AGENDA
SPECIAL MEETING OF THE MAYWOOD CITY COUNCIL

WEDNESDAY, MARCH 22, 2023 AT 6:00 PM

Maywood City Council Chambers
4319 E. Slauson Avenue, Maywood, CA 90270
www.cityofmaywood.com

I. **CALL TO ORDER/ROLL CALL**

CALL TO ORDER
ROLL CALL

II. **CITY OFFICIALS**

MAYOR
Frank Garcia

MAYOR PRO TEM
Mayra Aguiluz

COUNCIL MEMBERS
Jessica Torres
Eduardo De La Riva
Heber Marquez

CITY CLERK
Andrea Aguilar

CITY TREASURER
Mary Mariscal

CITY MANAGER
Jennifer E. Vasquez

CITY ATTORNEY
Roxanne Diaz

III. **MEETING PROCEDURES**

The public may participate in person and or by using the virtual platform (Zoom).

Public Participation options:

1. **In-Person** - Council Chambers located at 4319 E. Slauson Avenue, Maywood, CA
2. **Zoom:** Please click the link below to join the webinar:

   https://us02web.zoom.us/j/81562742878?pwd=RE1HbnBsVmhkWDhjQWQyQlBWWW9sQT09

   Passcode: 085448

Public Comment using a virtual platform: join in through the link provided above. Use the “raise hand” feature (for those joining by phone, press *9 to “raise hand”) during the public participation period for agenda items or during the public participation period for non-agenda items. The Zoom Host will call on people to speak by name provided or last 4 digits of phone number.

3. **Phone:** 1-669-900-6833 Enter Meeting ID: 815 6274 2878 Passcode: 085448

Public Comment for those joining by phone, use the “raise hand” feature by pressing *9 during the public participation period for agenda items or during the public participation period for non-agenda items.

4. **Before the Meeting**: Public comment will be accepted for the record in advance by 4:30 pm the day of the meeting by email to karen.iniguez@cityofmaywood.org; or if you are unable to email, please call the City Clerk's Office at (323) 562-5714. Your comment will be made part of the written record but will NOT be read verbally at the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Council meeting, please contact the City Clerk’s Office, (323) 562-5714 within 48 hours of the meeting.

IV. PUBLIC PARTICIPATION (Agenda Items; Time allotted: 3 minutes)

V. CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion or action.

1. RESOLUTION NO. 6292 OF THE COUNCIL OF THE CITY OF MAYWOOD ADOPTING AN UPDATED REVISED POLICY REGARDING THE REIMBURSEMENT OF EXPENSES FOR LEGISLATIVE BODIES AS REQUIRED BY GOVERNMENT CODE SECTION 53232.2

VI. ADJOURNMENT - The next Regular Meeting of the Maywood City Council is The next Regular Meeting of the Maywood City Council is Wednesday, April 26, 2023 at 5:30 p.m.

PUBLIC ACCESS TO MEETING AGENDA AND AGENDA PACKETS

I, ______________________________, Andrea Aguilar, City Clerk or Deputy City Clerk, hereby certify that this agenda was duly posted by law at 4319 E. Slauson Avenue, Maywood, CA 90270 and the City Website. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the Maywood City Hall, 4319 E. Slauson Avenue, Maywood CA 90270. If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to rising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting. In compliance with the ADA, if you need special assistance for the meeting, call (323) 562-5723 within 72 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility.

AGENDA REPORT
CITY OF MAYWOOD

AGENDA ITEM NO. 1.

DATE:	March 22, 2023
TO:	HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM:	JENNIFER VASQUEZ, CITY MANAGER
BY:	ROXANNE DIAZ, CITY ATTORNEY
SUBJECT:	RESOLUTION NO. 6292 OF THE COUNCIL OF THE CITY OF MAYWOOD ADOPTING AN UPDATED REVISED POLICY REGARDING THE REIMBURSEMENT OF EXPENSES FOR LEGISLATIVE BODIES AS REQUIRED BY GOVERNMENT CODE SECTION 53232.2

RECOMMENDATION:
Staff recommends that the City Council adopt Resolution No.6292, adopting an updated revised AB 1234 policy regarding the reimbursement of expenses for legislative bodies.

BACKGROUND:
The City Council currently has a policy for the reimbursement of expenses for legislative bodies, known as an AB 1234 Policy, which was last adopted in 2017. As Staff continues to review its policies for best practices, the City Attorney is recommending that the City's policy be updated to reflect current rates related to certain travel expenses as well as updated certain processes.

DISCUSSION:
In 2006, AB 1234 became effective delineating the conditions under which members of a legislative body can be reimbursed for miscellaneous expenses. The City of Maywood, like most cities, adopted a reimbursement policy and that policy was subsequently amended in June 2017. As part of the City's continuing effort to review and develop policies and procedures that promote stability and accountability, we have reviewed the current AB 1234 and are recommending that it be updated.
The proposed policy includes much of the same language and concepts in the current policy, however, there are updated provisions in various areas to account for the current costs of business travel and also to reflect how economical business travel is currently made--which is through the use of various travel websites. For example, the policy has been amended as follows:

- The policy includes the reimbursement of expenses of commission members to attend educational conferences related to their commission but only if the City Manager authorizes their attendance and the funds are budgeted for such purposes.
- The policy provides that meals will be reimbursed pursuant to the per diem rate published by the General Services Administration but makes clear it is for the county of the travel destination.
- The policy provides that airlines expenses are based on the method least costly to the City taking advance of special rates and discounts when possible. Also because baggage fees now exceed the amount in the current policy of $25, baggage fees are reimbursed at the actual rate. Lodging adheres to the same concept and if there are no government rates provided, then the rates will not exceed the

standard room rate found on various travel websites for a certain category of room.
- The policy has been reorganized so that the types of expenses that are in the current policy are now in clear categories such as transportation, lodging, meals and other expenses such as telephone, tips and gratuities, so it makes it easier for the reader to
- Includes a statement that city funds, equipment, supplies and staff time may only be used for authorized business of the City in continuing to promote the City's efforts in being good fiscal stewards.

Overall, the updated policy continues to allow reimbursements for reasonable expenses relating to business meetings and travel. If an expense is not listed as reimbursable in the policy, the member of the legislative body must receive the City Council's approval prior to incurring the expense. As in the City's current policy, public officials (and employees) are expected to ensure the city's fiscal prosperity by minimizing costs whenever possible.

LEGAL REVIEW:
The City Attorney has reviewed this report.

FISCAL IMPACT:
There is no fiscal impact involved with adopting this updated policy.

ATTACHMENT(S)

RESOLUTION NO. 6292

RESOLUTION OF THE COUNCIL OF THE CITY OF MAYWOOD ADOPTING AN UPDATED REVISED POLICY REGARDING THE REIMBURSEMENT OF EXPENSES FOR LEGISLATIVE BODIES AS REQUIRED BY GOVERNMENT CODE SECTION 53232.2

WHEREAS, the City of Maywood and the Maywood City Council take stewardships over the use of limited public resources seriously;

WHEREAS, public resources may be used for travel and reimbursing the expenses of members of the City Council and appointed officials on commissions when there is a benefit to the City and when conducting City business;

WHEREAS, the City has had a policy regarding the reimbursement of expenses for members of the City Council, however, the policy requires to be updated;

WHEREAS, benefits to the City of reimbursing expenses incurred by members of the City Council include but are not limited to: the opportunity to discuss the community's concerns with local, state and federal officials; participating in regional, state and national organizations whose activities benefit and affect the City; attending educational seminars designed to improve officials' skill and information levels through continuing education and information sharing with other public officials; and promoting public service and morale by recognizing such service;

WHEREAS, this policy provides guidance to City Council members and appointed members of other legislative bodies on the appropriate use and expenditure of City resources, as well as the standards against which those expenditures will be measured;

WHEREAS, this policy satisfies the requirements of Government Code Sections 53232.2 and 53233.3; and

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of applicable State laws relating to permissible uses of public resources;

NOW, THEREFORE, the City Council of the City of Maywood does resolve as follows:

Section 1. Application. This policy applies to all members of the Maywood City Council and to members of appointed commissions as set forth in Section 19 of this Resolution (collectively referred to herein as "public official"). Members of the City Council and members of other legislative bodies of the City should adhere to these guidelines to conserve City resources and keep expenses within community standards. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within this policy, unless such additional amounts have been approved in advance by the City Council.

Section 2. Expenses. City funds, equipment, supplies, and staff time must only be used for authorized business of the City of Maywood.

Section 3. Authorized Expenses. Expenses incurred by a public official in connection with the following types of activities generally constitute authorized expenses, and may be reimbursed by the City as long as the other requirements of this policy are met:

A. Communicating with representatives of regional, local, state and national government on City policy positions including the discussion of the community's needs and concerns.

B. Participating in local, state and federal/national organizations, including meetings and conferences held by such entities, whose activities affect the City.

C. Attending educational seminars designed to improve public officials' skill, knowledge, and information levels.

D. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost).

E. Attending City, community, regional and other events whose activities benefit or positively affect the City's interests.

F. Implementing a City-initiated strategy and/or policy, including but not limited to strategies and/or policies for attracting or retaining businesses to the City, which will typically involve at least one staff member.

Section 4. Prior Approval. The reimbursement of any international travel shall require prior approval by the City Council. Prior approval by the City Council is not required for travel in the contiguous United States. Any expenditures not provided for in this Policy shall require prior approval by the City Council.

Section 5. Non-Reimbursable Expenses. Examples of personal expenses that the City will not reimburse include, but are not limited to:

A. The personal portion of any trip.

B. Political or charitable contributions or events.

C. Family expenses, including spouse or partner's expenses when accompanying official on agency-related business, as well as children-or pet-related expenses.

D. Entertainment expenses, including but not limited to theater, movies (either in-room or at the theater), recreational events not related to City business (including gym, massage and/or golf related expenses), and cultural events not related to City business.

E. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline.

F. Personal alcohol or bar expenses.

G. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by seeking and receiving approval from the City Council prior to incurring the expense.

Section 6. Transportation. The most economical mode and class of transportation reasonably consistent with scheduling needs and the public official's time constraints must be used, using the most direct and time-efficient route. Public officials are to utilize on-line travel services and secure the least expensive flights and car rental arrangements possible at the time of the purchase. In addition to the primary travel cost, e.g., airfare, rental rate, etc., a public official making transportation arrangements should also consider secondary costs, e.g., baggage charges, special fees, etc. Reservations for air transportation should be booked as early as is reasonable to take advantage of lower cost air fares.

The public official must use government and group rates offered by a provider of transportation when available. Travel in business class, first class or any category on any flight above the coach/economy level is the exception and allowable only if the public official pays the cost difference.

Upon request from the Finance Department, supporting documentation that the flight and car reservations made were the least expensive option available may be requested from the public official.

A. Airfare/Train/Personal Vehicle. Allowance for air and train travel is based on actual round trip coach fare, tourist fare or by the method least costly to the City. Public officials are expected to make special efforts to take advantage of discounts, special fares and travel vouchers whenever available at reasonable and convenient times. Airline baggage handling fees shall be paid at the rate charged by the airline. Travel by personal vehicle shall not exceed the cost of the airfare or train fare.

B. Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see 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, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed when a rental vehicle is used during official travel. No more than $250.00 will be reimbursed for local automobile travel by one person for any month. In the event of an incident or accident, the City does not assume responsibility for any physical damage to a public official's personal vehicle or for the payment of any kind of deductible.

C. Car Rental. Allowance for car rental is based on actual cost to rent a mid-range size vehicle. Public officials are expected to make special efforts to take advantage of discounts, special fares and travel vouchers whenever available at reasonable and convenient times. The car rental may include a global positioning system if said equipment is standard; only standard equipment is allowed. Public officials must have a valid California driver's license and proof of insurance when using a rental vehicle while on City business.

D. Taxis and/or Shuttles. Taxis and/or shuttles may be reimbursed, including up to a 20 percent gratuity per fare, when the cost of such fare is equal or less than the cost of car rental, gasoline and parking combined, or when such transportation is necessary to the related city business activity. Public officials are expected to take the most economical mode and class of transportation consistent with scheduling needs and the officials' time constraints.

E. Parking Expenses. The City will provide reimbursement for actual cost of parking associated with travel, including parking at the airport, hotel and conference parking, training or meeting site or in conjunction with any activity set forth in Section 3 of this policy.

Section 7. Lodging. Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. Public officials are to utilize on-line travel services and secure the least expensive lodging rates possible at the time of the purchase. In addition to the primary travel cost, e.g., room rate, etc., a public official making lodging arrangements should also consider secondary costs, e.g., internet service fees, property use fees, etc. Reservations for lodging should be booked as early as is reasonable to take advantage of lower rates.

The public official must use government and group rates offered by a provider of lodging when available. If the public official chooses to utilize a higher rate hotel or accommodation outside this policy, the public official is personally responsible for the difference in cost except if the public official can document that no other option exists and the selected lodging is the only option available.

A. Conferences/Meetings. If such lodging is in connection with a conference or organized educational activity conducted in compliance with Government Code Section 54952.2(c), lodging expenses shall 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. If the group rate is not available, see paragraph B of this Section.

B. Other Lodging. The public official must request government lodging rates, when available. 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 or for a particular hotel property, the lodging rates that do not exceed a rate offered for a standard room in a hotel rated no more than three or four stars on a five star scale listed on websites such as www. travelocity.com, expedia.com, hotels.com, priceline.com, etc. shall be considered reasonable and hence reimbursable.

Section 8. Meals. Public officials should, when available, take meals that are provided as part of a seminar or conference registration fee. Otherwise, reimbursable meal expenses should not exceed the per-diem rates published by the General Services Administration (GSA) at https://www.gsa.gov/travel/plan-book/per-diem-rates for the respective county of the travel destination. Tips in excess of 20% of the cost of a meal will not be reimbursed nor will tips made at fast food restaurants and/or convenience stores. A public official's meal reimbursement claim shall be based on actual meal cost. Individual meals may be aggregated to create a daily total not to exceed the maximum daily rate. If a public official exceeds the daily amount for meals, the public official is required to pay these expenses from their personal funds.

Section 9. Telephone/Fax. Public officials shall be reimbursed for the actual cost of all actual telephone and fax expenses while traveling on City business in order to accomplish City-related business. The bill should identify which calls were made on City business. Personal phone calls are not a reimbursable expense.

Section 10. Internet Access. On out-of-town trips, public officials will be reimbursed for the actual cost of Internet access connection and/or usage fees away from home. Personal internet usage is not a reimbursable expense.

Section 11. Tips and Gratuities. Reasonable expenses for tips and gratuities are allowed for hotel and transportation purposes will be reimbursed. Baggage handling fees of up to $2 per bag will be reimbursed. Tips for meals are set forth in Section 8 of this Policy.

Section 12. Conference/Meeting Registration Fees, etc. Conference, meeting or other registration fees in conjunction with the authorized activities as set forth in Section 3 of this policy will be reimbursed.

Section 13. Cash Advance Policy. From time to time, it may be necessary for an 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 Finance Department not less than ten (10) business days prior to the need for the advance with the following information: (a) the purpose of the expenditure(s); (b) the anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and (c) the dates of the expenditure(s).

Any unused advance must be returned to the City treasury within ten (10) business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

Section 14. Credit Card Use Policy. The City does not issue credit cards to individual office holders but it does have a city credit card issued under the City Manager for selected City expenses. If a public official requires the use of the City credit card for the purpose of purchasing airline tickets or hotel reservations or the like, the public official may use the credit card for such purposes by following the same procedures for cash advances. Receipts documenting expenses incurred on the City credit card and compliance with this policy must be submitted to the Director of Finance within five business days of use. The City credit may not be used for personal expenses, even if the public official subsequently reimburses the City.

Section 15. Expense Report Content and Submission Deadline. Each public official submitting a claim for reimbursement under this policy must file an expense report in the form provided by the City and must include date, business destination, amount, and business purpose. The expense report form shall include the following advisory:

All expenses on this form must comply with the City's policies relating to reimbursable expenses. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Claims shall be filed promptly, no later than 15 business days following the date in which the travel and/or other necessary expenses occurred. Claims filed after this time may not be considered for payment.

All expenses reported on must comply with this policy. Expense reports must document that the expense in question meets the requirements of this Policy, including providing receipts and/or credit card slips. Original receipts must include the name of the establishment where service was provided and the date on which the service was rendered. Restaurant receipts must include the items ordered as well as the total payment made. The inability to provide such documentation in a timely fashion may result in the expense being borne by the public official. The information submitted is a public record.

Section 16. Verification of Expense Reports. All expenses are subject to verification that they comply with this Policy. The Finance Director shall review each claim form for compliance with this policy. The Finance Director or his/her designee may request additional documentation or explanation of individual expenditures for which a public official requests reimbursement.

Section 17. Reports To the Public. As required by Government Code Section 53232.2(d), each public official shall briefly report, orally or in writing, on meetings attended at City expense at the next regular meeting of the legislative body. If multiple public officials attended a meeting, a joint report or individual report on behalf of all attendees may be made.

Section 18. Compliance With Laws. Public officials should keep in mind that some expenditures could be subject to reporting under the Political Reform Act and other laws. Records of all City expenditures and documentation regarding expense reimbursements are public records subject to disclosure under the Public Records Act.

Section 19. Commission Travel and Expenses. Members of City Commissions as set forth in the City's Municipal Code will not be reimbursed for any expenses except as provided in this Section 19. Members of Commissions may be reimbursed for expenses in conjunction with attendance at educational seminars or meetings that relate to their Commission when that seminar or meeting is located outside of the City if such attendance is authorized by the City Manager or his/her designee and funds are budgeted for such purpose. In such case, the commissioner must comply with the applicable provisions of this Resolution.

Section 20. Violation Of This Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: loss of reimbursement privileges; a demand for restitution to the City; the agency's reporting the expenses as income to the elected official to state and federal tax authorities; civil penalties of up to $1,000 per day and three times the value of the resources used; and prosecution for misuse of public resources.

Section 21. Effective Date. The City Clerk shall certify to the adoption of this Resolution. This Resolution shall take effect immediately upon adoption.

Section 22. Repeal of Resolutions. Any previous Resolutions on this same subject matter including but not limited to the Resolution adopted approximately on June 28, 2017 are hereby repealed. The City Clerk shall certify to the adoption of this Resolution. This Resolution shall take effect immediately upon adoption.

PASSED, APPROVED and ADOPTED this 22nd day of March, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF MAYWOOD

____
Frank Garcia, Mayor

ATTEST:

____
Andrea Aguilar, City Clerk

APPROVED AS TO FORM:

____
Roxanne Diaz, City Attorney