TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
MARCH 23, 2021
110 EAST MAIN STREET
LOS GATOS, CA
5:00 PM

Marico Sayoc, Mayor
Maria Ristow, Council Member

IMPORTANT NOTICE REGARDING THE MARCH 23, 2021
COUNCIL POLICY COMMITTEE MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29- 20 dated March 17, 2020, regarding the COVID- 19 pandemic. **In accordance with Executive Order N-29- 20, the public may only view the meeting on online and not in the Council Chamber.**

PARTICIPATION

To watch or provide oral comments real-time during the meeting, you must join the Zoom webinar:

- Join from a PC, Mac, iPad, iPhone or Android device: https://us02web.zoom.us/j/82785425743?pwd=Y1FTbWhkTUpNOHl5cmhsb3dyclhNUT09. Password: 412959. You can also type in 827 8542 5743 in the "Join a Meeting" page on the Zoom website at https://zoom.us/join.
- Join by telephone: Dial: USA 877 336 1839 US Toll-free or USA 636 651 0008 US Toll. Conference code: 969184

During the meeting:

- When the Chair announces the item for which you wish to speak, click the "raise hand" feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov with the subject line "Public Comment Item #__ " (insert the item number relevant to your comment) or "Verbal Communications – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Mayor has the option to modify this action on items based on comments received.

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MARCH 23, 2021
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REMOTE LOCATION PARTICIPANTS
The following Committee Members are listed to permit them to appear electronically or telephonically at the Policy Committee meeting: MAYOR MARICO SAYOC, COUNCIL MEMBER MARIA RISTOW. All votes during the teleconferencing session will be conducted by roll call vote.

MEETING CALL TO ORDER

ROLL CALL

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine and may be approved by one motion. Any member of the Policy Committee or public may request to have an item removed from the Consent Items for comment and action. A member of the public may request to pull an item from Consent by following the Participation Instructions contained on page 1 of this agenda. If an item is pulled, the Chair has the sole discretion to determine when the item will be heard. Unless there are separate discussions and/or actions requested by the Policy Committee, staff, or a member of the public, it is requested that items under the Consent Items be acted on simultaneously.)*

1. Approve Minutes of the February 23, 2021 Policy Committee Meeting.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Policy Committee on any matter that is not listed on the agenda consistent with the Participation Instructions contained on page 1 of this agenda. To ensure all agenda items are heard and unless additional time is authorized by the Chair, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per comment. In the event additional comments were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items consistent with the Participation Instructions on page 1 of the agenda.)*

2. After Review and Comment, Recommend that the Town Council Approve the Draft Enabling Resolution for the Council Policy Committee.
3. Review Town of Los Gatos Justice, Equity, Diversity, and Inclusion Efforts and Future Work Plan Items.
4. Review and Provide Direction on Proposed Modifications to the Commission Appointment Policy.
5. Review, Discuss, and Recommend that the Town Council Approve the Proposed Travel and Expense Policy for Elected Town Officials.

ADJOURNMENT

DRAFT
Minutes of the Town Council Policy Committee Regular Meeting
February 23, 2021

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting via Teleconference via COVID-19 Shelter in Place Guidelines on Tuesday, February 23, 2021, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:02 P.M.

ROLL CALL

Members Present: Maria Ristow, Marico Sayoc.

Staff Present: Laurel Prevetti, Town Manager; Joel Paulson, Community Development Department Director; Shelley Neis, Town Clerk; Robert Gray, Chief Building Official; Jenna De Long, Deputy Clerk; Holly Zappala, Management Analyst.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve the Draft Minutes of January 25, 2020.

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

2. Appoint Policy Committee Chair and Vice Chair.

Maria Ristow was elected Chair and Marico Sayoc was elected Vice Chair by unanimous vote of the Committee.

3. Review the Purpose, Focus, and Process Considerations of the Council Policy Committee and Make Recommendations for an Enabling Resolution for the Policy Committee.

Laurel Prevetti, Town Manager, and Shelley Neis, Town Clerk, presented the staff report.

Amy Nishide
- Commented that she would like clarification regarding whether the Policy Committee is working on sustainability and DEI (diversity, equity, and inclusion) topics.

Lee Quintana
- Commented that she has spent a lot of time trying to upgrade her Zoom software and has not been successful. She requested Town staff assist her the update.

After discussion, the Committee asked staff to return to the Committee with a draft Council Policy Committee enabling resolution for review. The Committee requested that the enabling resolution acknowledge the Committee's existence and keeps the Committee's objectives flexible, depending on the Town Council's priorities and the Committee's annual work plan.

4. Review of the Board, Commission, and Committee Enabling Resolutions and Determine if Any Modifications Are Needed.

Recess at 5:25 p.m. due to loss of connection with Council Member Ristow.
Reconvened at 5:35 p.m.

Amy Nishide
- Suggested that the Arts and Culture Commission enabling resolution add a reference to diversity and the indigenous roots of the community.

Lee Quintana
- Commented that she previously worked with the Town Attorney on updating her Zoom software, and the problem is not yet resolved.

Amy Nishide
- Commented that she has researched Diversity, Equity, and Inclusion (DEI) Committees in other municipalities and the first step is to develop an overarching plan with specific goals and indicators and then work towards those goals with periodic reviews. Suggested creating a similar committee in Los Gatos.

Lee Quintana
- Requested additional review of the Development Review Committee (DRC) and the Conceptual Development Advisory Committee (CDAC). Suggested that it would be helpful to have input from Town staff regarding whether proposed projects meet zoning requirements at CDAC meetings. Expressed concern about staff making decisions without public input at DRC meetings and ensuring that the DRC acts in accordance with its enabling resolution.

After discussion, the Committee agreed to ask staff to:

- Work with each of the Town's Boards, Commissions, and Committees to review and discuss their Commission's application for new members.
- Work with each of the Town's Boards, Commissions, and Committees to review and analyze their enabling resolutions and include that analysis in their presentation to the Town Council at their Commission's Study Session.
- Return to the Policy Committee with a review of the Commission Appointment Policy and a broad discussion of how to utilize the Town's Committees to most effectively meet the Council's Strategic Priorities.
- Return to the Policy Committee with a review of the Town's Diversity, Equity, and Inclusion efforts to date (including previous resolutions and commitments) and discuss a workplan moving forward.
- Return to the Policy Committee with a review of the Planning Committees, including the Development Review Committee, Conceptual Design Advisory Committee, and the General Plan Committee.

Amy Nishide

- Offered to assist Town staff and share research regarding Diversity, Equity, and Inclusion.

ADJOURNMENT
The meeting adjourned at 6:13 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 23, 2021 meeting as approved by the Town Council Policy Committee.

____
Holly Zappala, Management Analyst

TOWN OF LOS GATOS

COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 03/23/2021

ITEM NO: 2

DATE:	March 11, 2021
TO:	Council Policy Committee
FROM:	Laurel Prevetti, Town Manager
SUBJECT:	After Review and Comment, Recommend that the Town Council Approve the Draft Enabling Resolution for the Council Policy Committee

RECOMMENDATION:

After its review and comments, staff recommends that the Council Policy Committee recommend that the Town Council approve the draft enabling resolution for the Council Policy Committee.

BACKGROUND:

At the February 23, 2021 Council Policy Committee meeting, the Committee members requested staff return with a draft enabling resolution acknowledging the Committee's existence and keeping the Committee's objectives flexible, depending on the Town Council's priorities and the Committee's annual work plan.

Staff further researched the history of the Policy Committee and was able to locate the following references to the Policy Committee in Town Council meeting minutes from 2003 under Council Matters. There are no staff reports associated with the items and staff was not able to locate the work plan that is referenced.

June 2, 2003 Minutes

Mrs. Decker reported on the Council Policy Committee. She noted that a reference library has been compiled from a large range of municipalities and spoke of initiating a process to access our current policies, explore options for the future, and develop a work plan to return to Council on June 16th. Mr. Pirzynski spoke of solidifying the verbal history of town policy and making it clearer for all to follow and feel comfortable with. Council as a whole will have the opportunity to discuss these individual policies at future Council meetings.

PREPARED BY: Shelley Neis
Town Clerk

Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

BACKGROUND (continued):

> **June 16, 2003 Minutes**
> *Mayor Decker spoke of the meetings of the Council Policy Committee which has met twice. She spoke of the Statement of Purpose which has been developed to offer a sense of direction, and of the Work Plan to develop a framework for policy development. She noted that the ideas from the January Council retreat were used as a foundation for the current work plan.*
>
> *Council agreed that the Statement of Purpose met with their consensus.*
>
> *Council wished to take a general overview of the work plan to see what things they could easily agree upon and then have staff work on those items while they took some additional time and effort on the items that would require extra consideration and discussion.*

The second whereas clause in the draft enabling resolution incorporates the purpose of the Committee that staff was able to locate from Council Policy Committee Draft Notes from 2003 (Attachment 2).

CONCLUSION:

The Committee should listen to public input, review, and discuss the proposed resolution. Based on the discussion, the Committee should identify modifications, if any, to the draft resolution and forward the resolution to the Town Council for its review and consideration.

COORDINATION:

This report has been prepared with coordination between the Town Manager's and Town Attorney's Offices.

FISCAL IMPACT:

There is no fiscal impact to establish an enabling resolution for the Committee.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:
1. Draft Resolution
2. First Council Policy Committee Meeting Agenda

RESOLUTION 2021-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ESTABLISHING THE TOWN COUNCIL POLICY COMMITTEE

WHEREAS, the Town Council of the Town of Los Gatos, does hereby formally establish the Town Council Policy Committee.

WHEREAS, the purpose of the Council Policy Committee shall be to identify areas, issues, concerns where Council policy needs to be communicated/documented, clarified, or developed to enhance the effectiveness of the Council and/or the Town administration in conducting Town business in their own respective roles. The Committee's objectives shall be flexible, depending on the Town Council's priorities and the Committee's annual work plan.

WHEREAS, the duties of the Committee shall be to report to, consult with, and provide recommendations to the Town Council on all matters relating to Council Policies, Town Code, and other policy documents of the Town. The Committee shall forward recommendations to the full Council for discussion and final action, and as appropriate refer items to the appropriate Town Board, Committee, or Commission.

WHEREAS, the Committee shall be advisory to the Town Council and shall operate in the manner hereinafter prescribed.

A. The Town Council Policy Committee shall consist of two (2) Town Council Members appointed annually by the Mayor.
B. The Committee shall appoint a Chair and Vice Chair.
C. The Committee shall establish a regular time and location for its meetings and shall conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950).
D. Minutes of the actions taken during the Committee's meetings shall be kept and shall be a public record.

WHEREAS, nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council, or as a delegation to the Committee of any of the authority or discretionary powers vested and imposed by law in such bodies.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council Policy Committee is hereby established as an advisory committee to the Los Gatos Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the __ day of ___ 20__, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ATTACHMENT 1

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: ___________________

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: ___________________

COUNCIL POLICY COMMITTEE
THOUGHTS

DRAFT

Purpose

To identify areas, issues, concerns where Council policy needs to be communicated/documented, clarified, or developed to enhance the effectiveness of the Council and/or administration in conducting Town business in our own respective roles

Process

1. Pre-meeting with Council Policy Committee
2. Committee meets on Purpose Statement and sets initial workplan (priority areas, priorities within priority areas, living document, time)
3. Bring Statement of Purpose and workplan to Town Council (June)

Priority Focus Areas

1. Council Practices

   · Participate on Boards or Committees that seek Town funding (current policy)
   · Interactions with the press (public statements, Letters to the Editor)
   · Presence at Community meetings
     - Protocol issues
     - Representation of Town - direct or indirect
   · Serving on assigned regional boards and committees or Town boards & committees
     - Whose interest are represented?
     - Should Council Members serve on standing cross rep committees where issues will be before them for approval? (e.g., General Plan, Community Development Advisory Committee)
   · Commendations, resolutions - review and decision process
   · Protocol/ procedures of all town meetings (Council & Commissions)
   · Response to constituent issues (responsibility to forward information to the administration for evaluation and response)
   · Method for performance evaluation for Council Appointees
   · Calling for meetings that involve other Council members or staff

1.A. Role of Mayor
   · Setting Agenda - is more clarification needed?
   · Relationship to other Council Members
   · Commendations and Resolutions (relates to Council practices)
   · Appointing Council liaisons to special issues (Council policy guidance role)
   · Calling “ad hoc” informal meetings on Town issues

1.A. Role of Mayor (continued)

- Meeting with constituents - taking lead on hot issues (complaints) DRAFT
- Appointing Council Members to regional & Town standing committees
- Calling for Commission sub-committees on key issues
- Articulating Council emphasis/priorities/State of the Town Address
- Representing Town Council - ceremonial & substantive presentations - service clubs
- Political leader for year - constituent issues, administrative check in

2.Council/Staff Relations

- Council/Manager Boundaries
- No directing
- Meetings
  - Participation in meetings
  - Requesting to be part of meetings
  - Requesting staff to be at meetings
- Liaison roles - Why? When? Role
- Seeking guidance from Mayor & Council
  - Formal
  - Informal

3. Council Boards & Commissions Relations
   - Appointment process (subcommittee)

4. Administrative/Council Agenda Streamlining Opportunities
   (Opportunity to review some of the long-standing reports and question their value or if there is a better approach.)

   - Bi-Monthly Calendar
   - Public Hearing List
   - Planning Department Report
   - Code Compliance Report
   - Accounts Payable
   - Payroll Report
   - County referrals (needed? delegate to Planning Commission?)

5.Legislative Policies
   - Amicus Participation
   - Resolutions

6. Ethics

DRAFT

7. Campaigns

8. Other Areas We Have Said We Would Look At?
(Look at performance review notes)

9. Budget/Fiscal Policies (research existing)

10. Community Issues
    · Flag/Banner Protocol

TOWN OF LOS GATOS

COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 3/23/2021

ITEM NO: 3

DATE:	March 16, 2021
TO:	Council Policy Committee
FROM:	Laurel Prevetti, Town Manager
SUBJECT:	Review Town of Los Gatos Justice, Equity, Diversity, and Inclusion Efforts and Future Work Plan Items

RECOMMENDATION:

Review Town of Los Gatos justice, equity, diversity and inclusion efforts and future work plan items.

BACKGROUND:

The Town of Los Gatos values justice, equity, diversity, and inclusion (JEDI). The Town works proactively to ensure the rights and opportunities of everyone in Los Gatos and opposes any attempts to undermine the safety, security, and rights of any members of our community. The Town promotes equal treatment, equitable distribution of and access to resources, and engagement in issues affecting the lives of residents, workers, and visitors. The Town does not tolerate discrimination, racial injustice, or police brutality. The Town works toward realizing the values of diversity, equity, and inclusion by taking specific actions to become a more inclusive community.

In May of 2017, the Town Council affirmed a commitment to Los Gatos being a diverse, supportive, equitable, and inclusive community. The Resolution can be viewed as Attachment 1 to this report.

In the first half of 2020, the senseless killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and many others as a result of discrimination and inequity shone a spotlight on racial justice issues at national and local levels. Since late May of 2020, the Town has received considerable input from the public regarding Police reform and other issues surrounding equity and inclusion in Los Gatos. Input has been provided via email and public comment at Town meetings.

PREPARED BY: Holly Zappala
Management Analyst

Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

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BACKGROUND (continued):

On June 5, 2020, the Town affirmed its commitment to stand in solidarity with the black community with a Proclamation from the Mayor. The Proclamation can be viewed as Attachment 2 to this report.

On June 17, 2020, the Mayor of Los Gatos signed the Obama Foundation's Mayor's Pledge, committing to review Police Department standards, report back to the community, and work on reforms.

On June 19, 2020, the Town launched a new webpage "Becoming an Inclusive Community," dedicated to outlining the shared values of justice, diversity, equity, and inclusion. In naming the new webpage "Becoming an Inclusive Community," the Town acknowledged that there is work to do and by clearly stating the commitment to inclusivity and diversity, the Town strives to take the steps needed to reach that goal. The dedicated webpage can be viewed at www.LosGatosCA.gov/Inclusivity and is kept updated on a regular basis with Town efforts and current information.

The Inclusivity webpage is designed as a single point of access for all of the Town's efforts around justice, equity, diversity, and inclusion. Highlights include:

- Community Conversations: In 2020, the Town hosted three community workshops via teleconference to foster dialogue on racial and social justice and how Los Gatos can be more welcoming for all. The three conversations covered Police Reform, Housing, and the Inclusivity webpage contains the full video recordings, presentations, and other information associated with these conversations.

- Council DEI Actions: Summaries of all DEI Council actions are included on the Inclusivity webpage with links to pertinent Council agendas, reports, and recordings. This includes the recent addition to the Council's Strategic Priorities to focus on diversity, equity and inclusion throughout the Town's work.

- Police Reform: While a prominent part of the Council's work on DEI, this effort is called out separately. Work is underway to create an Independent Police Auditor function, take a deeper dive into traffic stop data, work collaboratively with the County on mental health calls, and consider options for responses to non-emergency calls. Quarterly reports are scheduled with the Council to review progress and determine next steps.

- Inclusivity and the Police Department: To improve transparency and learn about the Department's commitment to compassionate community policing, this portion of the website defines the Department's vision and mission; explains its current best practices regarding body worn cameras, training, and other community policing practices;

BACKGROUND (continued):

identifies new programs to help Officers understand unique needs of residents through the Special Needs Awareness Program; and includes links to the Department's Use of Force Policy and the entire Policy Manual.

- Current JEDI Efforts in the Town's Work: The Town's efforts to become more inclusive include adding a Racial, Social, and Environmental Justice Element to the General Plan Update; creating gender neutral language in the Town Code; expanding the "Outside the Box" utility box art program to integrate diversity, equity and inclusion together with themes of a sense of community, sustainability, and creativity; and recording oral histories of Black, Indigenous, and People of Color (BIPOC) and promoting the stories through Library offerings.

In addition to the webpage, in June 2020 the Town also launched a dedicated email address of Community@LosGatosCA.gov, through which diversity, equity, and inclusion information, requests, reports, complaints, and comments may be shared with the Town.

DISCUSSION:

Justice, Equity, Diversity, and Inclusion in the Town's Work

In January 2021, the Town Council added DEI to the FY 2021-2023 Strategic Priorities. The Town Manager's Office took immediate action and directed all Departments to use a lens of justice, equity, diversity, and inclusion (JEDI) in the development of the Town budget and capital program, delivery of services, preparation of policy documents, and the creation of all new programs, projects, and policies. All proposed policies and ordinances will be reviewed in this context.

The Mayor requested study sessions in 2021 with each of the Town's Board, Commissions, and Committees to thank the members for their service to Los Gatos, review accomplishments, consider future work items, and discuss the incorporation of diversity, equity, and inclusion into their work plans. For example, the Parks and Public Works Director and members of the Complete Streets and Transportation Commission recently attended a UCLA lecture series on "Race in Transportation" to learn and explore ideas for making Town transportation more equitable. These study sessions are scheduled to continue through June 2021.

Proposed Work Plan

Moving forward, as the Town continues to work toward justice, diversity, equity, and inclusion, staff drafted a Town-wide work plan which can be found as Attachment 3 to this report. The work plan contains specific action items and is broken down into the categories of Town

DISCUSSION (continued):

operations, community engagement, Boards and Commissions, government transparency, Police reforms, personnel, land use, and communications. This is intended to be a one-year work plan, recognizing that once the new General Plan is adopted, additional work items will be added from the Racial, Social, and Environmental Justice Element. The work plan is also expected to be a living document for the Policy Committee to review and modify during the year.

As progress is made on the items, status updates will be brought to the Policy Committee and posted to the Town's Inclusivity webpage. The Committee would be the central place for community engagement on these items, hold the Town Manager accountable for the work plan, and determine which topics need full Council discussion.

CONCLUSION:

Staff looks forward to public feedback, and discussion and direction from the Committee regarding Town justice, diversity, equity, and inclusion efforts and the future work plan.

FISCAL IMPACT:

Discussion of this item does not have a fiscal impact. There may be various fiscal impacts associated with some of the work plan items, most of which can be absorbed in the existing Budget.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:
1. Council Resolution 2017-024
2. June 5, 2020 Proclamation of the Town of Los Gatos
3. Draft Justice, Diversity, Equity, and Inclusion Work Plan

RESOLUTION 2017-024

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REAFFIRMING THE TOWN'S COMMITMENT TO A DIVERSE, SUPPORTIVE, INCLUSIVE COMMUNITY AND TO PROTECTING THE CONSTITUTIONAL AND HUMAN RIGHTS OF ITS RESIDENTS, WORKERS, AND VISITORS

WHEREAS, the Town of Los Gatos values a community characterized by diversity, multiculturalism, and unity and acknowledges that the dignity, health, rights and privacy of all our residents, workers, and visitors must be respected; and

WHEREAS, the Town is committed to protecting the constitutional and human rights of all of our residents, workers, and visitors; and

WHEREAS, each person is naturally and legally entitled to live a life without harassment, discrimination, persecution or assault, whether perpetrated by individuals, groups, businesses or governments~~;~~ and

WHEREAS, there exists concern among our residents, workers, and visitors based upon recent national and regional incidents of hate crimes, intolerance of religious beliefs, discrimination, sexual harassment and assault, and the fear of a trend-toward more of these crimes in the future; and

WHEREAS, there also exists concern in our Town about the potential risks for discrimination, harassment, persecution, assault, and deportation; and

WHEREAS, the Town and its residents, workers, and visitors continually reject bigotry and affirm their commitment to a diverse, supportive, inclusive community; and

WHEREAS, all members of the Town are valued regardless of religion, immigration status, ethnicity, disability, gender, sexual orientation, or gender identity.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Los Gatos hereby reaffirms its commitment to a diverse, supportive, equitable, and inclusive community and resolves as follows:

- The Town of Los Gatos will promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by Town Officials and Departments.
- The Town of Los Gatos rejects bigotry in all its forms, including, but not limited to, Islamophobia, anti-Semitism, racism, nativism, misogyny and homophobia; and

Attachment 1

- The Town of Los Gatos does not tolerate discrimination based on race, national origin, ethnicity, religion, age, gender, sexual orientation, color or disability; and
- The Town of Los Gatos does not tolerate hate crimes, harassment, or assault; and
- The Town of Los Gatos will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the Town, regardless of religion, country of birth, immigration status, disability, gender, sexual orientation, or gender identity; and

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of May 2017 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Barbara Spector, Mayor Marico Sayoc

NAYS: None.

ABSENT: Steve Leonardis

ABSTAIN: None.

SIGNED:

Marico Sayoc

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5.3.17

ATTEST:

Shelley Neis

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5-3-17

A PROCLAMATION OF THE TOWN OF LOS GATOS AFFIRMING THE TOWN'S COMMITMENT TO STAND IN SOLIDARITY WITH THE BLACK COMMUNITY

WHEREAS, our country is mourning the senseless killing of George Floyd that occurred in Minneapolis on May 25, 2020. The actions and inactions of the police officers involved were deplorable; and

WHEREAS, the most basic form of injustice and inequity occurs when a group of people feels their safety is placed into jeopardy by the very people entrusted with ensuring their safety; and

WHEREAS, police brutality and racism against the black community has been persistent in both our past and our present. Systemic injustices, racism, and dehumanization are deeply rooted in our society; and

WHEREAS, it was unquestionably unfair and unacceptable when the lives of George Floyd, Ahmaud Arbery, Breonna Taylor, Freddie Gray, Walter Scott, Tamir Rice, Michael Brown, Oscar Grant, and many others were taken as a result of discrimination and inequity. These lives mattered and black lives matter; and

WHEREAS, the unrest regarding racial injustice, particularly towards the black community, has been building for decades. Thoughtless violence by our own government only serves to incite more violence; and

WHEREAS, Los Gatos is blessed to be a multiracial community, and we decided long ago that mutual understanding and respect develops a much healthier, safer, and caring community; and

WHEREAS, it is important for the community as a whole to stand in solidarity with black communities across the country; and

WHEREAS, in 2017 the Town Council reaffirmed their commitment to a diverse, supportive, equitable, and inclusive community

NOW, THEREFORE, BE IT RESOLVED that the Town Council does hereby affirm its commitment to stand in solidarity with the black community and resolves as follows:

The Town of Los Gatos condemns racial inequity in general and violence against the black community by law enforcement in particular; and

The Town of Los Gatos does not tolerate discrimination, racial injustice, or police brutality; and

The Town of Los Gatos demands that black lives matter; and

The Town of Los Gatos will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the Town—regardless of race; and

The Town of Los Gatos will promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by Town officials and departments; and

The Town of Los Gatos encourages the community to stand together through peaceful exchange and discourse to enact change and move forward towards a future with more equity and inclusion in Los Gatos, California, and our country.

NOW, THEREFORE, BE IT RESOLVED, I, Marcia Jensen, by the virtue of the authority vested in me as Mayor of the Town of Los Gatos, do deem it appropriate and do hereby proclaim that the Town of Los Gatos condemns racial inequity

Proclaimed this 5th day of June in the Town of Los Gatos, County of Santa Clara, State of California

Marcia Jensen

MAYOR OF THE TOWN OF LOS GATOS

Justice, Equity, Diversity, and Inclusion 2021 Work Plan

Town Operations

1. Require all Town Departments to use a lens of justice, equity, diversity, and inclusion in the:
    a. Development of the Town budget, Capital Improvement Program, General Plan (see more information below), and other guiding documents;
    b. Delivery of Town services; and
    c. Creation of all new programs, projects, and policies.
2. Examine all proposed policies and ordinances in the context of promoting, facilitating, and improving justice, equity, diversity, and inclusion in Los Gatos. This work will be done by the Council Policy Committee, appropriate Town Boards, Committees, and Commissions, and the Town Council.
3. Complete gender neutralization of the Town Code to eliminate older language that contains increasingly obsolete gender-specific terms such as "she," "he," "chairman," "policeman," and other gender-specific terminology that is not inclusive.

Community Engagement

4. Expand the Town's community engagement to include more black, indigenous, and people of color.
5. Continue its community conversations in 2021, including a review and discussion of the Police Department's Use of Force Policy and other topics.

Town Boards, Committees, and Commissions

6. Recruit Town Board, Committee, and Commission members to reflect diverse communities of color, identity, and backgrounds.
7. Incorporate diversity, equity, and inclusion into the work of all Town Boards, Committees and Commissions and to discuss these efforts with the Town Council and the public.

Transparency in Government

8. Expand access to Town records and information to further demonstrate the Town's commitment to transparency in governmental operations.

Police Reforms

9. Review at a Town Council meeting, the quarterly progress made on Police Reforms, including independent investigations, mental health/homeless support, traffic stop data, and options for non-emergency calls.
10. Establish the Independent Police Auditor function and promote it to the community in hopes that people will feel comfortable coming forward with concerns and complaints.
11. Continue to strengthen the Police Department relationship with the County Behavioral Health services staff and Mobile Crisis Response Team.
12. Finalize collateral duties for the Police Department Vulnerable Population Coordinator.
13. Analyze and present more detailed traffic stop data to understand trends and determine appropriate actions.
14. Work toward the Police Chief's goal for all Department personnel to exceed the minimum number of hours of training in de-escalation and crisis intervention.
15. Continuously review and update Department policies and procedures to ensure that it is employing the best practices for hiring, training, eliminating bias, and ensuring the public's safety.

Town Personnel

16. Foster a more diverse workforce by updating job descriptions and minimum qualifications to encourage a broader set of candidates, promoting job opportunities using conventional and unconventional techniques to reach deeper into the talent pool, and encouraging professional development to expand skills and abilities.
17. Strengthen procedures to protect employees from bullying, racism, and other uncivil behavior.
18. Encourage justice, diversity, equity, and inclusion training for Town staff members and Departments.

Land Use

19. Complete the General Plan update, including a new Racial, Social, and Environmental Justice Element with its associated goals, policies, and implementation actions.
20. Prepare the Housing Element to plan for the housing needs of all segments of the population.

Communications

21. Communicate actively on social media and in other forums to reinforce messages of inclusion, belonging, and welcoming.

DATE: March 15, 2021

TO: Council Policy Committee

FROM: Laurel Prevetti, Town Manager

SUBJECT: Review and Provide Direction on Proposed Modifications to the Commission Appointment Policy

RECOMMENDATION:

Review and provide direction on proposed modifications to the Commission Appointment Policy.

BACKGROUND:

The Committee directed staff to bring the Commission Appointment Policy 2-11 to the March Policy Committee meeting for discussion and to add language to encourage diversity, equity, and inclusion in the recruitment and appointment process.

At the February 23, 2021 meeting, the Policy Committee reflected on the recent experience of the Finance Commission recruitment and reviewed the Commission enabling resolutions. Of note, the Committee expressed concern that if the Town has specific requirements for Commissioners (e.g., public health background for the Community Health and Senior Services Commission, arts professional for the Arts and Culture Commission, etc.) that the Town may have trouble attracting candidates. In addition, the current Policy has specific requirements which must also be taken into consideration when making appointments.

DISCUSSION:

Per Town Policy 2-11, the Town Clerk prepares and maintains applications for appointment to Commissions. The Town Clerk typically receives applications to Commissions throughout the year. Currently, while the Policy Committee and Commissions are reviewing applications for possible modifications, the application links have been disabled for all but the Youth

PREPARED BY: Shelley Neis
Town Clerk

Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

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DISCUSSION (continued):

Commission, which is currently undergoing recruitment. An adult applicant can apply for as many Commissions as they would like, but are required to complete separate applications, and can only serve on one Commission at a time. Each Commission's application has questions specific to the Commission. In some cases, certain Commissions receive many applications while other Commissions do not have any applicants.

The Town holds its annual adult recruitment and appointment process in the fall, with mid-year recruitments held in early spring if necessary. In accordance with State Law, the Town Clerk posts a list of current vacancies on the Town website and on the front door of Town Hall throughout the year. During the recruitment cycle, the Town Clerk advertises the current vacancies in various media (Leadership Los Gatos, Chamber of Commerce, Los Gatos Weekly ads, Town website, What's New email blast, social media, KCAT, Town events, etc.) to inform residents and encourage participation. The Clerk also notifies applicants from the last 12 months who were not interviewed or were not appointed by Council of the vacancy to determine if they are still interested. If the applicant is interested, they are placed in the applicant pool for the next scheduled interviews by Council.

Diversity, Equity, Inclusion (DEI)
The Commission applications could be modified to include questions about how the Commission could address diversity, equity, and inclusion without asking specific race, nationality, ethnicity, gender, or age of the applicant.

Term Limits/Appointments
The Policy Committee has previously discussed term limits and at that time was not in favor of them, due in part because Council did not have term limits, and because it was felt it would hinder the Town's ability to have fully staffed Commissions.

Term limits have pros and cons. Pros would be new perspectives and ideas with the regular turn over of Commissioners. Cons would be losing institutional knowledge and potentially smaller Commissions because the number of applicants may be reduced.

Council has the difficult task of balancing the need to keep institutional knowledge while encouraging new interest and ideas. By not defaulting to appoint an incumbent when there are other qualified applicants, this practice could potentially encourage more applicants to apply. As with Council candidates, it can be perceived that incumbents will always be appointed thereby discouraging potential applicants.

Options for the Committee to discuss:

- Should there be a certain percentage of incumbents versus new Commissioners on each Commission?

DISCUSSION (continued):

- Should there be at least two incumbents on each Commission to maintain the institutional knowledge?

Interview Process
To ensure the interview process is fair and equitable, staff recommends each applicant be asked the same core questions for the particular Commission. If time permits, the applicant could be asked to expand on an answer and/or address additional questions (not of a personal nature unless it pertains to experience). Staff recommends the Town Clerk and staff liaisons work together to provide suggested questions for each Commission to the Committee for review.

CONCLUSION:

Staff looks forward to the Committee's discussion and direction for potential modifications to the Policy.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office and the Town Attorney.

FISCAL IMPACT:

There is no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:
1. Commission Appointment Policy 2-11

TOWN OF LOS GATOS CALIFORNIA	COUNCIL POLICY MANUAL Small Town Service Community Stewardship Future Focus

TITLE: Commission Appointments, Residency and Attendance Requirements, and Establishing A Quorum	**POLICY NUMBER:** 2-11
EFFECTIVE DATE: 2/28/1990	**PAGES:** 7
ENABLING ACTIONS:	**REVISED DATES:** 6/13/1994; 6/16/2014; ~~4/7~~/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019
APPROVED:	

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission and shall rank their choices in their preferred order, during each recruitment cycle.

To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council. (Revised on 4/07/15)

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission.

Youth Commission:
The members shall be students who are entering grades 8 through 12. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
    a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
    b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
    c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body, but will not be treated as an incumbent in any subsequent application to the same Advisory Body.
5. If a Youth Commissioner liaison misses three meetings of a liaison Commission during a *consecutive twelve (12) month period, the Youth Commission shall appoint a different Youth Commissioner as liaison.

*Consecutive twelve (12) month period is defined as any consecutive twelve-month period beginning with the first absence. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by an advisory body member.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments
Adult Commission members' terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August 1 and end on June 30. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.

2. Advertise the vacancies, including the application deadline and the interview date, which shall be set for no later than the second Town Council meeting in December for Adult Commissioners, and by the fourth Wednesday in May, no earlier than 4:00 p.m., for Youth Commissioners.

3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:

    a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.

    b. If an incumbent Commissioner is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.

    c. Submissions deadlines are mandatory; no exceptions are permitted.

4. Applications:

   a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
   b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee prior to the interviews for appointment.

5. Notify the applicant by letter or email as to the date and time of the interview.

6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.

7. Applicants:

   a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.

   b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot;

2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each

ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.

3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a "None of the above" option.

4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.

5. If an applicant(s) is appointed to an Advisory Body which has vacancies for both full and partial, unexpired terms, the length of the appointee's term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for student commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment.
   For student applicants: Attend the Council Selection Committee interview session.

3. If an incumbent Commission member is requesting reappointment to the same Commission, the incumbent may submit a request to be interviewed by telephone, with their application, instead of attending the interview or must submit a letter prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.

4. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."

5. Attend Advisory Body meetings once term begins.

6. Read the Commissioners' Handbook. The Handbook is to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.

2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
   For youth applicants – Town Council Selection Committee interviews applicants.

3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.

4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

1. Failure to attend Advisory Body meetings.

2. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
   a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
   b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.

3. Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

TOWN OF LOS GATOS

COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 3/23/2021

ITEM NO: 5

DATE: March 16, 2021

TO: Council Policy Committee

FROM: Laurel Prevetti, Town Manager

SUBJECT: Review, Discuss, and Recommend that the Town Council Approve the Proposed Travel and Expense Policy for Elected Town Officials

RECOMMENDATION:

Review, discuss, and recommend that the Town Council approve the proposed Travel and Expense Policy for Elected Town Officials.

BACKGROUND:

In early 2020, Town staff revised the Employee Travel and Expense Administrative Procedure in order to clarify and simplify travel and reimbursement guidelines for Town employees. The revised Employee Procedure can be viewed as Attachment 1 to this report.

Following work on the employee guidelines, staff reviewed the Travel and Expense Policy for Town Council members. The current Policy was approved in 2011 and can be found as Attachment 2 to this report.

Similar clarifications to the revised employee procedures may be applicable to the proposed update to the Council Policy. Staff drafted a potential revised Elected Official Travel and Expense Policy which may be found as Attachment 3 to this report. Elected officials are legally considered employees of the Town, so efforts were made to align the guidelines for the two.

DISCUSSION:

The proposed update to the draft Elected Official Travel and Expense Policy is aimed at clarifying and streamlining travel and expense guidelines for the Town Mayor, Vice Mayor, and Council Members. Highlights of the proposed changes are as follows:

PREPARED BY: Holly Zappala
Management Analyst

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

DISCUSSION (continued):

1. Removed the application to Town Board, Commission, and Committee members from the Policy and incorporated them into the Employee Travel and Expense Procedure instead. The revised draft Policy applies to elected officials only.

2. Simplified food and beverage reimbursements for overnight travel to be paid via a per diem allowance at the amount specified by the US General Services Administration as opposed to reimbursement for actual food and beverage expenses. This change saves staff time and streamlines the process.

3. Added instructions for mileage reimbursements. Prior to 2019, the Town Council received a monthly auto allowance which generally covered local mileage costs. Prior to 2019, Council Members were eligible to receive reimbursement for authorized travel in a personal vehicle in excess of a one-way 50-mile radius of Los Gatos. Effective January 1, 2019, Council Members received a salary increase that absorbed the monthly auto allowance. Currently, Council Members are eligible for mileage reimbursements for all business-related travel using a personal vehicle, the same as any Town employee.

4. Added further clarification to transportation options, including rental vehicles, consistent with employee travel procedures.

5. Added examples of miscellaneous expenses that are eligible for reimbursement.

6. Specified who should review and approve mileage reimbursements or claims for reimbursement. Those submitted by Council Members must be signed by the Mayor and the Town Manager. Reimbursements for the Mayor must be signed by the Town Manager and Finance Director.

At times, Council Members may want to attend conferences or other events associated with the other agencies for which they serve as a Board member as appointed by the Town Council (e.g., Silicon Valley Clean Energy Authority). For those activities, the non-Town agency would be responsible for paying those expenses as they are related to its function. The Town will not cover such expenses for other agencies.

CONCLUSION:

Staff looks forward to the Committee's discussion and feedback on the draft Elected Official Travel and Expense Policy. Staff recommends the Committee forward a recommendation to the Town Council to approve the proposed draft policy.

COORDINATION:

This report was coordinated with the Town Manager's Office, Town Attorney, Finance Department, and Human Resources Department.

FISCAL IMPACT:

The proposed changes to the policy should not generate a significant fiscal impact, but should make the guidelines clearer and more streamlined.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Travel and Expense Procedure for Town Employees
2. 2011 Town Council and Board Member Expense Reimbursement Policy
3. Draft Elected Official Travel and Expense Policy

TOWN OF LOS GATOS CALIFORNIA

ADMINISTRATIVE PROCEDURE MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: Travel and Expense Procedure	**PROCEDURE NUMBER**: B-04
EFFECTIVE DATE: April 19, 2012	**PAGES: 1 of 12**
REVISED DATES: March 2, 2020	
APPROVED: Laurel Prevetti	

PURPOSE

The purpose of this Travel Procedure is to provide guidelines for the authorization and administration of use of public funds for travel expenses for employees of the Town of Los Gatos.

In addition to the distinct elements of this procedure it is understood that all Town policies and procedures are subject to Sub-section 12.5 of Section 12 of the Town's Personnel Rules.

GUIDING PRINCIPLES

Employee travel must only be used for authorized Town business. Travel will be authorized only when the cost and purpose result in a benefit to the Town. Employees travelling on Town business should ensure that all expenses incurred are reasonable and are a prudent use of public funds. Department Directors should authorize travel for the minimum number of employees necessary to represent the Town. Travel may be authorized for those employees whose job tasks are directly related to the purpose of travel or to forward an employee's future career growth. Only the employee or authorized person attending the training on the Town's behalf (e.g., a Planning Commissioner) is eligible for reimbursement (spouses or friends are not eligible for reimbursement). The Town Manager and Department Directors are required to consider the total costs of approved travel including registration, travel expenses, accommodation, meals, and required overtime and/or staffing.

SCOPE

This procedure applies to Town of Los Gatos employees when traveling on Town business. Travel categories include:

1. Day Trip – travel in California with no overnight stay.
2. In-State – travel in California with overnight stay.

3. Out-of-State – travel outside California.
4. International – travel to destinations outside of the United States.
5. Emergency – travel for law enforcement purposes, investigative travel, and for protecting Town assets where time is of the essence.

PROCEDURES

1. Authorized Travel

Authorized travel means travel by Town employees or any person traveling at the Town's expense for the purposes of attending conferences, seminars, educational classes, training, and other business activities related to the administration of municipal government.

As a general procedure, employees should attempt to attend meetings and/or trainings within reasonable proximity to Los Gatos. If a particular training session/conference is offered throughout the year at various locations, the venue closest to Los Gatos or to the employee's home must be selected and scheduled accordingly. Annual conferences or training seminars sponsored by well-known governmental and/or professional associations (such as the League of California Cities and the Government Finance Officers Associations) are encouraged as a priority.

2. Travel and Approvals

Town employees authorized to attend conferences, seminars, technical or professional governmental meetings, luncheons, banquets and other functions concerning the business of the Town of Los Gatos will be reimbursed for necessary and reasonable expenses incurred. Expenses will not be reimbursed unless a source of funds has been identified and approved.

Employees must provide advance notice of all travel, including overnight and out-of-state travel to their supervisor and such travel must be approved by the Department Director. All out-of-state travel must be approved by the Town Manager or their designee. Approvals must be obtained before any purchases are made for the trip.

All employees traveling who use a Town credit card issued to them for expenditures shall follow the guidelines as set forth in the Town Procurement Card Procedure.

The Chief of Police or their designated representative may authorize emergency in-state or out-of-state travel by Police Department personnel without prior approval from the Town Manager in the following cases:

1. For lawful extradition of wanted felons.
2. For investigative travel, where such travel requires immediate departure by authorized Police Department personnel.

It is the responsibility of the employee to complete and submit an Authorization to Travel Form. This form is required for all overnight travel, out-of-state travel, and travel requiring an airline flight. For employees requesting in-state day trips, it is an optional form that can be completed and turned in to the employee's supervisor in order to request travel opportunities. Departments may have their own methods for employees to request in-state, day-trip training/travel opportunities (i.e. a written memo or email), which are also acceptable.

Within 30 days of returning from the trip, a copy of the signed Authorization to Travel Form (including the completed "actual expenses" portion), Claim for Reimbursement Form, Mileage Reimbursement Form, and all supporting documentation, if applicable, must be completed and returned to the employee's supervisor. After review and approval by the Department Director, the forms are to be submitted to the Finance Department. See Section 5, "Mileage Reimbursement and Claims for Reimbursement" for more information.

3. Travel Allowance and Reimbursements

A. Registration/Tuition Fees

Registration/tuition fees may be paid with a Town credit card or a Town-issued check. When a credit card fee is charged, a Town-issued check is the preferred method of payment. To request a check, a Request for Payment/Check/Per Diem Allowance with all required details must be submitted to the Finance Department with the payment deadline clearly marked on the face of the form to assure timely payment.

Any discounts offered for early registration or attendance by additional persons should be obtained whenever possible.

B. Lodging

A hotel stay should be booked when the commute time to/from the conference, seminar or training would be unreasonable. The discretion of the Department Director should be used when booking hotel accommodations. For a hotel stay at a destination less than 75 miles away from the employee's home or work location (whichever is closer to the travel destination), the Department

Director's approval is required.

Whenever possible, standard non-deluxe rooms at conference rates should be reserved. If the employee wishes to reserve other accommodations, only the standard non-deluxe conference room rate is to be charged to the Town. When choosing lodging, employees should consider the convenience of the location, along with other best rates available. Any hotel upgrades will be at the employee's expense.

C. Food and Beverage

Food and Beverage for One-Day Trips

Meal expenses for trips that are a single day will not be reimbursed unless the employee is assigned to conduct work during the meal (Per Diem Allowance is not applicable).

Food and Beverage for Overnight Trips

Per Diem Allowances can be located per the table below.

For Travel to:	Lodging and Meal Rates Established by:	Rate Tables Can be Found:
The continental US	US General Services Administration (GSA)	http://www.gsa.gov/ • Includes 48 Continental States and District of Columbia high cost locations • To look up per diem rates, go to https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup, search for the location of travel, and check the numbers in the "M&IE Total" and "First & Last Day of Travel" columns. • If neither the city nor county is listed, use standard CONUS rates.
The non-contiguous US or US territories	US Department of Defense (DOD)	http://www.defensetravel.dod.mil/site/perdiemCalc.cfm • Includes Alaska, Hawaii and other US territories • Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal amount. • Town will only pay actual incidental expenses to the GSA limit
Foreign destinations	US Department of State	http://aoprals.state.gov/ • Listed in US Dollars • Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal rate • Town will only pay actual incidental expenses up to GSA limit

1. Food and beverages for overnight trips will be paid to the employee via a Per Diem Allowance based on the amounts obtained using the websites found in the table above. The Meals and Incidentals (M&IE) breakdown is the full amount received for a single calendar day of travel when that day is neither the first nor last day of travel. The amount received on the first and last day of travel equals 75% of the total M&IE.

2. Employees must obtain a Per Diem Allowance from the Finance Department either within 30 days before the trip using a Payment/Check/Per Diem Allowance Request Form or within 30 days after the trip using a Claim for Reimbursement Form. Per Diem Allowance requests must include the employee's travel dates, a training/event flyer, and an approved Authorization to Travel Form, if applicable.

3. Food and beverage purchases made while on an overnight trip may not be made with a Town credit card. A Per Diem Allowance for meals must be obtained for food and beverage purchases either before or after the trip.

4. If a meal is provided as part of the business event, the Per Diem Allowance will be reduced accordingly, using the numbers obtained from the websites in the table above. For example, if breakfast or lunch is included in the registration fee for a conference, the Per Diem Allowance for that day will not include the allowance for that meal or meals. Continental breakfasts provided as part of lodging will not be counted as a pre-paid meal and employees may be reimbursed for regular breakfasts. If the employee has special dietary needs, efforts should be made to see if the event provider can accommodate them. If the conference is unable to accommodate the employee's dietary needs, the Department Director may approve in advance an additional purchase for a meal to replace the one provided by the conference.

5. Dining tips are included in the Per Diem Allowance.

6. The Per Diem Allowance includes "incidental" purchases, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

D. Personal Charges

Personal charges (i.e. movie charges, spousal/guest expenses, etc.) are the responsibility of the traveling employee.

E. Use of Personal Vehicle – Mileage Reimbursement

All mileage reimbursements shall be based on the current IRS applicable rate (see www.irs.gov). When using a personal vehicle for a trip which originates from the employee's home, the mileage reported for reimbursement should be from their home or from the place of work, whichever is less.

Mileage Reimbursements should be submitted within 30 days of return from the trip. A training/event flyer or schedule should be attached as well as driving directions from Google Maps, MapQuest, or other website showing the distance travelled.

F. Transportation

The most economical method and type of transportation reasonably consistent with the scheduling need must be used, using a direct and time-efficient route. The cost of a rental vehicle, parking and fuel shall be compared to the combined cost and time of other such forms of transportation and the most cost-efficient method shall be used. Only the amount for the most cost-efficient, reasonable method of transportation is reimbursable, even if that method is not used (i.e., employee will pay the difference if they choose to take a more expensive method of travel).

In the event of an automobile accident while traveling on Town business, a Vehicle Accident Reporting Form must be filled out and submitted to the employee's supervisor within 24 hours of the vehicle accident, if possible.

Airfare

1. Airline transportation costs to and from the authorized destination will not exceed advance-purchase economy-class airfare unless such fare is not available.
2. Transportation to and from airports will be reimbursed for either actual mileage if personal vehicle is used, or for reasonable taxi fare, ride share, airport van or other public transportation. Reimbursable mileage includes travel to the airport from the workplace or home, whichever is closer.
3. The charge for the first piece of personal baggage for the employee may be reimbursed.
4. If a personal vehicle is parked at the airport for more than one day, the cost of parking will be reimbursed at the long-term parking rate. Parking will not be reimbursed for more than one day at the short-term rate.
5. Any additional airline fees will not be reimbursed (i.e. for early check-in or seating upgrades).

Vehicle Rentals

1. Rental vehicles are only allowed for business purposes and with prior approval of the Department Director. When renting a vehicle, employees should use standard or economy models. Larger vehicles are allowed if there is no additional cost to the Town, or if special circumstances exist such as medical needs, disabilities, weather conditions, multiple employees who will occupy the vehicle, etc.
2. When a rental vehicle is approved for travel, it can either be booked using the employee's personal credit card and later submitted for reimbursement with itemized receipts, or it can be booked using the "Rental Car Purchasing Card" from the Finance Department. Individual Town-issued Purchasing Cards should not be used to book rental vehicles. If using the Rental Car Purchasing Card, the vehicle shall be rented from one of the companies the Town has a business rewards account with: Budget or Avis. The most cost-efficient option for the trip should be selected. The discount number and billing PIN number to be used for the appropriate rental car company can be obtained from the Finance Department.
3. It is the rental vehicle driver's responsibility to ensure that vehicle rental costs are kept to a minimum. This includes returning the vehicle to the same location, retuning the vehicle with a full tank of gas, declining GPS and pre-paid gas options, etc.
4. For rental vehicles booked using an employee's personal credit card, employees should purchase the Collision/Loss Damage Waiver insurance when traveling domestically. Employees shall waive any other additional vehicle insurance options provided that the employee has their own vehicle insurance coverage. Employees should contact their auto insurance company beforehand to confirm coverage. Any questions about coverages should be addressed ahead of time with the employee's Department Director and the Finance Department. When traveling internationally, additional insurance should be accepted if the employee lacks other similar coverage.
5. For rental vehicles booked using the "Rental Car Purchasing Card," employees should decline the rental company's Collision/Loss Damage Waiver insurance, as they are covered by the Auto Rental Collision Damage Waiver Program through the Purchasing Card.
6. Rental vehicles should not be taken across the US Border unless prior approval is received from the Department Director. The Town is not responsible for any border fees if no prior approval was given and the employee must reimburse the Town for these fees if applicable.
7. The Town is not responsible for the fees associated with paid "express" lanes, where drivers must pay a toll in order to use a separate, less congested lane. The employee must reimburse the Town for this expense if applicable.

8. The Town will reimburse all bridge and road tolls, except for redundant toll roads that parallel state or federal highways (e.g., Highway 73 in Orange County, California).
9. The employee is liable for any "damages" to the rental car during the course of rental. The Town Rental Car Purchasing Card on file will only be used for the cost of the rental vehicle booked up front. If the employee damages the vehicle, upon return of the vehicle, they will need to provide an alternate form of payment for any of these "incidental" expenses.
10. In case of any event, incident or accident related to the rental vehicle, the employee must notify the Finance Department and the Department Director as soon as possible. A Vehicle Accident Reporting Form must be filled out and submitted to the employee's supervisor within 24 hours of a vehicle accident, if possible.
11. Employees may only use the Town's business rewards program discount number for authorized Town travel. The Town's business rewards program discount number may not be used for leisure travel.

Ground Transportation

1. Ground transportation (i.e., taxis, rideshares, buses, and/or shuttles) will be reimbursed when incurred in overnight or away from home travel.
2. Taxi or rideshare (i.e., Uber/Lyft) costs may be reimbursed for one-day or multiple-day travel, keeping in mind that the most cost-effective mode of transportation should be taken.

Use of Town Vehicles/Carpooling

1. Town vehicles should be used whenever possible. The preferred method of transportation for traveling to locations within driving distance is to take a Town vehicle.
2. When two or more employees are travelling by personal/Town vehicle, every effort should be made to ride together.
3. Use of Town vehicles is subject to the rules and regulations set forth in the Town Vehicle Use and Operation Procedure.
4. When operating a Town vehicle, employees must have a valid driver's license with them and confirm that current proof of Town insurance is in the vehicle prior to use.

Public Transportation

Bus, train or other methods of public travel are authorized when such modes are more appropriate and economical.

G. Miscellaneous Expenses

Examples of miscellaneous expenses include, but are not limited to: taxi, rideshare, shuttle fares, tips, internet charges, and parking.

1. Taxi, bridge tolls, and ferry fares associated with official business will be reimbursed when supported by itemized receipts.
2. Actual cost for parking will be reimbursed when supported by itemized receipts. In a situation where no receipt is given (i.e., parking meters), a Missing Receipt Form must be submitted.
3. Hotel internet or Wi-Fi charges for work purposes will be reimbursed when supported by itemized receipts.
4. Town business meal purchases, where Town business is discussed and a mealtime meeting is unavoidable due to scheduling restrictions, are reimbursable expenses. The statement reconciliation should list each person in attendance as well as a description of the Town business discussed. If the employee dines with another person and is unable to split the check, the receipt should be clearly marked as to the items purchased for the employee Business meal purchases do not apply to overnight travel meals where a per diem allowance is applicable.
5. The Per Diem Allowance includes "incidental" purchases, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

H. Town Checks

Town checks for registration will be made payable only to the organization officially conducting the meeting. If the employee is in need of a check for registration, one will be issued upon notification to the Finance Department. The notification must include a Request for Payment/Check/Per Diem Allowance form approved by the Department Director or the Town Manager, accompanied by the training/conference flyer, approved Authorization to Travel Form (if applicable) and any registration deadline.

The Town will issue approved reimbursement checks directly to the employee.

4. Travel Time

<u>For Management/Exempt Employees</u>

Travel time does not affect the pay for FLSA exempt (management and salaried employees), as exempt employees are not subject to overtime.

For Non-Management/Hourly Employees

- One Day Travel: Travel time is paid and overtime is applicable, less the employee's normal commuting time and meal periods. When possible, the employee's schedule should be adjusted to minimize overtime.

- Overnight Travel: Travel to and from the event is paid and overtime is applicable. Time engaged in work-related activities such as attending the conference, participating in meetings or performing work is paid as long as the work is authorized and pre-approved. Time engaged in personal activities such as meals, resting, sleeping, or leisure is not paid. Time spent at optional business event/conference-sponsored activities (such as dinners or dinner cruises) is not paid. When possible, the employee's schedule should be adjusted to minimize overtime.

Questions regarding specific circumstances for non-management/hourly employee travel should be referred to the Human Resources Department or Payroll prior to travel.

5. Mileage Reimbursement and Claim for Reimbursement

A. Required Documentation

A Mileage Reimbursement Form and Claim for Reimbursement Form must be completed to document travel mileage/activity/purchases or process requests for travel reimbursement. Any Per Diem Allowances for meals during overnight travel requested after the trip has been completed should be submitted using the Claim for Reimbursement Form. The forms must include the following documentation:

1. Signed copy of the Authorization to Travel Form (to include the completed "actual expenses" portion), if applicable. This form is required for all overnight travel, out-of-state travel, and travel requiring an airline flight.
2. Supporting documentation that describes the nature of travel (i.e., copies of the conference/training flyer and schedule).
3. Mileage Reimbursements should include driving directions from Google Maps, Mapquest, or other website showing the distance travelled. When using a personal vehicle for a trip which originates from the employee's home, the mileage reported for reimbursement should be from their home or from the place of work, whichever is less.
4. Copy of receipt(s) that itemize any travel purchases, including date of purchase and location.

5. If the employee does not have an itemized receipt, a Missing Receipt Form must be filled out. Missing Receipt Form purchases will be evaluated on a case-by-case basis and may not be reimbursed. If the employee has a Town credit card and submits more than three Missing Receipt Forms within a twelve-month period, Town credit card privileges may be reviewed and/or revoked.
6. No individual food or beverage purchases will be reimbursed. The employee must request a Per Diem Allowance for the trip.

B. Deadline to Submit Mileage Reimbursement/Claim for Reimbursement Form

The Mileage Reimbursement Form and Claim for Reimbursement Form should be submitted within 30 days of travel or the meeting date. Claims for reimbursements that are not turned in within the requested timeframe may not be honored, resulting in a cost to the employee, unless waived by the Town Manager.

6. Non-Reimbursable Expenses

The following personal expenses are not allowable for reimbursement:

a. Traffic, toll, and parking violations
b. Fees to drive in a paid "express" lane or parallel paid freeway (e.g., Highway 73 in Orange County, California)
c. Mileage for commute to work
d. Emergency repairs on non-Town vehicles
e. Alcohol/tobacco
f. Individual food and beverage purchases while on overnight travel (Per Diem Allowance must be requested)
g. Medicinal remedies, health supplies, cosmetics, toiletries
h. Personal entertainment such as in-room movies, fees for exercise room, sports events, personal reading materials, personal grooming, optional tours, souvenirs
i. Childcare fees
j. Kennel/boarding fees (except for Town-owned animals)
k. Expenses related to vacation or personal time while on a business trip
l. Personal travel expenses that cause additional cost to the Town
m. Personal losses incurred while on Town business
n. Expenses related to an employee's family member or friend
o. Political or charitable contributions or events
p. Short term airport parking exceeding one day
q. Any additional airline fees

r. Other incidental expenses that are determined to be of a personal nature, extravagant, or might be considered unreasonable or unnecessary

APPROVED AS TO FORM:

Robert Schultz, Town Attorney

Subject: Town Council and Board Member Expense Reimbursement Policy	Page:	Section Number:
Approved: [signature]	Effective Date: 1-6-11	Revised Date:

A. PURPOSE

1. Los Gatos takes its stewardship over the use of its limited public resources seriously and is committed to the ethic that public resources should only be used when there is an identifiable benefit to the Town and the community.
2. This policy documents the parameters pursuant to which the Town will reimburse specified Town officials for actual and necessary expenses incurred in the performance of official Town duties.
3. This policy recognizes that legislative and other regional, state, and federal agency business is frequently conducted over meals and that sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused, and uninterrupted communication about the community's policy concerns.
4. This policy satisfies the requirements of Government Code sections 53232.2 and 53233.3 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.
5. This policy also applies to any charges made to a Town credit card, cash advances or other line of credit and supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

B. SCOPE

This policy applies to the Mayor and members of the Town Council and members of the Town's boards and commissions. It covers the expenditure of Town funds and reimbursement of expenses for authorized Town business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on Town adopted policy positions;

2. Attending educational seminars designed to improve officials' skill and information levels;

3. Participating in special events held by local, regional, state and national organizations whose activities affect the Town's interests. These organizations include, but are not limited to, professional organizations for government (e.g., League of California Cities; National League of Cities; U.S. Conference of Mayors); service clubs/non-profits (e.g., Kiwanis, Rotary, Friends of the Library, Los Gatos Community Foundation); Business-related (e.g., Los Gatos Chamber of Commerce; Joint Venture Silicon Valley); and other events of other organizations which provide service to Town residents, the region or otherwise further the stated goals of the Town Council;

4. Attending Town, county, regional and interagency events;

5. Implementing a Town-approved strategy for attracting or retaining businesses to the Town through activities that will typically involve at least one staff member.

C. APPLICATION

This policy applies to the members of the Town Council and members of all the Town's boards and commissions.

D. AUTHORIZED EXPENSES

1. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

(a) Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities, the California State Association of Counties and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. <u>The charge for the first piece of personal baggage may be reimbursed under this policy.</u>

(b) Automobile. Town Council receives a nominal auto allowance of $50 per month, which generally covers local mileage costs. Council members may receive reimbursement for authorized travel in a personal vehicle beyond a one-way fifty (50) mile radius of Los Gatos, or beginning destination, whichever is closer to the ending destination. Reimbursement is for miles in excess of the fifty-mile radius, and therefore does not include the first fifty miles each way. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (*see* www.irs.gov). For 2010, the rate is 49.5 cents per mile. 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. <u>Reimbursement for mileage will be limited to the lesser of the value of mileage costs or the least expensive cost of air transportation available at least 30 days prior to travel.</u>

(c) Car Rental. Rental rates that are equal or less than those available through the

State of California's website (http://www.catravelsmart.com/default.htm) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

(d) 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. Receipts are required.

2. Lodging

Lodging expenses will be reimbursed or paid for when travel on official Town business reasonably requires an overnight stay.

(a) Conferences/Meetings. If such lodging is in connection 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. If the group rate is not available, see (b) Other Lodging.

(b) Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at 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.

3. Meals

The Town will pay the <u>actual</u> amount of meals and tips or per diem allowance according to IRS Publication 1542 per meal for out of town meetings, workshops, and conferences. Food/beverage purchases that are not part of a breakfast, lunch, or dinner meal (i.e. snacks, coffee) are not authorized for reimbursement and will be at the cost of the official.

Travelers are expected to consume any meals provided at the conference or meetings. The per diem allowance will typically be reduced accordingly for any meals provided and included in the registration fees.

The Town will not pay for alcohol/personal bar expenses. For group meal events organized by others such as conferences and other types of activities that fall within the list of "authorized expenditures" above, the Town recognizes that the per-person cost may exceed these maximums. In this event, these costs would be reimbursed.

4. Airport Parking

If the official takes a personal car to the airport, long-term parking must be used for travel exceeding 24 hours.

5. Other

- Baggage handling fees of up to $1 per bag and gratuities of up to 15 percent will be reimbursed.
- The expense of daily Internet access will be reimbursed.
- Any questions regarding the propriety of a particular expense should be resolved by the approving authority before the expense is incurred.

6. Credit Card Use Policy

Town does not issue credit cards to individual office holders but does have an agency credit card for selected Town expenses. Town office holders may use the Town's credit card for such purposes as airline tickets and hotel reservations. Receipts documenting expenses incurred on the Town credit card and compliance with this policy must be submitted within five business days of use, unless otherwise included in the expense report discussed below. Town credit cards may not be used for personal expenses, even if the official subsequently reimburses the Town.

7. Expense Report Content and Submission Deadline

All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the Town. This form shall include the following advisory:

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

Expense reports must document that the expense in question met the requirements of this policy. Officials must submit their expense reports within thirty (30) days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

E. LIMITATIONS ON REIMBURSEMENTS

1. All other expenditures not expressly authorized by this policy require prior approval by the Town Council. All reimbursements shall be consistent with those allowed under state and federal law which shall prevail over interpretation of this policy, express or implied.

2. The following expenses also require prior governing body approval:
(i) International travel;

(ii) Expenses which exceed the annual limits which may be established from time to time for individual categories of reimbursement through the Town's annual budget process.

3. Reimbursement is expressly conditioned upon sufficient funds being budgeted as part of the annual Town budget.

4. Excluded from Reimbursement. Examples of personal expenses that the Town will not reimburse include, but are not limited to:

(i) The personal portion of any trip;
(ii) The charitable contribution portion of the price of admission to an event;
(iii) Political events and/or fundraisers;
(iv) Events benefitting religious organizations;
(v) Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
(vi) 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;
(vii) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
(viii) Personal losses incurred while on Town business.
(ix) Monthly service club luncheons or meetings.
(x) Expenses for which Town officials receive reimbursement from another agency are not reimbursable.

5. The Town may promulgate administrative directives providing further interpretations or guidelines consistent with this policy.

F. AUDITS OF EXPENSE REPORTS

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

G. REPORTS TO GOVERNING BOARDS

At the next public governing body meeting following the travel and/or expenditure, each official shall briefly report on meetings, conferences or seminars, attended at Town expense. If multiple officials attended, a joint report may be made. The report may be made orally or in writing.

H. COMPLIANCE WITH LAWS

Town officials should keep in mind that some expenditure may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

I. VIOLATIONS OF THIS POLICY

Under state law, use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the Town, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to $1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

APPROVED AS TO FORM: Judith J. Propp

Judith Propp, Town Attorney

COUNCIL POLICY MANUAL *Small Town Service* *Community Stewardship* *Future Focus*	
TITLE: Elected Official Travel and Expense Policy	**POLICY NUMBER**:
EFFECTIVE DATE:	**PAGES: 1 of 12**
ENABLING ACTIONS:	**REVISED DATES:**
APPROVED:	

PURPOSE

The purpose of this Policy is to provide guidelines for the authorization and administration of use of public funds for travel expenses and reimbursements for official Town business as they apply to elected Town officials, including the Mayor, Vice Mayor, and Council Members.

This Policy satisfies the requirements of Government Code Sections 53232.2 and 53232.3 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.

In addition to the distinct elements of this Policy, it is understood that all purchases made with a Town procurement card are subject to the Town Procurement Card Procedure.

GUIDING PRINCIPLES

Travel by elected officials must only be used for authorized Town business. Travel will be authorized only when the cost and purpose result in a benefit to the Town. Elected officials should ensure that all expenses incurred are reasonable and are a prudent use of public funds. Only the authorized elected Town official is eligible for reimbursement (spouses or friends are not eligible for reimbursement).

SCOPE

This policy applies to Town of Los Gatos elected officials when travelling on Town business. Travel categories include:

- Day Trip – travel in California with no overnight stay
- In-State – travel in California with overnight stay
- Out-of-State – travel outside California
- International – travel to destinations outside of the United States

Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

a. Communicating with representatives of regional, state and national governments on Town adopted policy positions;
b. Attending educational seminars designed to improve officials' skill and information levels;
c. Participating in special events held by local, regional, state and national organizations whose activities affect the Town's interests. These organizations include, but are not limited to, professional organizations for government (i.e., League of California Cities; National League of Cities, US Conference of Mayors), service clubs/non-profits (i.e., Kiwanis, Rotary, Friends of the Library, Los Gatos Community Foundation), business-related organizations (i.e., Los Gatos Chamber of Commerce, Joint Venture Silicon Valley), and other events or organizations which provide services to Town residents, the region or otherwise further the stated goals of the Town Council;
d. Attending Town, county, regional and interagency events; and/or
e. Implementing a Town-approved strategy for attracting or retaining businesses to the Town through activities that will typically involve at least one staff member.

PROCEDURES

A. Authorized Travel

Authorized travel means travel by elected Town officials, including the Mayor, Vice Mayor, and Council Members, traveling at the Town's expense for the purposes of attending conferences, seminars, educational classes, training and other business activities related to the administration of municipal government.

As a general procedure, elected officials should attempt to attend conferences or meetings within a reasonable proximity to Los Gatos. If a particular session or conference is offered throughout the year at various locations, the venue closest to Los Gatos should be selected and scheduled accordingly.

At times, elected officials may want to attend conferences or other events associated with the other agencies for which they serve as a Board member as appointed by the Town Council (e.g., Silicon Valley Clean Energy Authority). For those activities, the non-Town agency would be responsible for paying those expenses as they are related to its function. The Town will not cover such expenses for other agencies.

B. Approvals

All travel by elected Town officials in compliance with this Policy may be approved by the Mayor and Town Manager as long as funds are available in the Town Council's program budget.

Any expenditures not expressly authorized by this Policy require prior approval by Town Council. Any expenses which exceed the annual limits which may be established from time to time for individual categories of travel or reimbursement through the Town's annual budget process require prior approval by Town Council.

Proposals requiring Town Council approval will include anticipated costs and a funding source. The following guidelines should be used by the Council when reviewing travel requests:

1. Travel is consistent with current adopted budget and/or legislative priorities, or
2. Clear monetary benefit is evident, or
3. Revenue enhancement opportunity is clearly attainable, or
4. Travel is related to the elected official's roles or duties (i.e., standing committee assignment, liaison assignment, task force assignment, economic development, etc.).

For overnight and out-of-state travel, the fewest number of elected officials as necessary to represent the Town should be selected to attend conferences or events as is reasonable and cost effective. The representative(s) shall report back to the rest of the Council after the trip.

Travel by Town Board, Commission, and Committee members and temporary, probationary, part-time and full-time Town employees shall be governed by the Town Travel and Expense Procedure.

C. Procurement Card Use Policy

The Town does not issue procurement cards to individual elected officials but does have an agency procurement card for selected Town expenses. The elected official may contact the Town Manager's Office staff for access to the procurement card. Town elected officials may use the Town's procurement card for such purposes as airline tickets and hotel reservations. Itemized receipts (not credit card receipts) documenting expenses incurred on the Town procurement card and in compliance with this Policy must be submitted within five days of use to the Town Manager's Office staff member who provided access to the procurement card. The staff member will include the itemized receipts with their monthly Expense Report. Town procurement cards may not be used for elected officials' personal expenses, even if the elected official plans to reimburse the Town. All rules and regulations put forth in the Town Procurement Card Procedure apply to procurement card purchases.

D. Registration/Tuition Fees

Registration/tuition fees may be paid with a Town procurement card or a Town-issued check. When a credit card fee is charged, a Town-issued check is the preferred method of payment. Elected officials should work with the Town Manager's Office staff for payment of registration/tuition fees. To request a check, a Request for Payment/Check/Per Diem Allowance Form with all required details must be submitted to the Finance Department with the payment deadline clearly marked on the face of the form to assure timely payment.

Any discounts offered for early registration or attendance by additional persons should be obtained whenever possible.

E. Lodging

A hotel stay should be booked when the commute time to/from the conference, seminar, or training would be unreasonable. For a hotel stay at a destination less than 75 miles away from the elected official's home or work location (whichever is closer to the travel destination), the approval of the Mayor and Town Manager is required. Hotel stays over 75 miles from the elected official's home or work location (whichever is closer to the travel destination) do not require separate approval as long as funds are available in the Town Council's budget.

Whenever possible, standard non-deluxe rooms at conference rates should be reserved. If the elected official wishes to reserve other accommodations, only the standard non-deluxe conference room rate is to be charged to the Town. When choosing lodging, Town elected officials should consider the convenience of the location, along with other best rates available. Any hotel upgrades will be at the elected official's expense.

If applicable, lodging costs should not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the elected official at the time of booking. If the group rate is not available, the elected official shall use comparable lodging.

F. Food and Beverage

Food and Beverage for One-Day Trips

Meal expenses for trips that are a single day will not be reimbursed unless the elected official is assigned to conduct work during the meal (Per Diem Allowance is not applicable).

Food and Beverage for Overnight Trips

Per Diem Allowance can be located per the table below:

For Travel to:	Lodging and Meal Rates Established by:	Rate Tables Can be Found:
The continental US	US General Services Administration (GSA)	http://www.gsa.gov/ ▪ Includes 48 Continental States and District of Columbia high cost locations ▪ To look up per diem rates, go to https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup, search for the location of travel, and check the numbers in the "M&IE Total" and "First and Last Day of Travel" columns. ▪ If neither the city nor county is listed, use standard CONUS rates.
The non-contiguous US or US territories	US Department of Defense (DOD)	http://www.defensetravel.dod.mil/site/perdiemCalc.cfm ▪ Includes Alaska, Hawaii and other US territories ▪ Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal amount. ▪ Town will only pay actual incidental expenses to the GSA limit
Foreign destinations	US Department of State	http://aoprals.state.gov/ ▪ Listed in US Dollars ▪ Meal breakdown is 25% for breakfast, 30% for lunch and 45% for dinner of total daily meal rate ▪ Town will only pay actual incidental expenses up to GSA limit

1. Food and beverages for overnight trips will be paid to the elected official via a Per Diem Allowance based on the amounts obtained using the websites found in the table above. The Meals and incidentals (M&IE) breakdown is the full amount received for a single calendar day of travel when that day is neither the first nor last day of travel. The amount received on the first and last day of travel equals 75% of the total M&IE.

2. Elected officials should work with the Town Manager's Office staff to obtain a Per Diem Allowance from the Finance Department. The Per Diem Allowance must be obtained either within 30 days before the trip using a Payment/Check/Per Diem Allowance Request Form or within 30 days after the trip using a Claim for Reimbursement Form. Per Diem Allowance requests must include the travel dates, a training/event flyer, and Council approval to travel, if applicable.

3. Food and beverage purchases while on an overnight trip may not be made with a Town procurement card and are not reimbursable. A Per Diem Allowance for meals must be obtained for food and beverage purchases within either 30 days before or after the trip.

4. If a meal is provided as part of the business event, the Per Diem Allowance will be reduced accordingly, using the numbers obtained from the websites in the table above. For example, if breakfast or lunch is included in the registration fee for a conference, the Per Diem Allowance for that day will not include the allowance for that meal or meals. Continental breakfasts provided as part of lodging will not be counted as a pre-paid meal and elected officials may be reimbursed for regular breakfasts. If the elected official has special dietary needs, efforts should be made to see if the event provider can accommodate them. If the conference is unable to accommodate the elected official's dietary needs, an additional meal purchase for a meal to replace the one provided by the conference may be provided if there are sufficient budgetary funds available.

5. Dining tips are included in the Per Diem Allowance.

6. The Per Diem Allowance includes "incidental" purchase, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

G. Personal Charges

Personal charges (i.e., movie charges, spousal/guest expenses, golf or fitness charges etc.) are the responsibility of the traveling elected official.

H. Use of Personal Vehicle – Mileage Reimbursement

All mileage reimbursements shall be based on the current IRS applicable rate (see www.irs.gov). When using a personal vehicle for a trip which originates from the elected official's home, the mileage reported for the reimbursement should be from the home or the Town Civic Center (110 E. Main Street, Los Gatos CA 95030), whichever is less. Elected officials should work with the Town Manager's Office staff to submit a Mileage Reimbursement Form to the Finance Department.

Mileage reimbursements should be submitted within 30 days of return from the trip. A training/event flyer and schedule should be attached as well as driving directions from Google Maps, Mapquest or other website showing the distance travelled.

I. Transportation

The most economical method and type of transportation reasonably consistent with the scheduling need must be used, using a direct and time-efficient route. The cost of a rental vehicle, parking and fuel shall be compared to the combined cost and time of other such forms of transportation and the most cost-efficient method shall be used. Only the amount for the most cost-efficient, reasonable method of transportation is reimbursable, even if that method is not used (i.e., elected official will pay the difference if they choose to take a more expensive method of travel).

In the event of an automobile accident while traveling on Town business, a Vehicle Accident Reporting Form must be filled out and submitted to the Town Manager within 24 hours of the vehicle accident, if possible.

Airfare

1. Airline transportation costs to and from the authorized destination will not exceed advance-purchase economy-class airfare unless such fare is not available.
2. Transportation to and from airports will be reimbursed for either actual mileage if personal vehicle is used, or for reasonable taxi fare, rideshare, airport van, or other public transportation. Reimbursable mileage includes travel to the airport from the home or Town Civic Center, whichever is closer.
3. The charge for the first piece of personal baggage for the elected official may be reimbursed.
4. If a personal vehicle is parked at the airport for more than one day, the cost of parking will be reimbursed at the long-term parking rate. Parking will not be reimbursed for more than one day at the short-term rate.
5. Any additional airline fees will not be reimbursed (i.e. for early check-in or seating upgrades).

Vehicle Rentals

1. Rental vehicles are only allowed when needed for business purposes and when there are budget funds available. When renting a vehicle, elected officials should use standard or economy models. Larger vehicles are allowed if there is no additional cost to the Town, or if special circumstances exist such as medical needs, disabilities, weather conditions, multiple elected officials who will occupy the vehicle, etc.

2. When a rental vehicle is needed for travel, it can either be booked using the elected official's personal credit card and later submitted for reimbursement with itemized receipts, or it can be booked using the "Rental Car Purchasing Card" from the Finance Department. The elected official should work with the Town Manager's Office staff for this process. If using the Rental Car Purchasing Card, the vehicle shall be rented from one of the companies the Town has a business rewards account with: Budget or Avis. The most cost-efficient option for the trip should be selected. The discount number and billing PIN to be used for the appropriate rental company can be obtained from the Finance Department and the Town Manager's Office staff can assist the elected official with this information.
3. It is the rental vehicle driver's responsibility to ensure that vehicle rental costs are kept to a minimum. This includes returning the vehicle to the same location, retuning the vehicle with a full tank of gas, declining GPS and pre-paid gas options, etc.
4. For rental vehicles booked using an elected official's personal credit card, elected officials should purchase the Collision/Loss Damage Waiver insurance when travelling domestically. Elected officials shall waive any other additional vehicle insurance options provided that the elected official has their own vehicle insurance coverage. Elected officials should contact their auto insurance company beforehand to confirm coverage. Any questions about coverages should be addressed ahead of time with Town staff. When travelling internationally, additional insurance should be accepted if the elected official lacks other similar coverage.
5. For rental vehicles booked using the Rental Car Purchasing Card, elected officials should decline the rental company's Collision/Loss Damage Waiver insurance as they are covered by the Auto Rental Collision Damage Waiver Program through the Purchasing Card.
6. Rental vehicles should not be taken across the US Border unless prior approval is received from the Town Council. The Town is not responsible for any border fees if no prior approval was given and the elected official must reimburse the Town for these fees if applicable.
7. The Town is not responsible for the fees associated with paid "express" lanes, where drivers must pay a toll in order to use a separate, less congested lane. The elected official must reimburse the Town for this expense if applicable.
8. The Town will reimburse all bridge and road tolls, except for redundant toll roads that parallel state or federal highways (e.g. Highway 73 in Orange County, California).
9. The elected official is liable for any "damages" to the rental car during the course of rental. The Town Rental Car Purchasing Card on file will only be used for the cost of the rental vehicle booked up front. If the elected official damages the vehicle, upon return of the vehicle, they will need to provide an alternate form of payment for any of these "incidental" expenses.

10. In case of any event, incident or accident related to the rental vehicle, the elected official must notify the Town Manager as soon as possible. A Vehicle Accident Reporting Form must be filled out and submitted within 24 hours of a vehicle accident, if possible.
11. Elected officials may only use the Town's business rewards program discount number for authorized Town travel. The Town's business rewards program discount number may not be used for leisure travel.

Ground Transportation

1. Ground transportation (i.e., taxis, rideshares, bikeshares, scootershares, buses, and/or shuttles) will be reimbursed when incurred in overnight or away from home travel.
2. Taxi or rideshare (i.e., Uber/Lyft) or bikeshare/scootershare costs may be reimbursed for one-day or multiple-day travel, keeping in mind that the most cost-effective mode of transportation should be taken.

Public Transportation

1. Bus, train or other methods of public travel are authorized when such modes are more appropriate and economical.

J. Miscellaneous Expenses

Examples of miscellaneous expenses include, but are not limited to: taxi, rideshare, shuttle fares, tips, internet charges, and parking.

1. Taxi/rideshare/bikeshare/scootershare, bridge tolls, and ferry fares associated with official business will be reimbursed when supported by itemized receipts.
2. Actual costs for parking will be reimbursed when supported by itemized receipts. In a situation where no receipt is given (i.e., parking meters), a Missing Receipt Form must be submitted.
3. Hotel internet or Wi-Fi charges for work purposes will be reimbursed when supported by itemized receipts.
4. Town business meal purchases, where Town business is discussed and a mealtime meeting is unavoidable due to scheduling restrictions, are reimbursable expenses. The statement reconciliation should list each person in attendance as well as a description of the Town business discussed. If the elected official dines with another person and is unable to split the check, the receipt should be clearly marked as to the items purchased for the elected official. Alcohol is not reimbursable. Business meal purchases do not apply to overnight travel meals where a Per Diem Allowance is applicable.
5. A Per Diem Allowance includes "incidental" purchases, described by the GSA as fees and tips given to porters, baggage carriers, hotel staff, and staff on ships.

K. Town Checks

Town checks for registration will be made payable only to the organization officially conducting the meeting. If the elected official is in need of a check for registration, one will be issued upon notification to the Finance Department. The Town Manager's Office staff can assist the elected official with this process. The notification to the Finance Department should include a Request for Payment/Check/Per Diem Allowance Form, the training/conference flyer, registration deadline, and Council approval if applicable.

The Town will issue approved reimbursement checks directly to the elected official.

L. Mileage Reimbursement and Claim for Reimbursement

1. Required Documentation

A Mileage Reimbursement Form and Claim for Reimbursement Form must be completed to document travel/mileage/activity/purchases or process requests for travel reimbursement. These forms must include the following documentation:

a. Documentation that describes the nature of travel (i.e., a copy of the conference flyer and schedule).
b. Copies of receipt(s) that itemize purchases, including date of purchase and location.
c. Authorization to travel, if applicable.
d. Mileage Reimbursements should include driving directions from Google Maps, Mapquest or other website showing the distance travelled.
e. If the elected official does not have an itemized receipt, a Missing Receipt Form must be filled out. Missing Receipt Form Purchases will be evaluated on a case-by-case basis and may not be reimbursed. If more than three Missing Receipt Forms are submitted for purchases made with a Town procurement card within a twelve-month period, the elected official's privilege to use the Town procurement card may be reviewed and/or revoked.
f. No individual food or beverage purchases will be reimbursed for an overnight trip. The elected official must request a Per Diem Allowance for the trip.

2. Deadline to Submit Mileage Reimbursement/Claim for Reimbursement Form

The Mileage Reimbursement Form and Claim for Reimbursement Form should be submitted within 30 days of travel meeting/date. Claims for reimbursements that are not turned in within the requested timeframe may not be honored, resulting in a cost to the elected official.

3. Signatures on Reimbursements

Travel expenses such as Mileage Reimbursements and Claims for Reimbursements submitted by Council Members must be signed by the Mayor and the Town Manager. Reimbursements for the Mayor must be signed by the Town Manager and Finance Director.

M. Limitations on Reimbursements

All reimbursements shall be consistent with those allowed under state and federal law which shall prevail over interpretation of this Policy, express or implied.

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

Reimbursement is expressly conditioned upon sufficient funds being budgeted as part of the annual Town budget.

N. Non-Reimbursable Expense

The following personal expenses are not allowable for reimbursement:

a. Traffic, toll, and parking violations
b. Fees to drive in a paid "express" lane or parallel paid freeway (e.g., Highway 73 in Orange County, California)
c. Mileage for regular commute (such as to the Town Civic Center for Town Council meetings)
d. Emergency repairs on personal vehicles
e. Alcohol/tobacco
f. Individual food and beverage purchases while on overnight travel (Per Diem Allowance must be requested)
g. Medicinal remedies, health supplies, cosmetics, toiletries
h. Personal entertainment such as in-room movies, fees for exercise room, sports event, personal reading materials, personal grooming, optional tours, souvenirs
i. Childcare fees
j. Kennel/boarding fees (except for Town-owned animals)
k. Expenses related to an elected official's family member or friend
l. Political or charitable contributions or events

m. Short term airport parking exceeding one day
n. Any additional airline fees (i.e., for early check-in or seating upgrades)
o. Other incidental expenses that are determined to be of a personal nature, extravagant, or might be considered unreasonable or unnecessary

O. Audits of Expense Reports

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

P. Reports to Governing Boards

At the next public governing body meeting following the travel and/or expenditure, each elected official shall briefly report on meetings, conferences, or seminars attended at the Town's expense. If multiple elected officials attended, a joint report may be made. The report may be made orally or in writing.

Q. Compliance with Laws

Elected Town officials should keep in mind that some expenditure may be subject to reporting under the Political Reform Act and other laws. All Town expenditures are public records subject to disclosure under the Public Records Act and other laws.

R. Violations of this Policy

Under state law, misuse of public resources or falsifying documents in violation of this Policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) a demand for restitution to the Town, (3) the Town reporting the expenses as income to the elected official to state and federal tax authorities, (4) civil penalties of up to $1,000 per day and three times the value of the resources used, and (5) prosecution for misuse of public resources.

APPROVED AS TO FORM:

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Robert Schultz, Town Attorney