

ORDINANCE 21-03

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 2 "ADMINISTRATION," ARTICLE III "OFFICERS AND EMPLOYEES," DIVISION 6 "TRAVEL POLICIES AND PROCEDURES" TO UPDATE THE CITY'S TRAVEL POLICIES AND PROCEDURES FOR OFFICERS AND EMPLOYEES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Code provides for travel policies and procedures in order to effectively allocate limited funds available for business related expenses of City of Marco Island appointed and elected officials and employees; and

WHEREAS, travel policies and procedures provide for the reasonable and prudent payment for and reimbursement of allowable expenses; and

WHEREAS, Section 112.061, Florida Statutes, sets forth the per diem and travel expenses of public officers, employees, and authorized persons applicable to travel paid for by a public agency; and

WHEREAS, the City's Travel Policies and Procedures set forth in Chapter 2, Article III, Division 6 of the City Code have not been revised since July 20, 1998 (Ordinance 98-8) and are in need of an update.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent of this Ordinance.

SECTION 2. Amendment and Adoption. That Chapter 2 "Administration," Article III "Officers and Employees," Division 6 "Travel Policies and Procedures" of the Code of Ordinances of the City of Marco Island, Florida, is hereby amended to read as follows:¹

CHAPTER 2 – ADMINISTRATION

¹ Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strike through~~.

ARTICLE III. – OFFICERS AND EMPLOYEES

DIVISION 6. - TRAVEL POLICIES AND PROCEDURES

Sec. 2-161. - Purpose of division.

The purpose of this division is to effectively allocate limited funds available for business-related expenses, including training and professional development of elected and appointed officials and employees. This division is established to pay for and reimburse all allowable expenditures, while reducing required paperwork to a minimum. Business and travel expenditures, as with other purchases, represent an expenditure of city funds. Each employee is responsible for ensuring that expenditures are prudent and necessary.

Sec. 2-162. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized individual means a public officer or employee, whether elected or not, who is authorized by the city manager to incur travel expenses in the performance of his or her duties, including but not limited to board and committee members performing services on behalf of the city and persons who are candidates for executive or professional positions.

Common carrier means a train, bus, commercial airline operating scheduled flights, taxi, ferry, airport limousine, ~~or~~ rental cars of an established rental car firm, or ride sharing company.

Public employee means an individual, either elected or appointed, who in the performance of his or her official duties is vested by law with powers of government.

Sec. 2-163. - Authority to incur travel and business expenses.

- (a) If a member of the city council or the city manager finds it necessary to incur travel and business expenses, and when the expenses are within the intent of the adopted budget, the expenditures are authorized. All travel and business expenses by public employees must be authorized by the city manager.
- (b) Traveling expenses shall be limited to those expenses necessarily incurred by the traveler in the performance of duties related to the functions and responsibilities of the city.

- (c) Traveling expenses of prospective employees for the sole purpose of taking merit system or other job placement examinations, interviews, etc., may be authorized by the city council or the city manager.
- (d) Business expenses shall apply to those expenditures which are incurred in the performance of a public purpose, including meetings with governmental officials, seminars and training programs, pickup and delivery of parts and equipment, recruitment of personnel, community promotion, and any other related activities.

Sec. 2-164. - Funding; travel advances.

- (a) All travel must have prior written authorization, in accordance with the City's administrative procedures established pursuant with Section 2-165, through the completion of a travel authorization form showing the itinerary, the source of funding and whether or not a travel advance is needed.
- (b) Travel advances may be issued to authorized persons or individuals prior to departure on an authorized trip. The cash amount will be based on a schedule commensurate with the known expenses as stated in the travel authorization. ~~All travel reservations for a common carrier must be made by the city manager or his authorized representative, with the exception of emergencies that occur after 5:00 p.m. and on weekends, or if the return flight has to be changed or cannot be scheduled.~~ If common carrier tickets are necessary, issuance of such tickets shall be made only upon receipt of a travel authorization ~~with proper approval signatures.~~ The authorized traveler receiving a travel advance must keep a record of all travel expenses and report the expenses. If an authorized travel advance is less than the approved actual expenses, the difference will be ~~paid~~ reimbursed to the authorized traveler. If the travel advance is greater than the actual or allowed travel expenses, then the difference shall be reimbursed to the city within 30 days after return of the traveler. ~~Payment shall be made to the finance department and all receipts forwarded to the finance director or his designee.~~

Sec. 2-165. - Expense forms and administrative regulations procedures.

The city manager shall ~~provide forms~~ establish procedures for travel requests, expenses and reimbursements, and mileage allowances, where applicable, and prescribe such regulations as are reasonable and necessary to effectuate the purpose of this division. The finance director, or ~~person otherwise designated~~ designee, shall verify ~~cause~~ requests for travel expenses and reimbursements ~~to be verified~~ before payment is made.

Sec. 2-166. - Eligibility for receiving meal and accommodations allowances.

For the purpose of reimbursements under this division, the allowance for meals will be based on the following schedule, where each period covered must be of three hours' duration or longer to be valid:

- (1) Breakfast allowance will be made when travel begins before 6:00 a.m. and extends beyond 8:00 a.m.
- (2) Lunch allowance will be made when travel begins before 12:00 noon and extends beyond 2:00 p.m.
- (3) Dinner allowance will be made when travel begins before 6:00 p.m. and extends beyond 7:00 p.m., or when travel occurs during nighttime hours due to special assignment.
- (4) Hotel or accommodations allowances will be made when travel extends overnight and requires lodging not within the county at the single occupancy rate. An employee taking a guest will pay any cost differences for double occupancy. ~~Only business phone calls will be paid for by the city.~~ Room service expenses will not be reimbursed by the city.
- (5) No expenses incurred by employees in the county shall be reimbursed unless approved by the city manager.

Sec. 2-167. - Amount of meal and accommodations allowances.

- (a) When the period of travel conforms to the schedule of allowances in section 2-166, all authorized travelers may be allowed subsistence when traveling to a convention, conference, seminar or activity or on city-related business which serves a direct public purpose.
- (b) Subsistence will consist of the basic travel allowance for meals as follows and actual hotel or accommodation charges when the period of travel extends overnight. Meal allowances shall be in accordance with the amounts authorized in section 112.061, Florida Statutes, as may be amended.

Meal	Allowance
Breakfast	\$ 5.00
Lunch	—7.00
Dinner	—15.00

~~Actual meal charges may be reimbursed if accompanied by a receipt and justification for incurring the additional cost. Approval to submit receipts in lieu of the subsistence rates set forth in this subsection must be approved by the city manager in advance of the required travel.~~ Hotel or accommodation charges must be single-occupancy rate and substantiated by receipt. The basic travel allowance for meals shall exclude meals which have been prepaid as a part of registration fees.

- (c) ~~Tips and gratuities are included in the basic travel allowance for meals. When actual meal charges are reimbursed, approximately 15 percent may be added to the meal charges provided the cost is stated on the receipt.~~
- (d) ~~The city council may amend, by resolution, the subsistence allowance as provided in this section, provided such subsistence allowance is appropriated in the annual budget adopted by the city council.~~

Sec. 2-168. - Reimbursement for transportation expenses.

- (a) All travel must be on a convenient and mainly traveled route. Air travel shall be at the coach fare. If a person travels by an indirect route for his or her convenience, any extra costs shall be borne by the traveler. Reimbursement for expenses shall be made accordingly upon the presentation of receipts.
- (b) If a privately owned vehicle is used for travel, the vehicle owner shall be entitled to a mileage reimbursement at a cents per mile rate equal to the Internal Revenue Service allowable rate then in effect.
- (c) Transportation by a common carrier which has not been prepaid and for which the authorized traveler seeks reimbursement must be substantiated by an official receipt from the common carrier.
- (d) Transportation by charter vehicles may be authorized when it is determined to be the most economical method of travel when considering the nature of the business, the number of people making the trip and the most efficient and economical means of travel (considering the time of the traveler, cost of transportation and subsistence required).

Sec. 2-169. - Use of private vehicles.

- (a) Authorized ~~T~~travelers shall not be allowed either mileage or transportation expenses when they are transported gratuitously by another person or when they are transported by another authorized traveler who is entitled to mileage or transportation expense.
- (b) Reimbursement for expenditures related to the operation, maintenance, depreciation and ownership of a vehicle shall not be allowed when a privately owned vehicle is used on public business or a mileage allowance is paid.
- (c) ~~The city manager may permit an authorized traveler to regularly, on a monthly basis, use a privately owned vehicle on city business. In these instances, the traveler must submit a monthly log of the actual miles traveled and a monthly request for reimbursement. Travel occurring outside the county or travel in conjunction with the authorized traveler receiving reimbursement for meals and lodging expense or for travel to and from home shall not be included in the log.~~

Sec. 2-170. - Reimbursable incidental expenses.

An authorized traveler may be reimbursed for incidental travel expenses incurred during the course of travel. These incidental travel expenses include but are not limited to the following:

- (1) ~~Taxi, ferry, and airport limousine~~ Common carrier fares.
- (2) Bridge, road and tunnel tolls.
- (3) Storage and parking fees.
- (4) ~~Telephone and facsimile charges~~ Communication expenses relating to city business.
- (5) Registration fees associated with, conventions, conferences, seminars, or training.

~~Sec. 2-171. - Audit of expense reports.~~

~~A travel expense report of vouchers as developed by the city manager shall be submitted to the finance director within 30 days after the travel expense. Each approved travel expense report will be audited by the finance director or his designee, when received.~~

Sec. 2-172 1. - ~~Fraudulent claims request.~~

~~Claims submitted~~ By submitting requests pursuant to this division ~~shall be signed by the authorized traveler and shall be verified by a written declaration~~ declares that the request it is true and correct as to every material matter. Any individual who makes or aids in the making of a false or fraudulent ~~claim request~~ request shall be guilty of a violation against the city, and upon conviction thereof shall be punished as provided in the city's personnel rules and regulations. In addition, any person who receives a travel allowance, advance or reimbursement by means of a false ~~claim request~~ request shall be civilly liable for the repayment of the amount into the public fund from which the ~~claim request~~ request was paid.

SECTION 3. Codification. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Marco Island, and that the sections of this Ordinance may be renumbered to accomplish such intent.

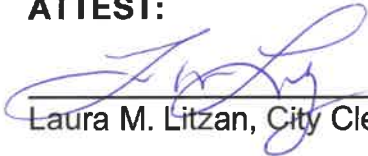
SECTION 4. Conflicts. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

SECTION 5. Severability. If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council on second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 1st day of February 2021.

ATTEST:



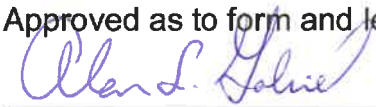
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney

