

ORDINANCE NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

*** * * * ***

**AN ORDINANCE: A) AMENDING CHAPTER 2.10 OF TITLE 2 OF THE SAN MATEO COUNTY ORDINANCE CODE TO ADD SECTION 2.10.065, CONCERNING GOVERNMENT CLAIMS, FORMERLY CODIFIED AT SECTION 2.72.010 OF CHAPTER 2.72 OF TITLE 2 OF THE SAN MATEO COUNTY ORDINANCE CODE; AND
B) REPEALING AND REPLACING CHAPTER 2.72 OF TITLE 2 OF THE SAN MATEO COUNTY ORDINANCE CODE GOVERNING REIMBURSEMENT OF EMPLOYEE EXPENSES**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

WHEREAS, in 2006, the Board of Supervisors ("County") adopted an ordinance enacting Chapter 2.72 of Title 2 of the San Mateo County Ordinance Code establishing the requirements for reimbursement of employee expenses by the County; and

WHEREAS, establishing requirements that County officers and employees must satisfy in order to be reimbursed by the County for the costs of performing official County business helps to ensure public funds are used only for legitimate, necessary, and authorized purposes; allows the County to more easily disclose, track, and defend the use of public funds for reimbursements; creates a clear, consistent, and fair set of reimbursement guidelines for all employees to follow; helps the County to comply with applicable laws and regulations regarding the scope of reimbursable expenses; and streamlines operations by creating a uniform set of procedures applicable to all employees; and

WHEREAS, in the almost 20 years since Chapter 2.72 was adopted, the legal and operational landscape has changed in the state and for the County with respect to employee reimbursements, and over time, multiple administrative memoranda were issued to guide departments on travel and reimbursement procedures; however, some of these memoranda became outdated or inconsistent, resulting in confusion among staff and challenges in processing reimbursements; and

WHEREAS, to address these issues, the County undertook a comprehensive review of Chapter 2.72 of the San Mateo County Ordinance Code and related administrative policies, in collaboration with the County Executive's Office, Controller's Office, Human Resources Department, and other stakeholders, to ensure the updated policy is practical, legally compliant, and operationally effective; and

WHEREAS, in light of these changes, it is in the best interest of the County, its officers, its employees, and the public, to update the County's employee reimbursement requirements and policies to address these changes and implement modern best practices; and

WHEREAS, current Section 2.72.010 of Chapter 2.72 of the San Mateo County Ordinance Code sets forth the requirements for individuals to make claims for money or damages against the County, which is a separate requirement than those covering employee expense reimbursements; and

WHEREAS, current Section 2.72.010 of Chapter 2.72 of Title 2 of the San Mateo County Ordinance Code more closely relates to County Administration and the role of

the County Executive, and so more naturally belongs in Chapter 2.10 of Title 2 of the San Mateo County Ordinance Code governing those topics; and

WHEREAS, this Board does not intend to amend any of the substance of current Section 2.72.010 of Chapter 2.72 of Title 2 of the San Mateo County Ordinance Code;

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo ordains as follows:

SECTION 1. Section 2.72.010 of Chapter 2.72 of Title 2 of the San Mateo County Ordinance Code entitled “Claims for money or damages.” shall be re-numbered as Section 2.10.065 of Chapter 2.10 of Title 2 of the San Mateo County Ordinance Code.

SECTION 2. Chapter 2.72 of Title 2 of the San Mateo County Ordinance Code is hereby repealed in its entirety and is replaced by the following:

CHAPTER 2.72 REIMBURSEMENT OF EMPLOYEE EXPENSES

2.72.010 Purpose.

The purpose of this Chapter is to establish requirements for County employees, which when referenced in this Chapter includes officers, when they travel on County business or incur expenses in the performance of their official duties.

2.72.020 Travel expenses.

This Section regulates reimbursement for travel expenditures for employees of the County. These provisions do not apply to other expenses that are incurred in the performance of the official duties of County employees. Whenever any employee in the service of the County or any member of a County board or commission, in the performance of their duties, is required to travel outside or within the County, such person shall be allowed, in addition to any salary or compensation, actual and necessary travel expenses, as set forth below. Occurrences that would require a member of the Board of Supervisors or other employees to travel include, but are not

limited to, official business of the County at conferences, education, appearances before local, state, and federal administrative agencies, legislative bodies, and judicial proceedings or when otherwise serving in their official capacity or representing the County.

- (a) **Transportation and Conveyance.** Actual cost incurred for ground transportation or conveyance by any carrier services. Reimbursement for travel by any personally owned automobile shall be in accordance with the provisions of subsection (c) of this Section, except that it shall be not more than the cost of an economy class airline ticket and associated costs for transportation to and from the airport, where the one way distance required to be traveled is 200 miles or more, and in such event the reimbursement for such travel shall not exceed the cost of air travel regardless of the mode of transportation used therefor. The cost of air travel shall be based on economy fares, unless economy class service is not available, earlier advance planning was not feasible, and the travel is urgently needed, or unless otherwise authorized by the County Executive. Government and group rates offered by a provider of transportation services shall be used when available.
- (b) **Meals, Lodging, and Incidentals.** Actual cost incurred outside San Mateo County for meals, lodging, and incidentals, including baggage transfer, tips, car storage, and other actual and necessary incidental expenses. The maximum reimbursement for the actual cost of meals will be limited to the Continental United States (CONUS) current rate as set forth in the Code of Federal Regulations. Government and group rates offered by a provider of lodging services shall be used when available. If such rate is not available, the maximum reimbursement rate for alternate lodging shall be limited to 175% of the amount of the CONUS current rate for the location of the lodging. If the lodging is in connection with a conference or organized educational activity, reimbursement for lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at the time of booking. If such rate is not available, the maximum reimbursement rate for alternate lodging shall be limited to 175% the amount of the CONUS current rate.
- (c) **Personally Owned Automobile.** Actual costs for miles actually traveled, at a rate determined by the County Executive, provided the rate is at least that established by the Internal Revenue Service as the allowable business deduction rate for such travel.
- (d) **Travel expenses** may be paid to the supplier of the transportation where the mode of transportation is other than by a personally owned motor vehicle. In other instances, travel shall be claimed by the individual employee.

- (e) Required registration fees for educational courses, conferences, or other meetings may be paid directly to the organization or association conducting such course, conference, or other meeting and the officer or employee shall not be required to advance the funds therefor.
- (f) County employees shall not submit a claim to the County except for those expenses actually incurred in connection with the performance of official business of the County. Such employees shall not use County property for their own personal benefit or for any purpose but a public one. For any violations hereof, in addition to other sanctions that may be imposed, whether civil or criminal in nature, the County may demand of, and such employee shall make, full restitution of all amounts so paid and the County may likewise demand of and such employee shall pay the fair rental value of County property used in any manner other than as provided for herein, together with any and all damages that may have arisen from such misuse.
- (g) All County-owned or leased vehicles shall be parked overnight and on weekends on County facilities provided therefore except as to those County employees who are on an on-call status during other than normal working hours and if such status is established by the County department head concerned, by the County Executive, or by the Board of Supervisors, or when such vehicle is permanently assigned by the County Executive, or when circumstances would make it unreasonable for such employee to park on County facilities. No employee shall regularly keep a County vehicle at the employee's residence without authorization from the Board of Supervisors or the County Executive. Without prior authorization by the County Executive, County-owned or leased vehicles cannot be taken outside of the State of California.
- (h) Nothing in this Section shall prohibit a County employee, while using a County-owned or leased car for County business, from stopping for personal reasons while traveling directly from point of departure to destination; however, any substantial deviation from such route for personal reasons shall be deemed to be a violation of this Chapter.
- (i) No employee shall engage in any travel in connection with the performance of official business of the County in a privately owned conveyance, either their own or that belonging to another, unless the same is insured in such manner as to comply with County of San Mateo Administrative Memorandum.
- (j) Each employee having the custody of a County vehicle shall exercise due caution and prudence in the operation of such vehicle and shall minimize the risk of damage to such vehicle by using available off-street parking whenever reasonably possible, particularly during the night. Such employee shall be liable to the County for damages and other expenses

resulting from and caused by gross negligence or willful misconduct in the use or operation of such vehicle.

- (k) All reimbursable expenses for members of the Board of Supervisors that do not fall within the above provisions may be approved by the Board of Supervisors at a public meeting before the expense is incurred.

2.72.030 Transportation allowance in lieu of mileage expenses.

In lieu of reimbursement for mileage transportation expenses for travel within the County of San Mateo, the City and County of San Francisco, Santa Clara County, Alameda County, or Contra Costa County, as provided in Section 2.72.020 of this Code and pursuant to the provisions of Section 1223 of the California Government Code, members of the Board of Supervisors and the County Executive may elect to receive a monthly mileage transportation allowance. Such employees who elect to receive a monthly mileage transportation allowance may use a County-owned vehicle when a personal vehicle is unavailable or if the Board Member or County Executive determines that the use is necessary for the performance of official duties. Department heads and/or assistants may elect to receive a transportation allowance as described in this Section when designated by the County Executive. Department heads and/or assistants who elect to receive a monthly mileage transportation allowance may not use a County-owned vehicle except in the case where a personal vehicle is unavailable or if the use is approved by the appropriate department head or County Executive for department heads.

2.72.040 Reimbursement for expenses.

Members of the Board of Supervisors and other employees, when authorized or directed by the department head of the department in which the employee serves, are entitled to reimbursement of the actual cost of expenses, including meals, that are reasonably incurred in the performance of duties within the County, unless otherwise specified by this code.

All reimbursements shall be in accordance with this Chapter.

2.72.050 Authority to host—Conventions, conferences, training and special meetings.

Whenever the County of San Mateo, or any of its employees, acts as host for a convention, conference, training or special meeting which will be of benefit to the County of San Mateo, the expenses of the convention, conference, training or special meeting including meals of duly authorized delegates, representatives or participants thereto, may be paid by the County as provided by County of San Mateo Administrative Memorandum, and upon approval by the relevant County department head or their designee if the amount does not exceed two thousand five hundred dollars (\$2,500), or upon approval by the County Executive if the amount exceeds two thousand five hundred dollars (\$2,500). Prior approval for the County's participation as host of such conferences, conventions, or meetings shall be obtained as provided by County of San

Mateo Administrative Memorandum.

2.72.060 Claims for expenses.

Before any travel expenses are allowed or paid, the claimant shall file a claim in the manner provided by County of San Mateo Administrative Memorandum, duly certified as correct by the claimant and approved as provided by County of San Mateo Administrative Memorandum. All claims submitted by members of the Board of Supervisors and department heads are to be reviewed by the Controller. There shall be attached to said claim all receipts showing the moneys expended by the claimant. Expense reports shall demonstrate that expenses are in accordance with Section 2.72.020 of this Chapter, provided, however, that receipts for expenditures for certain incidental expense items less than or equal to \$5 are not required. Expense reports shall be submitted within sixty (60) days after incurring the expense unless the employee has received Department Head approval to submit a late report.

2.72.070 Advance payments for expenses.

Whenever it appears to be for the best interests of the County that any employee of the County travel outside of the County of San Mateo on official business, and an emergency exists such that it is necessary that such employee be allowed a sum of money not in excess of two thousand five hundred dollars (\$2,500) for such travel expenses in advance, a claim for such advance showing the emergency requiring such advance shall be made out in the regular form and approved by the employee's department head, and thereafter the Controller shall draw their warrant in favor of the employee and the Treasurer shall pay the same. Advance payment requests from department heads shall be approved by the County Executive. The employee receiving such advance shall file with the Controller after their return from such trip an itemized account, together with proper vouchers of their expenses, and shall pay to the County of San Mateo any balance remaining in their hands unexpended. The Controller shall attach such statement to the original claim for such advance and shall immediately make the proper adjustment of the account of the employee asking for the advance.

2.72.080 Reporting by members of the Board of Supervisors on meetings attended.

Members of the Board of Supervisors shall provide a brief report, either orally or in writing, on meetings attended at the expense of the County at the next regular meeting of the Board.

2.72.090 Reporting by members of the Board of Supervisors on meetings attended.

In addition to the penalties set forth in California Government Code section 53232.4, and any amendments thereto, any failure of a County employee to comply with the provisions of this Chapter may constitute grounds for suspension or dismissal from employment. Such failure on the part of an elective official may constitute malfeasance or nonfeasance in office.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective 30 days from the date of adoption.

* * * * *