

Legislation Text

File #: #20-023, Version: 1

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DATE OF MEETING: 01/21/20

SUBJECT:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING A ONE-TIME APPROPRIATION OF \$2,500 FROM THE FY 2019/20 CITY MANAGER'S CONTINGENCY ACCOUNT TO FUND ALL ACCOMMODATION AND TRAVEL REIMBURSEMENT EXPENSES PRIOR TO JUNE 30, 2020 FOR SAN PABLO PLANNING COMMISSIONER PAUL V. MORRIS' ATTENDANCE AT LEAGUE OF CALIFORNIA CITIES' POLICY COMMITTEE MEETINGS; AND ESTABLISHING A FORMAL POLICY ON FUTURE LEAGUE OF CALIFORNIA CITIES' POLICY COMMITTEE APPOINTMENTS FOR NON-CITY COUNCILMEMBER APPOINTED OFFICIALS

CITY MANAGER RECOMMENDATION

Provide policy direction by majority vote via minute action; or

Adopt proposed Resolution on the request of Planning Commissioner Morris and policy for League of California City appointments for City-appointed officials

COMPLIANCE STATEMENT

FY 2019-21 Council Priority Workplan Compliance Statement

Travel and Training Reimbursement Expenses for non-City Councilmember appointed officials on City Boards and Commissions is NOT an adopted policy items contained in the FY 2019-21 Council Adopted Workplan, effective March 1, 2019.

CEQA Compliance Statement

This is not a project as defined by CEQA

BACKGROUND

On December 16, 2019, the City Manager was notified via email by former Mayor and Councilmember, and current appointed Planning Commissioner, Paul V. Morris, of his formal appointment by League of California Cities President John Dunbar/Mayor of Yountville, CA, to the League of California Cities' Policy Committee on Government, Transparency, and Labor Relations (see Attachment).

Typically, local elected City Councilmembers may seek appointment to League of California Cities' Policy Committees on their own accord, and are subject to the appointment and selection requirements by the League of California Cities. Thus, League of California Cities' Policy Committees are not subject to the selection procedures for City Council Assignments per San Pablo Municipal Code section 2.16.070 requirements.

A requirement of the League of California Cities' Policy Committee appointee is to attend all scheduled Policy Committee Meetings which occur 3-4 times a year leading up to the League of California Annual Conference scheduled during the fall season. These meetings can occur throughout California. For Calendar Year 2020, Councilmember Xavier has been appointed to the

League of CA Cities' Policy Committee on *Transportation, Communications and Public Works* as of December 13, 2019 per League President John Dunbar. No other City elected officials have received League of CA Cities' Policy Committee assignments for Calendar Year 2020.

City Approved Annual Travel and Training Expenses

All travel and training expense reimbursements associated with attending conferences, educational or training activities including attending any League of California Cities' Policy Committee meetings are subject to the requirements of the City's adopted Travel and Training Expense Reimbursement Policy ("Policy") last amended in January 2018 (see Attachment). The Policy was drafted to apply to Council Members, Elected Officials, and other appointed officials and staff. The Policy only allows reimbursement to those officials who have received ethics training pursuant to Government Code section 53235 (AB 1234).

Additionally, budgetary resources are appropriated on an annual basis under the City Council Departmental Budget (#100-1110-44325) for City Councilmember and Elected Official use to cover these expenses for a total budget allocation of \$22,500 annually. For designated City staff, these travel and training expense reimbursements are budgeted annually under specific departmental operational budgets (#44325 expense) for FY 2019/20.

No other appointed members on City Boards and Commissions are provided annual travel and training expense reimbursement under the City's adopted Quadrennial Budget for period FY 2017-2021, with the exception of the Planning Commission. *Given the technical and legal nature of the planning and entitlement process, the City of San Pablo Planning Commission has an annual budgeted expense of \$5,000 to attend the annual League of California Cities' Planning Commissioner's Academy with attendance as non-mandatory and on a voluntary basis only.*

FY 2019/20 City Council Policy Options and Funding Considerations

First, travel and training reimbursement expenses for non-City Councilmember appointed officials on City Boards and Commissions is not an active or adopted policy item contained in the FY 2019-21 Council Adopted Workplan, effective March 1, 2019. There are no previous City Council adopted policy decisions on record that authorize the annual budgeting of travel expense reimbursements to non-City Councilmember appointed officials who have been appointed to a League of California Cities' Policy Committee.

Three League of California Cities' Policy Committee meetings are scheduled during Calendar Year (CY) 2020 with expenses to be potentially incurred during FY 2019/20, as follows: January 23, 2020 in Sacramento, CA; April 2, 2020 in Anaheim, CA; and June 4, 2020 in San Francisco, CA (see Attachment).

Based on the attached League of California Cities' Policy Committee Meeting schedule, the City Manager estimates that a total maximum one-time appropriation of \$2,500 could be potentially appropriated by City Council action to cover these unforeseen accommodation and travel reimbursement expenses for Planning Commissioner Morris to attend the three League of California Cities Policy Committees scheduled during FY 19/20. However, this is a non-budgeted, discretionary budget action that must be formally authorized by the City Council via majority vote per adopted Resolution. If any meetings were scheduled in Fiscal Year 20/21, those expenses would need to be considered with this budget for the next fiscal year.

To address this policy matter going forward, the City Manager recommends that the City Council

adopt a formal, discretionary approval process on a case-by-case basis for future League of California Cities' Policy Committee assignments for non-City Council Member appointed City Officials. It is common practice for City Councilmembers to seek League of California Cities' Policy Committee appointments, and not City officials on City Boards and Commissions. Such a policy could require a prior formal authorization from the City Council via majority vote to be approved 30 days prior to the application deadline to the League of California Cities' for Policy Committee appointment consideration. This formal policy direction would not apply to City staff who have funds budgeted for this purpose under individual City Departmental Budgets within the adopted FY 2017-21 Quadrennial Budget or future budgets going forward.

Unfortunately, adequate public funds cannot be budgeted annually for these types of accommodation and travel reimbursement expenses since they are not routine, operational annual expenses that can be adequately quantified for budget planning by City staff. Moreover, there may be funding limits or restrictions in future years on available discretionary one-time funds available under the City Manager's Contingency Fund due to other City operational necessities and priorities. Therefore, it would be fiscally prudent to review these types of requests in advance to ensure that appropriate public funds are available to cover these unforeseen fiscal contingencies.

Potential Recommendation Options for City Council consideration

The City Manager recommends the following policy options for City Council consideration and potential approval to address this matter, as follows:

Option #1: (By Minute Order)

1. Deny the request and do not provide any public funding to cover this unforeseen budget expense for FY 2019/20, with all travel and accommodation expenses to be borne as a personal expense by Planning Commissioner Morris to attend League of California Cities' Policy Committee Meetings in accordance with his recent assignment by the League of California Cities as scheduled during CY 2020, and prior to June 30, 2020; and
2. Direct the City Manager to develop a formal policy by majority vote via minute action that does not authorize non-City Councilmember appointed officials to seek League of California Cities' Policy Committee Assignments without approval of the City Council for future consideration and adoption; - **OR** -

Option #2: (By Proposed Resolution)

1. One-Time Appropriation: The City Council authorizes a one-time appropriation of \$2,500 in one-time funds from the FY 2019/20 City Manager Contingency Fund to cover all accommodation and travel expenses associated with Planning Commissioner Morris' attendance at League of California Cities' Policy Committee meetings during CY 2020, with all reimbursement expenses to be incurred prior to June 30, 2020; and
2. Travel & Training Expense Reimbursement Policy: All accommodation and travel reimbursement expenses are subject to all requirements of the City's adopted Travel and Training Expense Reimbursement Policy requirements (last amended in January 2018); and

3. Reporting Requirement: The City Council will require a verbal or written report to be submitted by Planning Commissioner Morris within 30 days following attendance at each League California Policy Committee scheduled meeting during period January 1 - June 30, 2020 for purposes of continued and ongoing policy development in conjunction with the League of California Cities deliberations, regarding any new legislation, policies and regulations pertaining to the City's Government, Transparency, and Labor Relations policies. Failure to submit such report shall preclude reimbursement of expenses for future meetings; and
4. Future League of California Cities' Policy Committee Appointments: In the future, approval by the City Council majority will be required for all non-City Councilmember appointed officials on City Boards and Commissions prior to applying to the League of California Cities for Policy Committee appointment consideration with the request submitted at least 30 days prior to the application deadline; and
5. AB 1234 Ethics Training Requirements: Any use of public funds provided to City appointed officials would be subject to completion of AB 1234 Ethics Training (Cal. Gov't Code section 53232.3)) within the past two years as required of all local City officials.

Budget, Fiscal & Legislative Standing Committee Review

On January 15, 2020, the Budget, Fiscal & Legislative Standing Committee (Pabon-Alvarado; Pineda) met to review this policy matter and acted to move this item forward to the full City Council without a specific recommendation for formal review and action at their regular meeting on January 21, 2020.

FISCAL IMPACT

If approved, the fiscal impact would be a total of \$2,500 through one-time appropriation from the FY 2019/20 City Manager's Contingency Fund to be expended prior to June 30, 2020 for Planning Commissioner Morris' accommodation and travel reimbursement expenses for attendance at all three League of California Cities' Policy Committee meetings scheduled during FY 19/20. All accommodation and travel reimbursement expenses are subject to all requirements of the City's adopted Travel and Training Expense Reimbursement Policy requirements. Any unused funds not expended for travel and training reimbursement during FY 2019/20, would revert to fund balance.

ATTACHMENTS:

1. Planning Commissioner Morris League of California Cities Policy Committee Appointment email notification dated December 16, 2019
2. League of California Cities 2020 Policy Committee Schedule
3. League of California Cities - How League Policy Committees Work (Handout)
4. City's adopted Travel & Training Expense Reimbursement Policy (January 2018)