

**RESOLUTION NO. 2023 - 10**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING A REVISED TRAVEL AND EXPENSE REIMBURSEMENT POLICY; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes § 112.061 establishes a default travel approval and expense policy for Florida state and local agencies; and

**WHEREAS**, Florida Statutes § 166.021(9)(b) authorizes Florida's municipalities to provide for a per diem and travel expense policy for its travelers which varies from the provisions of § 112.061, and to thereafter be exempt from the provisions of § 112.061; and

**WHEREAS**, Florida Statutes § 166.021(9)(c) requires that any claim authorized or required to be made under any per diem and travel expense policy of a municipality or agency thereof must contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter; and

**WHEREAS**, the Village of Estero initially adopted a travel and expense policy on June 3<sup>rd</sup> 2015, through adoption of Ordinance 2015-05, which ordinance authorized subsequent revisions to the travel and reimbursement policy by resolution; and

**WHEREAS**, the United States General Services Administration have increased their per diem and meal reimbursement rates beyond the rates currently in place for the Village, and both the effects of inflation and the Village's actual experience with using the expense rates set forth in the 2015 policy have demonstrated that the policy no longer adequately provides for full reimbursement of the actual reasonable expenses incurred by Village employees and officials as they travel to execute their duties; and

**WHEREAS**, the Village Manager has recommended the adoption of the procedures and rates set forth in this Resolution, and the Village Attorney has reviewed and approved of these procedures and rates as being compliant with Florida law; and

**WHEREAS**, the Village Council finds that it is in the Village's best interests to adopt the new travel and expense reimbursement policies set forth in this Resolution.

**NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero, Florida:

**Section 1.** The following travel and expense procedures shall be followed by Village officials and staff:

**A. Authority to incur travel, training and business expenses.**

- (1) Village employees and officials, including members of the Village Council (herein referred to as “Traveler”) who is authorized to travel to attend a convention, conference, seminar, meeting, fact finding trip, or other for any other matter on behalf on the Village or in connection with official Village business, and when the expenses are within the intent of the Village’s adopted budget, shall be reimbursed for expenses pursuant to the provisions of this policy. For purposes of this policy, a Traveler’s attendance at educational seminars, conferences, or meetings which will provide training or information which will allow the Traveler to better perform her or his duties shall be considered Village business. In the event any provision of this policy is inconsistent with a provision of the Village’s adopted Personnel Policy, that Personnel Policy shall control.
- (2) 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 Village.
- (3) Business expenses shall apply to those expenditures which are incurred in the performance of the public purpose to be performed, including meetings with governmental officials, seminars and training programs, fact finding trips, recruitment of key Village personnel candidates or economic development opportunities, community promotion, meeting with state and federal officials to advance the Village’s interests or to advocate for the Village’s policy positions, and any other related activities essential to the performance of the public purpose.

**B. Authorization process; travel advances.**

- (1) If a Village Council Member or the Village Manager find it necessary to incur travel and business expenses, and when the expenses are within the intent of the adopted budget, the expenditures are authorized. Wherever possible, all travel by other Village officials or employees must have prior authorization by the Village Manager. Village employees or officials other than Council Members seeking to travel on Village business shall inform the Village Manager of the Traveler’s itinerary, the estimated costs, and whether or not a travel advance is requested.
- (2) The Village Manager is authorized to approve travel requests of Village employees and officials other than Council Members. All travel by Travelers other that Village Council Members or the Village Manager must have prior authorization through the completion of a travel authorization form showing the itinerary, the source of funding, and whether or not a travel advance is needed.
- (3) Travel advances may be issued to authorized travelers 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. The authorized Traveler receiving a travel advance must keep a record of all travel expenses and report such expenses with appropriate receipts to the Village Finance Director or designee. If a travel advance exceeds the actual expenses

incurred, the Traveler shall reimburse to the Village any excess advance paid within twenty (20) days of returning from the travel.

**C. Forms and finance verification.**

The Village Manager or designee is authorized to develop and make available to Travelers standard forms to be used by Travelers to submit travel requests, expenses, reimbursements and mileage allowances. The Village Finance Director or designee shall cause requests for travel expenses and reimbursements to be verified as required by § (I) below before payment is made.

**D. Schedule for meal allowance and accommodations.**

- (1) Hotel or accommodation allowance will be made when travel extends overnight. Employees traveling with a spouse or guest will pay any cost differences incurred by or as a result of the spouse or guest's stay.
- (2) Due to their proximity to the Village, no expenses for hotel accommodations in Lee or Collier Counties shall be reimbursed unless approved by the Council due to unusual circumstances.

**E. Per diem.**

- (1) When the period of travel conforms to the schedule of allowances in § (D) above, all authorized Travelers may be allowed per diem when traveling to a convention, conference, seminar, activity or on Village-related business which serves a public purpose.

- (2) Composition of per diem.

- (a) After Per diem, without need of a receipt, will consist of the basic travel allowance for meals as listed below and actual hotel or accommodation charges when the period of travel extends overnight:

Meal	Allowance
Breakfast	\$ 15.00
Lunch	25.00
Dinner	40.00

- (b) When a meal is included in the cost of registration or admission to a seminar, conference, etc., per diem shall not be paid for that meal.
- (c) Actual meal charges above those stated herein may be reimbursed if accompanied by a receipt and justification for incurring the additional cost. Hotel or accommodation charges must be single occupancy rate and substantiated by receipt.
- (d) Per diems are as stated above or the Federal Per Diem Rate for the location per the United States Federal Travel Regulation (FTR) and Code of Federal Regulations (CFR)

chapters 300-304, whichever is greater. If the Federal Per Diem Rate is to be used, then the current breakdown for Meals and Incidental Expenses as indicated in the Federal Travel Regulation must be used accordingly.

- (3) Tips and gratuities for meals are included in the basic travel allowance for meals. When actual meal charges are reimbursed, 15 percent may be added to the meal charges, provided that the cost is stated on the receipt.

#### **F. Transportation.**

- (1) All travel must be on a convenient and mainly traveled route. If a Traveler travels by an indirect route for her or his convenience, any extra cost shall be borne by the Traveler. Reimbursement for expenses shall be made accordingly.
- (2) If the Traveler is to travel by her or his privately owned vehicle, the Traveler shall be entitled to a mileage rate of \$0.62.5 per mile or the prevailing rate allowed by the Internal Revenue Service, whichever is greater.
- (3) Transportation by a common carrier which has not been prepaid and for which the authorized traveler seeks reimbursement must be substantiated by an official paid receipt from the common carrier.
- (4) 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 Travelers making the trip, and the most efficient and economical means of travel (considering the time of the Traveler, cost of transportation and subsistence required).

#### **G. Exceptions to transportation reimbursement.**

- (1) 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.
- (2) When a privately-owned vehicle is used to travel on Village business, apart from the standard per-mile mileage reimbursement, no reimbursement for expenditures related to the operation, maintenance, repair, depreciation, and ownership of a vehicle shall be allowed.

#### **H. Reimbursable incidental expenses.**

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

- (1) Taxi, ferry and airport limousine fares.
- (2) Bridge, road and tunnel tolls.

- (3) Storage and parking fees (unless a Traveler's disability requires valet parking, Travelers shall use lower cost self-parking vs. valet parking where self-parking is available at the facility).
- (4) Telephone, internet access, and technology access charges relating to Village business.
- (5) Registration, convention or tuition fees not prepaid by the Village.
- (6) Tips, other than for food, not to exceed \$10.00 per day.
- (7) Personal hotel land line calls not able to be made for free via cell phone not to exceed \$5.00 per day.

#### **I. Verification of expense claims.**

Claims submitted pursuant to this policy shall be signed by the authorized Traveler and shall be verified by a written declaration that it is true and correct as to every material matter. In addition to any statutory penalty for falsely claiming or receiving travel related expense payments, any person who received a travel allowance, advance or reimbursement under this policy by means of knowingly submitting a false claim shall be liable for the repayment of the amount into the public fund from which the claim was paid.

**Section 2.** If any section, subsection, sentence, clause, provision, or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

**Section 3.** Any prior motion, policy, procedure or Resolution adopted by the Village Council which is in conflict with this Resolution is hereby repealed.

**Section 4.** This Resolution shall take effect immediately upon adoption.

**ADOPTED** this 3<sup>rd</sup> day of May, 2023, by the Village Council of the Village of Estero, Florida.

**VILLAGE OF ESTERO, FLORIDA**

Attest:

By: \_\_\_\_\_  
Jon McLain, Mayor

By: \_\_\_\_\_  
Carol Sacco, Village Clerk