City Manager due to the exception that the travel is necessary to advocate, educate, and lobby for LGBTQ+ equality or any of the City's core values (see Resolution No. 17-4922 as may be amended).¹ In the event of such exception, the expenses shall be in compliance with all other applicable provisions of this policy.

The City will not reimburse Public Officials for expenses that exceed budget limits for the category of expense. Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

¹ This resolution has been amended multiple times, most recently under Resolution No. 23-015. The City maintains a list of adopted resolutions banning City-sponsored travel to certain cities/states due to those cities'/states' laws and policies that are counter to West Hollywood's progressive values and policies.

SECTION 6. Transportation.

- A. *Generally.* Public Officials must use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using a direct and time-efficient route. Government and group rates must be used when available.
- B. *Airfare.* The lowest possible airfare, as reflected by a comparison of airfares offered directly by commercial airlines or fare comparison websites, shall be used when purchasing flights; at times, baggage fees may be used to compare the total cost of the airfare. However, the City will allow for Southwest “anytime” flights when the flight is booked in advance, due to its flexibility for changes and cancelations. No Public Official shall be reimbursed for the cost of upgrades to class or seating type for which a fare higher than basic, economy, or coach class is charged. Airfare expenses should be prepaid directly by the City where possible.
- C. *Automobile.*
1. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov). For 2023 the rate is 65.5 cents per mile. These rates are designed to compensate the driver for fuel, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable, if they are incurred while conducting City business.
 2. Only a Public Official’s travel for City business outside of West Hollywood is authorized for reimbursement.
 3. A Public Official may leave from their home for City business. However, the City will not reimburse for mileage that exceeds mileage from City Hall to the destination point.
- D. *Car Rental.* Prior approval is needed for use of a rental vehicle, and it must be justified as an economical business necessity. Public Officials are encouraged to select the vehicle that represents the most cost-effective option. Insurance questions should be addressed to Risk Management in advance.
- E. *Taxis/Rideshare/Shuttles.* Reasonable taxis, rideshare, or shuttles fares may be reimbursed, including a 18 percent maximum gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, fuel and parking combined, or when such transportation is necessary for time-efficiency.
- F. *Parking.* Parking fees incurred at either a hotel or at a parking facility are

reimbursable. However, unless the Public Official can demonstrate that no other reasonable alternative existed, valet parking cost will not be reimbursed beyond that incurred for a normal self-parking fee at the location. When airport parking is used for travel exceeding 24 hours, reimbursement will be based on long-term rather than short-term parking.

- G. *Baggage Fees.* Standard baggage fees may be reimbursed, with accompanying airline receipts, if flying on an airline that charges for baggage.
- H. *Internet:* Internet usage associated with City-related business will be reimbursed at a not to exceed amount of \$15 per day, or if more than \$15/day, the standard amount charged per day by the hotel with accompanying receipts. If a portion of the internet service is used for non-city related business, indicate the percentage used for city-related business in the expense report.
- I. *Other:* Public Officials and Employees may, if they choose, use personal funds to pay for expenses that exceed reimbursable rates.

SECTION 7. Lodging.

- A. Lodging expenses will be reimbursed only at the single occupancy rate for rooms.
- B. Lodging expenses will be reimbursed when travel on official City business in the City Manager's judgment reasonably requires an overnight stay. Travel is deemed to reasonably require an overnight stay if it is more than 20 miles from the Public Official's primary residence. Travel outside of the City that is less than 20 miles from the Public Official's primary residence is deemed to reasonably require an overnight stay if the Public Official is on a committee or has other event responsibilities related to planning, facilitating or organizing the event other than basic attendance that require extended time at the event.
- 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. Advance reservations are encouraged to obtain the best rate available; however, if the conference designated lodging location is unavailable, the most economical alternative should be used.
- D. *Other Lodging.* Travelers must request government rates, when available. Lodging rates that are equal to or less than 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. In the event government rates are not available at given time or in a given area, lodging rates that are above the IRS per diem rates must be approved in advance by the Director of Finance and Technology Services to be reimbursable.

SECTION 8. *Meals and Incidental Expenses.*

- A. For any overnight trip, a Public Official may receive a per diem or be reimbursed for actual expenses for meals for each day or fraction thereof they are traveling. If the Public Official receives per diem, it will be based on the limit for the City or County to which they are traveling as established by the U.S. General Services Administration (www.gsa.gov). Examples of per diem rates and reimbursable meals and incidental expenses, inclusive of tax and tip, are set forth in Attachment A to this policy, which will be updated annually or as otherwise determined to be necessary by the City Council, on the recommendation of the City Manager.
- B. Meals authorized by this policy consumed by a Public Official not associated with an overnight trip are reimbursed in amounts established by the U.S. General Services Administration and set forth in Attachment A to this policy.
- C. Per Diem rates will be deducted for applicable meals included in conference or seminar registration or program fees.
- D. The time calculations for per diem starts when the Public Official begins travel. The first and last calendar day of travel are eligible for reimbursement at 75% of the per diem rate, and the Public Official can claim the full per diem amount for each 24-hour period thereafter.
- E. Receipts are not required to claim per diem. However, a Travel Expense Report indicating time, place, and business purpose must be completed upon return.
- F. Any reimbursement claim for expenses that exceed the per diem rate may constitute additional income for tax purposes.
- G. Gratuities or tips associated with meals at a restaurant or provided by the City should not exceed 18%.
- H. Meals are reimbursable for All-Day Training Courses or Educational Seminars to the extent that the meal was for a valid business purpose and included the conduct of City-related business. For example, a lunch during which training participants collaborated on an assigned case study as part of a training session would constitute a reimbursable meal. The meal must be a venue for discussion or other consideration of a business-related topic, and the characterization as such must be documented in order to qualify for reimbursement and avoid triggering taxable income pursuant to the Internal Revenue Code.

- I. Meals for Third Parties: As a general rule, public funds may not be expended by Public Officials to purchase meals for third parties, such as constituents, legislators and private business owners. The City Manager is authorized to approve exceptions to this general rule in advance on a case-by-case basis for meals included or associated with an official City-sponsored event or official City business.

SECTION 9. Expense Allowances.

- A. Telephone and Internet Access Allowance. Councilmembers will receive a flat allowance of \$150 per month for telephone and internet access expenses incurred in connection with the performance of City business. Submission of bills is not required. This amount is in addition to any actual costs that maybe incurred for internet service while traveling on official business.
- B. Miscellaneous Office and Transportation Allowance. Councilmembers will receive a flat allowance of \$100 per month for expenditures on office equipment and supplies, personal vehicle use, taxi service, rideshare, and parking expenses incurred while representing the City. Submission of bills is not required. This allowance is in addition to other reimbursable transportation expenses defined in Section 6, which are generally associated with business travel.

SECTION 10. Cash Advance Policy.

- A. From time to time, it may be necessary for a Public 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 five (5) business days before the need for the advance with the following information:
 1. The business purpose of the expenditure(s);
 2. The benefits of such expenditure to the residents of the City;
 3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
 4. The dates (time and place) of the expenditure(s).
- B. Any unused advance must be returned to the City's Finance & Technology Services Department within five (5) business days of the Public Official's return, along with an expense report and receipts documenting how the advance was used in compliance with this Policy.
- C. In the event the City Manager is uncertain as to whether a Public Official's

request complies with this policy, the City Manager must seek City Council approval.

SECTION 11. 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 Public Official should explain whose meals were purchased, include name, title and organization, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
- C. Public Officials must submit their expense reports within thirty (30) calendar days after an expense is incurred, accompanied by receipts documenting each expense. Both an itemized restaurant receipt and credit card authorization receipt (or final receipt if paid with cash) are required for reimbursement for any meals purchased.
- D. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Public Official.
- E. All expenses are subject to verification that they comply with this policy.
- F. Reimbursement for any expenses associated with mileage, parking, taxis, rideshare, shuttles, or food/beverages must be submitted through the accounts payable process and not through petty cash.
- G. If travel plans are cancelled, Public Officials should make every effort to receive a full refund for all travel expenses and deposits. If a travel voucher is provided in lieu of a refund, it must be used for City-related travel.

SECTION 12. Reports to Legislative Body. At the meeting of their respective legislative body following an activity, each Public Official must briefly report on meetings, seminars, conferences, educational programs, and other authorized activities attended at City expense. If multiple Public Officials attended, a joint report may be made.

SECTION 13. 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 14. Violations. Use of public resources or falsifying expense reports in violation of this Policy 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 Public 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 15. Severability. 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 16. City Clerk. 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 17. Effective Date. 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 held this 5th day of February, 2024 by the following vote:

AYES:	Councilmember:	Heilman, Meister, Shyne, Vice Mayor Byers, and Mayor Erickson.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:


 JOHN M. ERICKSON, MAYOR

ATTEST:

DocuSigned by:


 MELISSA CROWDER, CITY CLERK

Resolution No. 24-008
Page 11

Attachment A
Per Diem and Meal Reimbursement Schedule
for October 2022 - September 2023

Meals and incidental expenses for out-of-town travel, inclusive of tax and tip:

Sacramento

Meals & Incidental Expenses Total:	\$69 Per Day
Breakfast:	\$16 Per Day
Lunch:	\$17 Per Day
Dinner:	\$31 Per Day
Incidental Expenses:	\$ 5 Per Day

Washington DC

Meals & Incidental Expenses Total:	\$79 Per Day
Breakfast:	\$18 Per Day
Lunch:	\$20 Per Day
Dinner:	\$36 Per Day
Incidental Expenses:	\$ 5 Per Day

Incidental expenses are fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

Meals not associated with out-of-town or overnight travel, inclusive of tax and tip:

Los Angeles

Breakfast:	\$17
Lunch:	\$18
Dinner:	\$35

Pursuant to GSA guidance, the first and last calendar day of travel are eligible for reimbursement at 75% of the per diem rate, and the Public Official can claim the full per diem amount for each 24-hour period thereafter.

Current per diem rates are available at www.gsa.gov.