

ORDINANCE 2003- 08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO REIMBURSEMENT OF BUSINESS AND TRAVEL RELATED EXPENSES; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING GUIDELINES FOR THE REIMBURSEMENT OF EXPENSES; PROVIDING FOR VERIFICATION OF TRAVEL EXPENSES; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO ADOPT ADMINISTRATIVE PROCEDURES TO CARRY OUT THE PURPOSE OF THIS ORDINANCE; PROVIDING FOR PENALTIES FOR FRAUDULENT CLAIMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under Section 2.6 of the City Charter, the City Council has the authority to adopt its own rules to regulate the reimbursement of business expenses incurred in the performance of official duties by City officials; and

WHEREAS, pursuant to Florida law, the City Council wishes to adopt a policy to provide guidelines and procedures for the reimbursement of expenses incurred as a result of carrying out City business; and

WHEREAS, the City Council believes that the reimbursement of expenses shall be based on budgetary constraints and the circumstances wherein the conduct of the City business warrants the incurrence of an expense.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are incorporated by reference herein and made part hereof.

Section 2. **Purpose and Intent.**

This purpose of this Ordinance is to establish a general policy for the reimbursement of business travel, subsistence and related expenses, incurred in the performance of City business. To qualify for reimbursement, such expenses must be reasonable and prudent under the circumstances and directly related to the conduct of City business. Unnecessary or excessive expenditures shall not be approved or reimbursed by the City Manager. This Ordinance pertains to all business travel and all travel related expenses. All references herein to the City Manager include the Interim City Manager.

Section 3. Guidelines for the Reimbursement of Expenses.

Upon proper approval of reimbursement request, the City will reimburse all travel-related expenses such as commercial transportation, lodging, meals, tips, registrations, parking fees, communication charges, and other business-related expenses at actual cost. In case of meals, elected will have the option to choose reimbursement at actual cost or reimbursement based on the maximum rates established under Florida law. Employees of the City will be reimbursed for meals at the maximum rates established under Florida law.

(a) Transportation Expenses.

Reimbursement of transportation related expenses will be based upon the least expensive mode of transportation available, unless a more expensive mode is necessary due to business-related requirements. In determining the least expensive mode, commercial bus service will be excluded. Reimbursement for mileage will be according to the maximum rate established under Florida law if personal vehicles are used for business travel.

(b) Lodging.

Reimbursement of lodging expenses will be based on what is a normal and reasonable cost for the area. Proximity to the conference, seminar, or meeting will also be taken into account. If a double room is required because a spouse or personal guest has accompanied an elected official, the City will reimburse only the cost of a single room. The City will reimburse any business-related communications costs (telephone, fax, modem, etc.). The City will not reimburse the cost of any in-room movie or personal communications costs.

(c) Meals.

Elected officials have the option to choose reimbursement of meals at actual cost or reimbursement based on the maximum rates established under Florida law. Employees of the City will be reimbursed for meals at the maximum rates established under Florida law.

Total meal cost includes food, non-alcoholic beverages, taxes, and tips. Reimbursement of tips will be limited to 20% of the total meal cost. The City will not reimburse the cost of any alcoholic beverages. Reimbursement of meal expenses will be based on what is reasonable cost for the area. The City will not reimburse meal costs to the extent they are lavish or extravagant.

Section 4. Verification of Travel Claims.

Before the City reimburses any expense incurred in the conduct of official business, elected officials and employees of the City must attest in a form prepared by the City Manager and/or her designee that the expenses were incurred in the performance of officials duties related to the affairs of the City. Expenses will not be reimbursed where the traveler fails to verify the expenses.

Section 5. Authority of the City Manager. The City Manager shall have the authority to adopt administrative policies to carry out the purpose of this Ordinance. The City Manager shall have the discretion to reject all business and travel claims that are not in compliance with this Ordinance or travel expense policies adopted by the Office of the City Manager.

Section 6. Penalties for Fraudulent Travel Claims.

Any person who willfully makes and subscribes any such claim that he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or assists in, or procures, counsels, or advises the preparation or presentation of such claim that is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, commits a misdemeanor of the second degree, punishable as provided in Section 775.082, Florida Statutes or Section 775.083, Florida Statutes. Whoever receives an allowance or reimbursement by means of a false claim is civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

Section 7. Repeal Clause. That all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict or inconsistent herewith are hereby repealed insofar as there is conflict or inconsistency.

Section 8. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 9. Effective Date. This Ordinance shall become effective ten days after adoption on second reading.

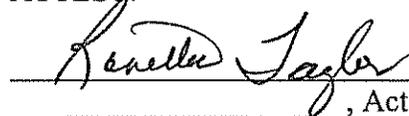
PASSED on first reading the 10th day of Sept., 2003.

PASSED AND ADOPTED on second reading this 24 day of Sept., 2003.



Shirley Gibson, Mayor

ATTEST:



, Acting City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**


Hans Ottinot, Interim City Attorney

Motion on second reading by: ~~Councilmbr. King~~

Second on second reading by: Councilmbr. Pritchett

VOTE: 7-0

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)