

ORDINANCE NO. 24-2063 18-XXXX1623

AN ORDINANCE OF THE CITY OF HAINES CITY, POLK COUNTY, 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 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, the City of Haines City adopted Ordinance No. 18-1623 on January 3, 2019 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.

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

Section 1. Incorporation of Recitals.

Sec. 2-7. Travel expense for elected officials and employees.

(a) 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:

- (1) 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.
- (2) The "Charter officers" shall include the City Manager, City Clerk, and City Attorney as set forth in Article VIII of the City Charter.
- (3) The "Senior Management Team" shall be comprised of the City Manager, Executive Team and the Department Directors.

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

(c) 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. Travel status begins two (2) hours before an airline's departure plus mapped drive time and ends one (1) hour after an airline's return arrival plus mapped drive time.

b. Automotive Travel. Travel status begins one (1) hour before the start of the first session plus mapped drive time and ends upon an employee's return from the location.

(5) Official Headquarters. Office or building in which your department resides. If department resides in multiple buildings, it is the one the employee reports to on a regular basis. (Ex: City Hall, Police Station, Public Works Facility, etc.)

(6) Point of Origin: Shall be the employee's official headquarters or primary residence whichever is a shorter distance to the destination.

(d) Limitations and restrictions. Payments made under this policy are subject to the following:

- (1) Airfare. Excludes the cost of first-class, business class, or economy plus airfare. Airfare upgrades are allowable at the employee's expense. 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

Commented [LS1]: Perhaps another section that says, unusual circumstances such as lost luggage or weather may be approved for additional time when approved by a department director or above.

Commented [LS2]: I think this should be, whichever one the employee departs from.

Commented [LS3]: Can you upgrade to business class? Economy Plus? Etc.?

two airlines or from at least two internet travel agent sites like Orbitz, Travelocity, Kayak, or equivalent site.

Commented [LS4]: And do you have to take the lowest fare?

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 to their supervisor and included in their p-card documentation. Under these circumstances the city will assume the penalty.

Commented [LS5]: Not specific enough... must send a memorandum to their immediate supervisor to be filed where?

(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 or designee deems it necessary.

Commented [LS6]: Deputy city manager or city manager

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.

Commented [LS7]: Do we need to add taxi/ride share?

(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 with the shortest route from the closest point of origin 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. The closest point of origin for departure will be from the employee's official headquarters or primary residence whichever is a shorter distance. Reasonable local mileage will be allowed for the use of personal vehicles.

Commented [LS8]: why which ever is shorter?

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.

f. Any violations of the Uniform Traffic Code are the traveler's responsibility.

(4) Use of city vehicles.

a. All fuel tanks should be filled before traveling utilizing City inventory resources. Other outside fuel purchases should be administered through the City Wex card program.

Commented [LS9]: Would not apply to Wex holders

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 vehicle number must be shown on the expense report.

Commented [LS10]: vehicle

d. All employee handbook policies remain applicable during all approved travel.

e. Any violations of the Uniform Traffic Code are the traveler's responsibility.

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

Commented [LS11]: ride share? (takes care of question above too)

(6) Conference and seminar registration fees. Payments shall be made directly to the vendor. Employees shall take advantage of the lower advanced registration fees whenever possible.

Commented [LS12]: 'shall'

(e) Lodging. Lodging shall be regulated pursuant to F.S. Chapter 112.061, providing however, the city shall not pay for overnight accommodations without prior written approval.

Commented [LS13]: Two words

(1) Lodging shall only be allowable for remote travel purposes and exceeds 25 miles from point of origin.

Commented [LS14]:

(2) The City may pay lodging the night prior to the event if Automotive Travel calculation requires departure from Point of Origin prior to 6:00 a.m.

(f) Meals. 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 \$55.00 per day.

(1) Partial day.

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

(2) This per diem 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.

Commented [LS15]: Not a reimbursement! No receipts are necessary

Commented [LS16]: Not necessary because no receipts are necessary.

a. In order to claim breakfast, travel must begin before 6:00 a.m. and extends past 8:00 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 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.

(g) 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 personal phone calls and other incidental expenses. Written document is required.

Commented [LS17]: Why not just add this to the per diem? \$2 for breakfast, \$3 for lunch and \$5 for dinner?

Commented [LS18]: What does this mean?

(h) Telephone calls. Employees are expected to use their cell phones as the most cost-effective option when traveling. When necessary, 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.

Commented [LS19]: This needs a cellphone clause... this is 2023!

(i) 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.

Commented [LS20]: Do you really want this? What if it is an employee?

(j) 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 Finance approval of 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.

(k) 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 the employee is gratuitously transported by another person, or when the employee is transported by another traveler who is reimbursed for mileage or transportation expenses.

Commented [LS21]: I do not think this is the proper way to cover this issue. What if the person driving asks the rider to pay for lunch?

(l) 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) 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.

(11) Reporting and documentation:

a. 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.

b. Documentation: Original receipts for items such as 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.

Commented [LS22]: Add a such as phrase because you don't want to list every type of receipt.

c. Receipts shall be submitted in a neat and orderly fashion in order to facilitate the audit process.

Commented [LS23]: Not in the way it is currently written, see above

(12) Implementation: The City Manager is authorized to implement procedural regulations for business travel covered in this Ordinance.

(13) 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.

(14) 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.

- (15) 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.
- (16) 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:
- a. At least a combined limit of \$50,000 per occurrence for bodily injury and property damage liability, and
 - b. Personal Injury Protection (PIP) as required by State Law.
 - c. Elected officials, Charter officers and employees applying for mileage reimbursement shall certify that they have motor vehicle insurance as required by this ordinance.
- (17) 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.
- (18) Sales Tax Exemptions: The City of Haines City is exempt from Florida Sales Tax. It is not exempt from out-of-state taxes. It is the responsibility of the traveler to obtain a copy of the exception certificate prior to departure. Sales tax will not be reimbursed to the traveler if taxes are incurred that could have been avoided, had proper procedures been followed. It does apply to books or publications that were available for purchase either before or after the conference, seminar or training, if they could have been purchased via company check or credit card.
- (19) Non-Reimbursable Expenses: Non-authorized, non-reimbursable expenses are those generated by activities and events which do not serve a direct purpose to the City. Such expenses include the following:
- 1. Laundry and dry-cleaning
 - 2. Entertainment and alcoholic beverages
 - 3. Room service
 - 4. Any other non-business-related expenses

(Ord. No. 977, § 1, 8-17-00; Ord. No. 11-1404, § 1, 8-18-11; Ord. No. 17-1566, § 1, 6-15-17; Ord. No. 18-1623, § 1, 1-17-19)

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

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 scriveners errors which do not affect the legislative intent may be

Commented [LS24]: What does this mean?

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 PASSED on first reading by the City Commission of the City of Haines City, Florida, at regular session this ~~1st~~ 4th day of ~~November~~ January, ~~2018~~ 2024.

ATTEST:

APPROVED:

~~Linda Bourgeois~~ Sharon Lauther, M.M.C. City Clerk _____ H. L. Morris
~~West~~ Roy Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney

PASSED AND ADOPTED on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this ~~1st~~^{8th}~~15~~th day of ~~November~~~~January~~~~February~~, ~~2018~~²⁰²⁴.

ATTEST:

APPROVED:

~~Linda Bourgeois~~~~Sharon Lauther~~, M.M.C. City Clerk
~~West~~~~Roy Tyler~~, Mayor

~~H.~~ ~~L.~~ ~~Morris~~

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APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney