

RESOLUTION NO. ~~2009-0224-03~~

A RESOLUTION OF BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT, -ESTABLISHING A POLICY REGARDING EXPENSE REIMBURSEMENT AND USE OF PUBLIC RESOURCES AND RESCINDING AND REPLACING ~~AMENDING RESOLUTION NO. 2009-02, ESTABLISHING A POLICY REGARDING EXPENSE REIMBURSEMENT AND USE OF PUBLIC RESOURCES AND RESCINDING RESOLUTION NO.2006-17~~

WHEREAS, on January 21, 2003, the Board of Directors of Mission Springs Water District ("Board of Directors") adopted Resolution No. 2003-02 and

WHEREAS, on June 19, 2006, Resolution 2003-03 was rescinded and replaced by Resolution No. 2006-17, and

WHEREAS, on January 20, 2009, Resolution 2006-17 was rescinded and replaced by Resolution No. 2009-02, and

WHEREAS, this Resolution shall rescind and replace Resolution No. 2009-02, and

WHEREAS, to the extent the provisions of this Resolution conflict with any other minute order, policy, or resolution, of Mission Springs Water District, the provisions of this Resolutions shall control, and

THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION 1: FINDINGS

- A. The Board of Directors of the Mission Springs Water District (the "District") takes stewardship over the use of limited resources seriously;
- B. Public resources should only be used for travel and reimbursing the expenses of public officials when there is a substantial benefit to the District;
- C. The benefits to the District of reimbursing actual and necessary expenses include:
 - 1. The opportunity to discuss the community's concerns with state and federal officials;
 - 2. Participating in regional, state and national organizations whose activities benefit and affect the District;
 - 3. Attending educational seminars designed to improve officials' skill and information levels through continuing education and information sharing with other public officials; and

4. Promoting public service and morale by recognizing such service.

- D. Legislative and other regional, state and federal agency business is frequently conducted over meals; sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the District's policy concerns; and each meal expenditure must comply with the limits and reporting requirements of local, state and federal law;
- E. This policy provides guidance to elected and appointed officials (collectively referred to herein as "public officials" and defined as elected and appointed officials, and to District management staff and employees, as determined appropriate by the General Manager) on the appropriate use and expenditure of District resources, as well as the standards against which those expenditures will be measured;
- F. This policy satisfies the requirements of Government Code Sections 53232.2 and 53233.3;
- G. This policy supplements the definition of actual and necessary expenses for purposes of applicable state laws relating to permissible uses of public resources;
- H. This policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws; and
- I. This policy also applies to any charges made to a District credit card, the use of cash advances or other line of credit for the expenses of any public official of the District.

SECTION 2. STATEMENT OF POLICY

A. Authorized Expenses

District funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized business of the District. Expenses incurred by public officials in connection with the following types of activities generally constitute authorized expenses, and may be reimbursed by the District as long as other requirements of this policy are met:

1. Serving the needs of the businesses, agency and individual property owner/resident customers of the District;
2. Communicating with constituents in compliance with applicable laws;
3. Communicating with representatives of regional, state and national government on District policy positions;
4. Attending educational seminars designed to improve public officials' skill, knowledge, and information levels;

5. Participating in regional, state and national organizations whose activities benefit or affect the District's interests.
6. Recognizing service to the District (for example, thanking a long-time employee with a retirement gift or celebration or award of nominal value and cost);
7. Attending District, community, regional and other events;
8. Gathering facts and information regarding District projects, issues and priorities in other jurisdictions;
9. Implementing a District-initiated strategy for attracting or retaining customers of the District; and
10. Attending meetings such as those listed above, and those set forth on the Affiliate List approved annually by the Board of Directors, for which a meeting stipend is expressly authorized under this policy.

B. Meeting/Service Stipends

1. Consistent with Section 20201 of the Water Code and District Ordinance, Directors receive compensation \$100 per day⁴ for each day's attendance at meetings of the Board, or for each day's service rendered as a member of the Board by request of the Board, not to exceed ten (10) days service/meetings per month. Such compensation is in addition to any reimbursement for meals, lodging, air travel, mileage travel and other expenses consistent with this policy. Notwithstanding anything herein to the contrary, MSWD Board members are not requested/authorized or designated by the MSWD Board to be compensated, and shall not be compensated, for attending the meeting of another entity/organization where the other entity/organization compensates them for attending the meeting.
2. To be entitled to a daily stipend under this policy, the event in question must constitute one of the following:
 - a. A meeting of the District Board within the meaning of Government Code section 54952.2(a);
 - b. A meeting of a District committee within the meaning of Government Code section 54952(b);
 - c. An advisory body meeting within the meaning of Government Code Section 54952(b);
 - d. A conference, educational seminar or similar gathering within the meaning of Government Code section 54952.2(c)(2);
 - e. A meeting attended or service provided on a given day at the request of the District Board and for which the District Board approves payment of a daily meeting stipend, including attendance at conferences or gatherings of those organizations set forth in the Board's Affiliate List, for which the Board has made a finding that attendance at those conferences or gatherings satisfy the requirements of this policy.
 - f. Travel time may be considered as services rendered by a Director if travel occurs immediately before and after a scheduled conference, and if such travel time is deemed necessary and is pre-approved by the Board at a public meeting.
 - g. The President and Vice-President of the Board, or any Director as requested by the President, shall be compensated for duties

⁴~~The Board may, by ordinance adopted pursuant to Chapter 2 of Division 10 of the Water Code, commencing with Section 20201, increase the compensation received by Board members above this amount.~~

performed at the direction of the Board in their official capacities as District officials, and the performance of said duties shall be deemed to be pre-approved by the Board of Directors for purposes of receiving a daily stipend.

3. The number of days for which a Director receives a daily stipend shall not exceed the aggregate limits established by state law.

C. Expenses Requiring Prior Board Approval.

1. The reimbursement of an expense in excess of \$50 for any purpose other than as set forth in Section A hereinabove shall require prior approval of the Board of Directors;
2. Payments for international travel;
3. Expenses which exceed any annual limits established for each office holder.

D. Personal Expenses the District Will Not Reimburse.

1. The personal portion of any trip;
2. Political or charitable contributions;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), recreational events (including health clubs and massage services) not related to District business, cultural events not related to District business;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
6. Personal losses incurred while on District business;
7. Personal alcohol or bar expenses.

Notwithstanding anything herein to the contrary, MSWD Board members are not requested/authorized or designated to be reimbursed, and shall not be reimbursed, for expenses (e.g. mileage, air travel, meals, lodging or other expenses that would normally be considered reimbursable by MSWD) related to attending the meeting of another entity/organization that is reimbursing the MSWD Board member for the same expenses. Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is reimbursed.

E. Cost Control Guidelines

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. A reasonable attempt to pay in advance with a District check must be made. If the business will not accept a check, a reasonable attempt must be made to pay in advance with a District credit card. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the District will be limited to the costs that fall within the guidelines, unless such excess amounts have been approved in advance by the appropriate authority.

1. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs, the public official's time constraints, and cargo space requirements must be used, using the most direct and time-efficient route. In the event that a more expensive transportation form or route is used, the cost borne by the District will be limited to the cost of the most economical, direct, efficient and reasonable transportation form.

Charges for rental vehicles may be reimbursed under this provision if more than one District official is attending an out-of-town conference or meeting, and it is determined that District-owned vehicles are unavailable, and sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. District staff will prepare a cost analysis comparing the various modes of available transportation for the Board's consideration.

- 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 (www.cacities.org/travel), the California State Association of Counties (www.csac.counties.org) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. Airfares that do not exceed the median fares listed on websites like www.travelocity.com or an equivalent service, shall also be considered reasonable and hence reimbursable.
- b. **Automobile Mileage.** Automobile mileage is reimbursable at Internal Revenue Service rates in effect (see www.irs.gov) at the time of travel. 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.
- c. **Car Rental.** Rental rates that are equal to or less than those available through the State of California's website (~~dgs.ca.gov/OFAM/Travel~~www.catravelmart.com), or which represent the median rates listed on websites like www.travelocity.com or an equivalent service, shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
- d. **Taxis/Shuttles.** Taxi or shuttle fares may be reimbursed (including a 15 percent gratuity per fare), when the cost of such fares is equal to or less than the cost of car rental, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

2. Lodging

Lodging expenses will be reimbursed or paid for when travel on official District 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 next section.
- b. **Other Lodging.** Travelers must request government lodging rates, when available. A listing of hotels offering government rates in different areas is available at dgs.ca.gov/OFAM/Travel ~~www.catravelmart.com~~. Lodging rates that are equal or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on websites like www.travelocity.com, or an equivalent service shall be considered reasonable and hence reimbursable if, given the circumstances of the travel, such comparable rates can be found. In unique circumstances, the General Manager may approve the reimbursement of reasonable lodging costs that exceed the two standards above, if necessary under the particular circumstances.

Commented [JOP1]: Is this still the correct website link?

3. Meals

Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. Actual meal costs will be reimbursed up to the rates specified in the Internal Revenue Service Guidelines (see Publication 1542 at www.irs.gov or www.gsa.gov). Officials may not claim meals provided by the District, meals included in hotel expenses or conference fees, meals included in transportation costs such as airline tickets, or meals that are otherwise provided. Snacks and continental breakfasts such as rolls, juice, and coffee are not considered meals. Officials may claim only their *actual* expense and must have receipts substantiating the amount(s) claimed.

No meal (breakfast, lunch or dinner) or expense may be claimed or reimbursed more than once in any given 24-hour period.

The District will not reimburse personal alcohol or bar expenses, unless identified and approved in advance by the Board of Directors as "hosting expenses", where the official is expected to provide limited bar service to third parties, due to the nature of the event, and in accordance with community standards.

Officials shall, when available, take meals that are provided as part of a

seminar or conference registration fee.

4. Telephone/Fax/Cellular

Officials will be reimbursed for all actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business and be reimbursed for that percentage of applicable charges.

5. Internet

On out-of-town trips, public officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet access is necessary for District-related business.

6. Airport and Other Parking Charges

~~The~~ District will reimburse parking costs based on actual costs or the equivalent of long-term parking rates used for travel exceeding 24 hours.

7. Other

Baggage handling fees of up to \$1 per bag (airport or hotel), airport passenger services (wheelchair), and reasonable gratuities (meals and taxis/transportation service) of up to 15 percent will be reimbursed. Expenses for which District officials receive reimbursement from another agency are not reimbursable.

8. Credit Card Use Policy

District officials may use the District's credit card for such purposes as airline tickets, hotel accommodations and expenses directly related to authorized travel. Credit card expenses will be periodically reviewed by the Board or the General Manager. Each credit card holder will, as part of that individual's expense report, document compliance with this expense policy. Receipts documenting expenses incurred on the credit card and compliance with this policy must be submitted within fifteen (15) business days of the end of use.

District credit cards may not be used at any time for personal expenses, even if the official subsequently reimburses the District.

9. Expense Report Content and Submission Deadline

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

All expenses reported on this form must comply with the District'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 District's policies may 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. For example, if the meeting is with a legislator, the official should explain whose meals were purchased, what issues were discussed and how those relate to the District's adopted legislative positions and priorities.

Except as required sooner by this policy, officials must submit their expense reports within ~~fifteen (15)~~ calendar 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. The inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

Commented [JOP2]: Is this consistent with current practices? Should this be 30 days?

10. Verification of Expense Reports

All expenses are subject to verification that they comply with this policy. The Board of Directors, the General Manager, the Finance Director, or the Executive Committee of the Board of Directors may request additional documentation or explanation of individual expenditures for which reimbursement is requested by a public official.

11. Reports to the Public

At a subsequent Board meeting, each public official shall briefly report, orally or in writing, on meetings attended at District expense. If multiple officials attended an event, a joint report or individual report on behalf of all attendees may be made.

12. Compliance with Laws

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

13. Violation of This Policy

Use of public resources or falsification of expense reports in violation of this policy may result in any or all of the following:

- a. Loss of reimbursement privileges;
- b. A demand for restitution to the District;
- c. The District's reporting the expenses as income to the official to state and federal tax authorities;
- d. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and/or prosecution for misuse of public resources.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, portion or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions or phrases of this Resolution. The Board of Directors hereby declares that it would have passed this Resolution and each and every section, subsection, sentence, clause, portion or phrase without regard to whether any other section, subsection, sentence, clause, portion or phrase of the Resolution would be subsequently declared invalid or unconstitutional.

SECTION 4. RESCINDING RESOLUTION NO. ~~2006-1709-02.~~

Resolution No. ~~2006-179-02~~ is hereby rescinded and replaced in its entirety.

SECTION 5. EFFECTIVE DATE

This Resolution shall be effective on the day of its adoption by the Board of Directors of the Mission Springs Water District.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Board of Directors of Mission Springs Water District hereby adopts Resolution 2024-03 Rescinding and Replacing Resolution 2009-02.

ADOPTED this _____ day of January 2024, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Ivan Sewell
President of Mission Springs Water
District and its Board of Directors

ATTEST:

Brian Macy
Secretary of Mission Springs Water District
and its Board of Directors ~~APPROVED AND ADOPTED~~ January 20, 2009

AYES: Brown, Duncan, Furbee, Gibson, Wright
NOES: None
ABSENT: None

~~President of Mission Springs Water District
and its Board of Directors~~

ATTEST:

~~Secretary of Mission Springs Water District
and its Board of Directors~~