

ORDINANCE NO. 18-1623

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA; AMENDING CHAPTER 2 ADMINISTRATION, SECTION 2-6 AND 2-7 OF THE CODE OF ORDINANCES RELATED TO THE TRAVEL AND PER DIEM POLICY FOR ELECTED OFFICIALS AND EMPLOYEES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CODIFICATION AND SCRIVENERS ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Haines City adopted Ordinance No. 742 on July 6, 1989 which codified representatives of City Officials and expense reimbursement; and

WHEREAS, the City Commission of the City of Haines City adopted Ordinance No. 977 on August 17, 2000 which codified a Travel and Per Diem Policy for reimbursement of travel expenses for elected officials, employees and board members of the City of Haines City; and

WHEREAS, the City of Haines City adopted Ordinance No. 11-1404 on August 18, 2011 and Ordinance No. 17-1566 on June 15, 2017 which amended the Travel and Per Diem Policy; and

WHEREAS, in accordance with Section 166.021 of the Florida Statutes the City Commission of the City of Haines City desires to further amend said Travel and Per Diem policy and shall supersede any conflicting provisions within Section 112.061, Florida Statutes (2015); and

WHEREAS, Section 112.061, Florida Statutes, established uniform maximum rates and limitations applicable to all public officials, employees and authorized persons whose travel expenses are paid by a public agency; and

WHEREAS, it is the intent of the City Commission of the City of Haines City for the Per Diem policy to be applicable only to elected officials and city employees.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA, AS FOLLOWS:

Section 1. Incorporation of Recitals.

Sec. 2-6. Spouses of city officials as representatives of city, when; expense allowance.

(a) The spouse of elected officials and Charter officers shall be and they are hereby designated as representatives of the City of Haines City, Florida, when attending meetings, seminars or other official functions with such official.

“Section 2-7. Travel Expense for Elected Officials and Employees.

1. Applicability of Travel Policy

This policy is applicable to all city employees and elected officials for travel reimbursements on city business. Reimbursements or advance payments are subject to budget limitations, approval, and authenticated expenses.

For purposes of this policy, the following definitions shall apply:

- (a) an “elected official” shall be one of the five (5) citizens who constitute the city commission as set forth in Section 3.01 of the City Charter.
- (b) the “Charter officers” shall include the City Manager, City Clerk, and City Attorney as set forth in Article VIII of the City Charter.
- (c) the “Executive Management Team” shall be comprised of the City Manager and the department directors.

2. Authorization Required.

Members of the Executive Management Team may authorize travel leave and expenses for city business outside the city for the employees they lead. All Executive Management Team travel requests must be approved by the City Manager or his/her designee prior to its occurrence.

(a) Definitions

- (1) Local Travel: Travel that is within Polk County, Florida and which occurs during a single work day.
- (2) Remote Travel: Travel which is outside Polk County, Florida.
- (3) Emergency Travel: Travel which results from an emergency declared by the Department Director, the City Manager, or the City Commission.
- (4) Travel Status: The status of one who is authorized by the City to attend a meeting, conference, seminar, and convention or conducting business for the benefit of the City and at the City’s expense. Departure and arrival can be from or to whatever location is convenient to the City as long as the location does not present an unfair burden to the employee.

- a. Airline: Travel status begins three (3) hours before an airline's departure and ends two (2) hours after an airline's return arrival at a local airport.
 - b. Automotive: Travel status begins three (3) hours before an airline's departure and ends upon an employee's return from the location.
- (b) Limitations and Restrictions: Payments made under this policy are subject to the following:
 - (1) Airfare: Excludes the cost of first-class airfare. Reservations should be made as far in advance as possible to allow for the lowest possible fare. Quotes for fares must be obtained from at least two airlines or from at least two internet travel agent sites like Orbitz, Travelocity, Kayak, or equivalent site.
 - a. Even when there are cancellations penalties, the use of the lowest air fares is recommended and when the traveler is reasonably sure of being able to make the trip and scheduling allows such a reservation.
 - b. If a reservation is made which has a cancellation penalty and the traveler cannot make the trip due to serious personal or work related problems, the traveler must document these problems in writing. Under these circumstances the City will assume the penalty.
 - (2) Rental Cars: Automobiles may be rented for travel subject to the following:
 - a. The location of the meeting, seminar, conference, or convention is different than that of the lodging accommodations, the rental of the automobile is less expensive than other forms of transportation to and from the lodging or meeting, or the City Manager deems it necessary.
 - b. Reimbursement for car rental will only be granted for the rental of an automobile at the intermediate level (automobile type) or below unless five or more travelers will be using the rental vehicle at one time.
 - c. Rental car insurance is a reimbursable expense.
 - (3) Reimbursement for use of Personal Vehicle: Whenever possible a City vehicle should be used for Travel. When the logistics are such that the cost and time require the employee to use a personal vehicle on City

business, the City shall reimburse for mileage costs at the current I.R.S. rate. Payments to employees who use their personal vehicle for Local Travel will be made in accordance with the Federal Internal Revenue Service Guidelines and will be subject to the insurance requirements of subsection (p) of this section.

- a. No more than one (1) payment per private vehicle is authorized, regardless of the number of passengers.
- b. Reimbursement may not exceed the most cost efficient round trip airfare to the destination, including car rental if applicable.
- c. Additional reimbursement for expenditures other than tolls and parking, related to the operation, maintenance and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business.
- d. Direct mileage from the City and to and from the destination will be the mileage as shown on the official Florida road map or computer program as designated by the City Manager or her/his designee unless departure is from the employee's home and is a shorter distance. Reasonable local mileage will be allowed for the use of personal vehicles.
- e. Employees who are paid an automobile allowance will not be allowed reimbursement for mileage under this policy, except when the destination is outside Polk County or unless authorized by the City Manager or his/her designee.

(4) Use of City Vehicles.

- a. With proper receipts, a reimbursement for gasoline will be made for use of City vehicles. Employees who are provided an automobile allowance may not use a City vehicle for travel purposes except in an emergency and when approved by the City Manager or his/her designee.
- b. City owned vehicles shall not be used for trips out of state unless prior approval is granted from the City Manager or her/his designee, for such use.
- c. If a City vehicle is used, the car or truck number must be shown on the expense report.

(5) Taxis, parking and tolls: Payments will be allowed for taxis, parking and tolls provided that the costs are documented and reasonable.

- (6) Conference and Seminar Registration Fees: Payments shall be made directly to the vendor. Employees are encouraged to take advantage of the lower advanced registration fees whenever possible.
- (c) Lodging shall be regulated pursuant to Chapter 112.061, Florida Statutes, providing however, the City shall not pay for overnight accommodations unless prior written approval is given by the City Manager or her/his designee.
- (d) Meals Reimbursement:

A per diem will be given to each individual upon approved travel. Per Diem for meals shall be granted at the current rates as set by the City Commission of \$55 per day.

(1) Partial Day

Breakfast	- \$10.00
Lunch	- \$15.00
Dinner	- \$30.00

- (2) This reimbursement will be reduced proportionately for partial days as indicated above. The per diem is inclusive of all meals, beverages (excluding alcoholic beverages), local taxes and tips (not to exceed twenty percent (20%). Meals offered at additional cost as a part of a seminar or conference to all attendees at seminars and conferences, particularly when a speaker or program business is presented, are fully reimbursable for travelers.
 - a. In order to claim breakfast, travel must begin before 6:00 a.m.
 - b. In order to claim lunch, travel must begin before 12:00 noon and extend beyond 2:00 p.m.
 - c. In order to claim dinner, travel must begin before 6:00 p.m. and extend beyond 8:00 p.m.
- (3) Receipts shall not be required for all meals.
- (4) For monthly Ridge League of Cities meetings, Chamber of Commerce events and other similar civic events deemed to be in the performance of the duties of the elected officials and Charter officers, reimbursement for that specific meeting may be made up to the amount of the meal for the elected official and Charter officer, and ticket allotment availability for their spouse as provided for in Section 2-6 of the City Code.

- (e) Miscellaneous Expenses: The City will pay a daily allowance of actual costs up to 10.00 per day, for the total days or partial days spent in travel status. This standard daily allowance will cover non-meal tips, personal phone calls and other incidental expenses. Written document is required but receipts are not required.
- (f) Telephone calls: Business telephone calls and FAX charges will be reimbursed with receipts and proper documentation. Such documentation must be submitted with the Expense Report within the time limits specified. If the hotel adds a service charge for each telephone call, even when those calls are made on a credit card or “800” or “888” number, the City will reimburse the traveler for the service charge(s) related to business calls only. If an employee should need internet access for business use, a laptop and air card shall be issued during travel.
- (g) Grants: When traveling expenses are incurred which are eligible for reimbursement under federal and state grant agreements, these regulations will apply except when federal and state grant guidelines are more restrictive. If an elected or appointed official anticipates travel expenses in excess of what can be reimbursed to the City by federal or state agency, the Finance Director/Treasurer shall be notified prior to the trip if additional reimbursement will be requested.
- (h) Travel Advancements: Costs of lodging, registration, and airfare should be prepaid directly to the vendor by the City whenever possible and upon return the traveler must provide receipts. Travelers should provide a copy of the City’s tax exempt certificate when lodging within the State of Florida. An advance check may be made payable to travelers for the estimated meal allowance and estimated travel expenses upon the approval of the City Manager or her/his designee on the “Travel Expense Report”. After the trip, any amount due the City or the traveler which is equal to or less than \$1.00 will not be processed.
- (i) Other Requirements: Prior authorization does not entitle the traveler to spend up to the authorized amount. Such authorization only identifies the limitation should such expenses become necessary. No traveler shall be allowed either mileage or transportation expense when she/he is gratuitously transported by another person, or when she/he is transported by another traveler who is reimbursed for mileage or transportation expenses.
- (j) Approval for “Travel Expenses Report” Form: The traveler should submit the “Travel Expense Report” in the format established by the Finance Director/Treasurer at least ten (10) working days before the first check is needed. Only one traveler’s name can appear on the “Travel Expense Report” even if more than one person is attending the same function. Each individual who travels must submit her/his own “Travel Expense Report”. All travel and transportation costs of attending meetings, seminars, conferences, and conventions, as well as the cost of registration, must be documented on the “Travel Expense Report”. A copy of available brochures and literature showing lodging and registration rates,

and prepaid meals, if any, must be attached to the form. Airfare must have two quotes attached.

- (1) Time Limitations: Extended travel may be requested by the traveler or may be dictated by significantly lower air fares.
- (2) If requested by the traveler, extended travel may be allowed at the beginning or the end of the trip in order to provide savings.
- (3) In the event the employee desires to extend the period for personal reasons, the extra time shall be charged to vacation or leave without pay. This shall be subject to approval by the Department Head.

(k) Reporting and documentation:

- (1) Reporting: Following the trip, the "Travel Expense Report" with actual expenses must be submitted for approval to the Department Head within five (5) working days after the employee returns to work. The Finance Department must receive the "Travel Expense Report" with actual expenses and all receipts attached, within ten (10) working days after the employee returns to work.
 - (2) Documentation: Original receipts for the hotel bill, car rental, and the used airline ticket stub must accompany the "Travel Expense Report" form and/or requisition and all other receipts submitted to the Finance Department. Gratuities are included in the upper limit in the meal allowance.
 - (3) Receipts shall be submitted in a neat and orderly fashion in order to facilitate the audit process
- (l) Implementation: The City Manager is authorized to implement procedural regulations for business travel covered in this Ordinance.
- (m) Exceptions: If warranted by unusual circumstances or conditions, exceptions to the foregoing standards and rules may be allowed but only upon the approval of the City Manager or his/her designee.
- (n) Family: The spouse, children, or other close family members of the elected officials, Charter officers or employees are permitted to travel with the elected official, Charter officer or employee upon City Manager or his/her designee approval. No reimbursement for expenses of spouses, children or other close family members are permitted unless specifically provided elsewhere in this ordinance.

- (o) **Conduct of Travelers:** The conduct of elected officials, Charter officers, and employees attending conferences, training programs, or conducting official business out of town is a reflection of the standards of City government at Haines City. The fact that the City is bearing the major portion of the expense is recognition of the principle that the benefits accrue to the City as well as the individual. Travelers will therefore obtain a maximum amount of beneficial training and information of value for the purpose of improving local administration and services. Payment will be not be made if an elected official, Charter officer or employee is guilty of misconduct while traveling.
- (p) **Authorization to use private vehicles for travel:** Requests for use of privately owned vehicles outside Polk County on City business will be denied if the driver of the vehicle and the vehicle itself are not insured for the following basic limits:
 - (1) At least a combined limit of \$50,000 per occurrence for bodily injury and property damage liability, and
 - (2) Personal Injury Protection (PIP) as required by State Law.
 - (3) Elected officials, Charter officers and employees applying for mileage reimbursement shall certify that they have motor vehicle insurance as required by this ordinance.
- (q) **Use of personal credit cards:** Elected officials, Charter officers and employees are permitted to use personal credit cards for travel expenses. However, no reimbursement for charges will be made until after the trip is finalized. The City will not reimburse the elected official, Charter officers or employee for annual credit card dues or fees and will not reimburse for interest expense incurred.

Section 3. Providing for Codification and Scriveners Errors. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Haines City; and that sections of this Code may be re-numbered or re-lettered or reclassified as a section, article, or chapter. The correction of typographical and/or scrivener's errors which do not affect the legislative intent may be authorized by the City Manager or his/her designee, without the need of a public hearing, by filing corrected or re-codified copy of the same with the City Clerk.

Section 4. Severability. The provisions of this Ordinance are severable; and, if any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance; it being expressly declared to be the City Commission's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

Section 5. Repeal of Ordinance in Conflict. All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect immediately upon approval by the City of Haines City, City Commission.

INTRODUCED AND CONTINUED on first reading by the City Commission of the City of Haines City, Florida, at regular session this 1st day of November, 2018.

INTRODUCED AND PASSED on first reading by the City Commission of the City of Haines City, Florida, at regular session this 3rd day of January 2019.

ATTEST:

APPROVED:

Linda Bourgeois, BAS, M.M.C. City Clerk

Morris L. West, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

ADOPTED AND ENACTED on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 17th day of January 2019.

ATTEST:

APPROVED:

Linda Bourgeois, BAS, M.M.C. City Clerk

Morris L. West, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney