

INLAND VALLEY DEVELOPMENT AGENCY BOARD Board Policy: Operating Rules and Procedures

Purpose

The objective of this document is to provide members of the Inland Valley Development Agency (IVDA) Board with procedures for conduct and a clear definition of the Board-staff relationship, and related roles. The document will also reinforce IVDA's ethical standards, as required by AB 1234, and the Board's own policies.

This IVDA Board Policy: Operating Rules and Procedures document is not intended to serve as an all-inclusive or comprehensive collection of every past or present policy, procedure, and practice utilized in the operation of the IVDA, rather, as a guidance document which can be evaluated and updated from time-to-time.

Background

Powers and Duties of the IVDA

The Inland Valley Development Agency (the "IVDA") is a military base reuse joint powers authority created pursuant to Government Code Sections 6500, et seq., established in furtherance of Public Law 100-526 under the Federal Base Realignment and Closure Act, special State of California Legislation – Assembly Bill AB-419, and as further codified pursuant to the Joint Exercise of Powers Agreement originally dated as of January 24, 1990, by and among the City of San Bernardino, the City of Colton, the City of Loma Linda and the County of San Bernardino, as amended on February 12, 1990, and thereafter amended by Amendment No. 1 as of the same date, [and Amendment No. 2 dated April 5, 2023](#) (collectively the "JPA Agreement" or the "Agreement");

The powers and duties of the IVDA are set forth in the aforementioned governing regulations and in the Agreement. As stated therein, the IVDA shall have the authority and power to plan for the use and reuse of the Norton Air Force Base; to acquire, maintain and operate an airport for the economic benefit of the East Valley; and to serve as a federal base re-use authority. Specific powers of the IVDA are identified in Article IV of the Agreement.

Board Role and Functions

The Role of the Board in Relation to IVDA Staff

The primary role of the IVDA Board is to establish and oversee policy and its implementation. Established policy is carried out and implemented by IVDA Staff ("staff"), under the supervision of the ~~Chief Executive Officer~~ [Executive Director](#). The ~~Chief Executive Officer~~ [Executive Director](#) serves as the general manager for all IVDA staff operations and activities. Board members may seek information from staff; however, direction to staff shall be coordinated by and through the [Chief Executive Officer \[Executive Director\]\(#\) on behalf of the Board.](#)

IVDA Board

The IVDA is governed by a Board composed of nine (9) individual members, each appointed by its legislative body and serving in their individual capacity as a member of the Board. The Board consists of elected officials appointed by their respective legislative bodies to serve as follows:

- Three (3) from the City of San Bernardino
- Two (2) from the County of San Bernardino
- Two (2) from the City of Loma Linda
- Two (2) from the City of Colton

Each member can appoint an alternate representative for each allocated position who only participate when and if the primary Board member is not present. With the consent of the ~~Co~~ Chairperson~~(s)~~, alternate members may attend closed session if the primary member is present to be informed as to the issues discussed in closed session; however, alternate members may not vote on any matter if the primary member is present. Board Members and alternates are appointed to the Board for the term of their positions by and through the official actions of their respective legislative bodies, unless otherwise removed and reported.

Pursuant to the JPA Agreement, each Member with two (2) votes shall have two (2) Board Members with one (1) vote each, and the Member with three (3) votes shall have three (3) Board Members with one (1) vote each. When the primary Board member is not present, the alternate may vote. However, either the primary member or the alternate must be present to vote

Officers

At the first regular meeting of the Board ~~held in an odd numbered calendar year of the Fiscal Year which commences on an even numbered calendar year~~, the Board holds elections for the following offices: ~~one two (2) persons to be Co-Chairpersons; and one person to be Vice-Chairperson, and one Secretary~~. The specific procedures for such elections and the terms for such positions are set out in in the IVDA Joint Powers Agreement and in Resolution No. ~~2023-02290-07B~~.

Duties for such Offices are as follows:

- Co-Chairpersons: Pursuant to the JPA Agreement, ~~two (2) Co-Chairpersons are elected by the Board. One of the Co-Chairpersons~~ serves as the presiding officer for IVDA meetings. The presiding ~~Co~~ Chairperson is determined at the time that elections are held and other than the event of an absence, typically run through the duration of the respective term of office. ~~Either Co~~ The Chairperson shall execute all contracts on behalf of the Agency, and shall perform such other duties as may be imposed by the Board.
- Vice Chairperson: Vice-Chairperson shall execute contracts and perform all of the ~~Co~~ Chairperson's duties in the absence of ~~the both Co~~ Chairpersons.
- Secretary. The Secretary or Clerk of the Board shall attest to the execution of all contracts executed by Chairperson, Vice-Chairperson or other such official, officer or person as may be designated by the Board, on behalf of the Agency, perform such other duties as may be imposed by the Board. (also known as the Clerk of the Board) is an appointed staff member. The Clerk of the Board keeps the IVDA records, takes minutes of all open session meetings,

~~and attests to the execution of all contracts executed by the Co-Chairpersons, Vice-Chairperson, or such other official or person as may be designated by the Board, on behalf of the Agency.~~

Pursuant to the Agreement, the Board also selects a professional Treasurer or chief financial officer of a member to act as Treasurer.

The ~~Chief Executive Officer~~ ~~Executive Director~~, Clerk of the Board, and General Counsel serve as the primary staff for Board meetings. The ~~Chief Executive Officer~~ ~~Executive Director~~ appoints all other employees of the IVDA, consistent with the Board-approved budget and applicable procedures.

Meetings, Committees, Appointments, and Officers

The IVDA Board is governed by the Ralph M. Brown Act, as established by the California State legislature in 1953 and amended thereafter, set forth in California Government Code Sections 54950 et seq (“Brown Act”). The Board sets its regular meeting schedule by resolution as required by the Brown Act.

In addition to the Brown Act, the Board may appoint such standing or ad hoc committees as it deems necessary to advise the Board on a variety of subjects. Any member of the Board may be appointed or assigned by the ~~Co~~-Chairperson to a committee, except that no Board Member may serve on more than two (2) committees. The ~~Co~~-Chairperson’s assignments to standing committees shall be ratified by a majority vote of the Board, and Board Members may be removed from committee assignments by a majority vote of the Board.

The membership of any ad-hoc committee will be composed of not more than three (3) Board Members and shall expire upon accomplishment of its purpose. The ~~Co~~-Chairperson may establish new ad hoc committees at any time, and such committees are not ratified or approved by the Board.

Standing committees are subject to the Ralph M. Brown Act, as “legislative bodies.” Agendas are prepared for meetings of standing committees, and the meetings are open and public. Minutes are prepared for all standing committees. In contrast, and pursuant to applicable law, ad hoc committees are not subject to the Brown Act. Agendas need not be prepared for ad hoc committee meetings, and they are not required to be open and public. Ad hoc committee meetings are typically informal and are set at the convenience of the committee members.

Board committees serve as advisory bodies. Final policy decisions are made by the Board.

Citizen Inquiries Board Members may receive inquiries and occasional complaints from constituents. Such contacts may be the result of a situation that staff is unaware of, i.e.: service that has not been properly provided, a request that is above or beyond appropriate service levels, a miscommunication or misunderstanding, or a mischaracterization of an occurrence by the constituent.

When a Board Member is contacted by a constituent, he/she should ensure that the [Chief Executive](#)

~~Officer Executive Director~~ is made aware of the issue. Such Board Member may wish to ask the constituent to contact the ~~Chief Executive Officer Executive Director~~, or vice-versa. Copies of responses to significant citizen inquiries should be submitted by the respective Board Member to the ~~Chief Executive Officer Executive Director~~ for appropriate follow-up. Information regarding the correspondence shall be provided to all Board Members as soon as practicable and allowable under applicable law.

IVDA Fiscal Administration

The fiscal administration of the IVDA is based both on statutory requirements, its joint powers agreement, its respective deed covenants, grant assurances, Federal and State Operating Permits, as well as generally recognized policies and practices applicable to public finances.

Annually, the IVDA's financial operations are audited by an independent public accounting firm that is recommended by staff and selected by the Board. The firm prepares and submits an audit report to the Board. The Finance & Budget Committee (also serves as the IVDA Audit Committee) reviews results of the annual audit with the ~~Chief Executive Officer Executive Director~~/Director of Finance and other staff. A final report is then made to the Board.

During the course of the fiscal year, the Board maintains oversight of the financial condition of the IVDA. This is accomplished through monthly financial reporting to the Board by the IVDA Director of Finance. IVDA shall prepare and produce an annual report for presentation to the community, public, and industry describing its activities, operations, and financial position over the preceding year.

Budget Operation

The IVDA budget operates on a fiscal year running from the first day of July through the last day of June. A budget is developed each year in advance of the start of the fiscal year. The budget contains the estimate of all revenue and expenses, including administrative, operating and maintenance expenses, payroll, acquisitions and improvements, and a reasonable contingency to cover unanticipated expenses, litigation reserves, or revenue shortfalls.

A draft of the budget is initially prepared and produced by IVDA staff in the early part of the calendar year. Typically, the draft budget will be reviewed with the IVDA's standing Finance & Budget Committee. That review may result in refinement of the draft before its presentation to the Board as a whole. Ordinarily, a draft budget will be presented to the Board in April or May in order to allow adequate time for review, discussion, and further revision as needed. Final adoption should occur by the end of June. Upon adoption by the Board, the approved budget is then implemented at the start of the upcoming fiscal year.

The ~~Chief Executive Officer Executive Director~~ has the authority to make necessary budget adjustments and transfers of up to \$24,999 between line items of the budget as the fiscal year progresses. Larger adjustments, if needed, shall be approved either by the Board at either the mid-fiscal-year review or periodically at such other times as may be necessary.

Often times, an update to the IVDA's capital improvement plan will accompany the annual budget. The ~~Chief Executive Officer Executive Director~~ has been given the authority by the Board to execute, on behalf of the IVDA, any grant agreements or other related documents, provided that

proper information is timely provided to the Board regarding the funding opportunity and granting agency, and subject to the local match authority then in existence per the adopted budget.

Investment Policy

IVDA investments are controlled by Federal and State law. In regard to investments, the IVDA seeks to meet three distinct objectives: to safeguard the assets of the IVDA; to insure that the IVDA's liquidity needs are met; and to achieve the highest rate of return on investment commensurate with appropriate risk evaluation and established Board investment controls. The IVDA's investment policy is periodically reviewed by the Finance & Budget Committee and approved by the Board.

Fiscal Controls

IVDA policies and procedures require periodic reporting of all IVDA expenditures. The IVDA may not acquire or dispose of any real property without approval from the Board (typically by resolution). The IVDA utilizes a purchase order / purchasing system calling for prior approval of all IVDA expenditures and applies to both employees and Board Members. In addition, the IVDA also has in place a set of "Accounting Procedures," "Purchasing Procedures," and "Construction Procedures."

Ethical Requirements

California law (Govt. Code Section 53232 et. seq. sometimes referred to as "AB 1234") requires local officials who receive reimbursement for certain expenses to receive training on public service ethics laws and principles every two years. The purpose of this training is to alert local officials to the extensive array of laws that apply to public service, as well as the unique ethical obligations public servants have. The IVDA complies with AB 1234 and expects the members appointed to the Authority to perform the business of the IVDA with a high regard to its provisions. What follows is a brief review of public service ethics mandated by the FPPC and Attorney General for AB 1234 training. This list is a reminder and does not substitute for such training.

Personal Financial Gain

- A. **Laws Prohibiting Bribery (Pen. Code § 68)**
Any employee, elected official or appointee is prohibited from accepting a bribe. Doing so may constitute a felony and is punishable by prison time and fines.

- B. **Conflicts of Interest under the Political Reform Act (Gov. Code § § 87100, 87103)**
Gov. Code § 87100: No government employee, official or appointee shall make, or in any way attempt to use, his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has any financial interest.

Gov. Code § 87103: No employee, official or appointee shall make a decision with financial interest if it is reasonably foreseeable that the decision will have a material financial effect on the official, a member of his/her immediate family.

- C. **Contractual Conflicts of Interest (Gov. Code § 1090)**
No government employee, official or appointee may be financially interested in any contract created by them in their official capacity. Neither will they be purchasers or vendors at any sale made in their official capacity.

- D. Conflicts of Interest and Campaign Contributions (Gov. Code § 84308)
Elected officials who also serve as appointees to a government agency shall not receive contributions in excess of the amount contained in Government Code Section 84308 during certain times that any permit or license is pending approval by said agency. IVDA has established a review and disclosure system to meet the requirements of this section and the accompanying FPPC regulations.
- E. Conflicts of Interest When Leaving Office (Gov. Code §§ 87406.3, 87407)
Gov. Code § 87406.3: For a period of one year after leaving office or employment, no elected official who formerly worked for a government agency shall make an appearance for another person in front of that agency.
- Gov. Code § 87407: No public official shall make, participate in making or use their official position to influence any governmental decision that directly relates to any person with whom he/she is negotiating, or has any arrangements concerning prospective employment.

Limitations on Accepting Contributions

- A. Lobbyists are prohibited from making any gift worth upward of \$10 in any given month. (Gov. Code § 86203)
- B. No elected official shall accept gifts totaling more than the amount contained in Government Code Section 89503 from a single source in one calendar year. (Gov. Code § 89503)
- C. Payment from agencies for travel and lodging and food expenses are not considered a gift under Gov. Code §§ 86203 and 89503. (Gov. Code § 89506)
- D. No government official shall accept any honorarium. Honoraria Ban (Gov. Code § 89502)
- E. Misuse of Public Funds. (Pen. Code § 424; Gov. Code § 8314; Fair Political Practices Commission v. Suitt (1979) 90 Cal.App.3d 125; Stanson v. Mott (1976) 17 Cal.3d 206)
Use of public funds for personal benefit or for the benefit of friends or families is punishable by imprisonment. The official will be disqualified from holding public office in the state.
- F. Prohibitions against Gifts of Public Funds (Cal. Const., art. XVI, § 6)
The legislative body will not have the authority or power to give or lend public funds to any person except for a public purpose
- G. Mass Mailing Restrictions (Gov. Code § 89001)
No newsletter or mass mailing shall be sent at public expense.
- H. Prohibition against acceptance of free transportation by transportation companies (Cal. Const., art. XII, § 7)
A transportation company may not offer free transportation to any person holding office in California. The acceptance of free transportation will be deemed a forfeiture of office.

Government Transparency Laws

- A. Economic interest disclosure under the Political Reform Act (Gov. Code § 87200)
Candidates for government office must file a statement disclosing financial and real property interests. Also a statement of income for the prior 12 months is required.
- B. Brown Act (Gov. Code § 54950 et seq.)
Public agencies exist to serve the people and should conduct their meetings openly.
- C. Public Records Act (Gov. Code § 6250)
Information relating to the conduct of people's business as produced by any government agency is the people's right to know.

Fair Process Laws

- A. Common Law bias provides that a decision maker who stands to gain or lose from a decision is disqualified from acting as a decision maker. Clark v. City of Hermosa Beach; 48 Cal. App 4th 1152 (1996); Breakzone Billiards v. City of Torrance, 81 Cal.App.4th 1205(2000)
- B. Due Process Requirement
A hearing officer whose potential future income derives from work that an agency might give based on his or her performance in a hearing at hand is not giving due process. Haas v. County of San Bernardino 27 Cal.4th 1017 (2002)
- C. Doctrine of Incompatible Offices (Gov. Code § 1099)
A government officer may not hold two offices in government that are incompatible.
- D. Competitive Bidding Requirements for Public Contracts.
See the IVDA Purchasing policies: In projects in excess of \$5,000 the IVDA may award the project to the lowest bidder. IVDA may reject any and all bids and re-advertise in an effort to get new bids. The IVDA may by a four-fifths (4/5) vote turn the project over to a governmental agency.

CONDUCT OF IVDA BOARD MEETINGS

Purpose

These rules shall apply to all proceedings and meetings of the Board of the IVDA.

Meetings

- A. Brown Act. All meetings of the Board shall be conducted in accordance and in compliance with the Ralph M. Brown Act, as it may be amended from time to time (Govt. Code Section 54950 et seq).
- B. Regular Meetings. The regular meetings of the Board shall be held in accordance with the duly adopted meeting schedules. At ~~the one Co~~ Chairperson's discretion and prior to posting of the Agenda, regularly scheduled meetings may be cancelled.

- C. Special Meetings. A special meeting may be called at any time by ~~the one Co~~ Chairperson of the Board or three members of the Board. Notice of a special meeting shall be written and shall specify the time and place of the meeting and the business to be transacted. Such notice shall be delivered to or mailed to each Board Member at least 24 hours before the time of the special meeting and be supplied to the local newspaper of general circulation. The notice shall be posted by the Clerk of the Board Secretary to the IVDA at least 24 hours prior to the special meeting in a location that is freely accessible to the public.
- D. Adjourned Meetings. Any regular or special meeting of the IVDA may be adjourned to a time and place specified in the order of adjournment. The Secretary, with approval from the Chief Executive Officer Executive Director and General Counsel, may adjourn the meeting when less than a quorum are present. If all members of the Board are absent, the Secretary may adjourn the meeting to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as is required for special meetings.
- E. Administrative Sessions and Informational Meetings. The IVDA may, from time to time, schedule administrative sessions and informational meetings with staff or the public for the purpose of receiving information on and discussing subjects of interest to the IVDA. No action shall be taken on any item at any such meeting. Such meetings may be called by the Board Members during any regular, adjourned, or special meeting. Otherwise, such meetings shall be called in the same manner as special meetings.

Quorum

A quorum is required for the IVDA Board to Act. A quorum constitutes five (5) votes from five (5) members representing three (3) parties. A quorum is present when Board members representing a majority of the public agency Board members (members from 3 different agencies) are present and a majority of the total Board members (5) are present. No individual other than a duly appointed member who has been appointed as either a primary representative or an alternate may be considered for the purposes of determining a quorum. Members must be present at the meeting to have the power to cast a vote.

Meeting Protocol

- A. ~~One Co~~ The Chairperson shall convene all meetings and shall call the Board Members to order. In the absence of both ~~the Co~~ Chairpersons and the Vice-Chairperson, the Secretary shall convene the meeting and call the Board Members to order, whereupon a temporary chair shall be selected by the Board Members present. The temporary chair shall relinquish the chair upon arrival of a ~~Co~~ the Chairperson or Vice-Chairman, and after the conclusion of the question then being considered by the Board Members.
- B. The ~~Secretary~~ Clerk of the Board shall enter in the minutes the names of those Board Members that are present, absent or those who arrive late.
- C. To facilitate the conduct of meetings, a consent agenda may be used. The consent agenda normally contains items that are considered to be routine. Action for all items on the consent agenda is taken by one motion. Items on the consent calendar shall be considered

first and shall be acted upon in one motion. Any Board Member may request that an item be removed from the consent calendar and placed on the agenda for discussion.

- D. Items on the agenda shall be considered in order, except that the presiding ~~Co~~-Chairperson may take items out of order when necessary to accommodate persons appearing before the IVDA. Items scheduled for a particular time shall be taken up as close to the designated time as is possible. In no case shall a timed item be taken up before the designated time.
- E. The order of procedure at all public hearings and quasi-judicial hearings shall be as follows: The IVDA staff member responsible for the matter shall present his or her report and recommendation; all persons wishing to speak in favor of the question shall be heard; persons wishing to speak in opposition to the question shall be heard; rebuttal will follow. The question shall then be submitted to the Board Members for discussion and decision.
- F. Every agenda for regular meetings shall provide a time for members of the public to directly address the IVDA on matters within the IVDA's jurisdiction that are not on the agenda. The IVDA has set a time limit of three (3) minutes per speaker. Each speaker shall be limited to three (3) minutes unless the ~~Co~~-Chairperson authorizes additional time. Speakers may not transfer or assign their time to another person.
- H. Whenever any group of persons wishes to address the Board, the ~~Co~~-Chairperson may require that the group designate a spokesman to represent the group before the Board.
- I. No person, including Board Members, shall address the Board without permission of the presiding ~~Co~~-Chairperson. Board Members shall limit their individual comments to a presentation of their respective position on a matter. Board Members shall not address the issue again except for new matters and as allowed by the presiding ~~Co~~-Chairperson.

Closed Session

Closed sessions may be used by the Board for deliberations involving personnel, certain negotiation matters and litigation and as authorized by the Brown Act.

Voting

The IVDA Board takes action by majority vote of the quorum. Unless disqualified or absent, all Board Members shall vote on all questions coming before the Board. The ~~Co~~-Chairperson may call for a roll call vote. Whenever a roll call vote is requested, the ~~Clerk of the Board Assistant Secretary~~ shall call the name of a Board Member and record the vote of that Board Member. An abstention for other than a conflict of interest counts as neither a 'ye' or a 'no' vote although the member is part of the quorum. A verbal roll call is required for the expenditure of money.

Speaking

- A. When a Board Member desires to speak, he or she shall address the ~~presiding Co~~-Chairperson and be acknowledged. When two (2) or more Board Members address the ~~Co~~-Chairperson at the same time, the ~~Co~~-Chairperson shall designate the Board Member who will speak first. All Board Members shall confine their remarks to the question then under consideration.

- B. Every motion shall require a second. Discussion on a motion shall not be permitted until the motion receives a second. Motions and seconds may be made by any member of the Board, including the ~~CEO~~-Chairperson.
- C. If any Board Member is unable to attend a meeting, he or she shall notify the [Clerk of the Board Assistant Secretary](#) as soon as possible and of the reasons therefore.

Agenda

- A. The agenda for all Board meetings shall be prepared by the ~~Secretary~~ [Clerk of the Board](#) with input from IVDA staff, General Counsel, and Board members. Matters to be placed on the agenda for a regular meeting should be received by the ~~Secretary~~ [Clerk of the Board](#) no later than noon on the Wednesday prior to Regular Meeting. Individual Board Members, other than the ~~CEO~~-Chairperson, must seek approval of the ~~CEO~~-Chairperson or the Board to place an item on the agenda.
- B. The Board shall not take action on any item that is not on the agenda at a regular meeting, except under any of the following conditions and as provided by the Brown Act:
 - (1) The Board, by majority vote, determines that an “emergency situation” exists. An emergency situation means (a) work stoppage or other activity which severely impairs public health, safety or both, as determined by a majority of the Board, or (b) crippling disaster which severely impairs public health, safety or both, as determined by a majority of the Board Members; or
 - (2) The Board, by four-fifths (4/5) vote, determines that there is a need to take immediate action on the item and that the need for action came to the Board’s attention after the agenda was posted and cannot wait for another meeting; or
 - (3) The item was on the posted agenda for a prior meeting which was held no more than five (5) calendar days earlier, and at that earlier meeting the item was continued to the later meeting.

Robert’s Rule of Order

Robert’s Rules of Order provide common guidelines and rules for deliberation and debate in an effort to provide uniformity to meeting proceedings in effort to help, not hinder, the business of the Authority. Below are examples of common guidelines adopted for public agencies; such rules are used only when there is no statutory provision or regulation in place:

The ~~CEO~~-Chairperson acts as the Parliamentarian.

Obtain the Floor (the right to speak) by raising a hand and be recognized by the [Chairperson](#) before speaking. A motion to reconsider an item upon which the Board has acted may only be made at the meeting in which the action was taken. Such motion may only be made by a Board Member who voted on the prevailing side of the question. Adjournment of the meeting effectively extinguishes a Board Member’s opportunity to move for reconsideration of any item on that specific agenda.

Amendment to this Policy

These rules may be amended from time to time by the Board.

Failure to Follow Rules

Failure to follow these rules shall not invalidate or otherwise affect any action or decision of the Board.

IVDA BOARD -TRAVEL AND REIMBURSEMENT POLICY

Local agencies that have authority to reimburse legislative body members for expenses incurred in the performance of their official duties must adopt, in a public meeting, written expense policies that specify the types of occurrences which will be reimbursable. See Cal. Gov't Code § 53232.2(b). The policy may also specify rates or default to Internal Revenue Service rates. See Cal. Gov't Code § 53232.2(c). This policy satisfies the requirements of Government Code sections 53232.2 and 53233.3. This policy is applicable only the Board members (including alternates).

Authorized Expenses

Expenses incurred by IVDA Board Members in connection with the following types of activities generally constitute authorized expenses, and would be eligible for reimbursement by IVDA.

1. Communicating with representatives of regional, state and national government on IVDA adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels as to IVDA;
3. Participating in regional, state and national organizations whose activities affect the IVDA's interests;
4. Attending IVDA or related events, no partisan political activity;
5. Implementing a IVDA-approved strategy for attracting or retaining businesses for that entity, which will typically involve at least one staff member and associated expenses for meals for third party representatives.

Travel under this policy is authorized when in the state of California; travel outside the state requires Board pre-approval. This policy does not authorize payment of expenses otherwise reimbursed or covered by the official's City or County reimbursement policies.

All other expenditures require prior approval by the Board. The following expenses also require prior approval:

1. Out of state or international travel;
2. Expenses exceeding \$1,000 per trip.

Examples of personal expenses that the Board will not reimburse include, but are not limited to:

1. The personal portion of any trip;

2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
4. Personal entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
6. Personal losses incurred while on IVDA business;
7. Alcoholic beverages

Any questions regarding the propriety of a particular type of expense should be resolved by the IVDA before the expense is incurred.

To conserve resources and keep expenses within standards for public officials, expenditures should adhere to these guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Board will be limited to the costs that fall within the guidelines.

Transportation

There is an expectation that the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, shall be used, using the most direct and time-efficient route.

Airfare

Air travel shall be arranged based upon the lowest available air rate and the most direct route. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. Baggage handling fees of up to \$20 per bag and gratuities of up to 15 percent will be reimbursed. Long-term parking must be used for travel exceeding 24-hours and will be reimbursed at the actual rate with a receipt.

Automobile

Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

Car Rental

Charges for rental vehicles may be reimbursed under this provision if it is determined that a rental

vehicle is more economical than other forms of transportation. In making such determination, the cost of the compact class size of rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available. Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

Taxis/Shuttles

Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

Lodging

Lodging expenses will be reimbursed or paid for when travel on official IVDA business reasonably requires an overnight stay. IVDA business travels are expected to request government or conference rates when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

Use of conference hotels is encouraged when it reduces the travel costs between the hotel and the conference site. Room rates are reimbursable costs. Extraordinary fees for room service, including movies and food/beverage, and other additional services are not considered reimbursable costs.

In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed \$200 per night are presumed reasonable and hence reimbursable. Rates up to \$300/night are presumed reasonable for San Francisco, New York and Washington D.C.

Officials will be reimbursed for internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if internet access is necessary for IVDA business.

Meals

Reimbursable meal expenses and associated gratuities shall not exceed the following rates per person; meals will be reimbursed only when not included in a conference or other program. A 15 percent tip may be added to the authorized rate.

Breakfast	\$15.00
Lunch	\$ 20.00
Dinner	\$ 40.00

In addition, meals may be purchased for others as set out above and only as allowed by law. Meals in excess of the above stated amounts require prior written approval by the [Chief Executive Officer Executive Director](#).

Cash Advance Policy

The IVDA does not authorize cash advances.

Credit Card Use Policy

IVDA does not issue credit cards to individual office holders and does not provide for use of a IVDA credit card.

Expense Report Content and Submission Deadline

All expense reimbursement requests must be submitted on a IVDA expense report.

- A. All expenses reported on this form must comply with the IVDA's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the city/county/district's policies include loss of reimbursement privileges, restitution, civil and criminal penalties.
- B. Expense reports must document that an expense met the requirements of this policy. For example, if the meeting is with a legislator, the Board official should explain whose meals were purchased, what issues were discussed and how those relate to the IVDA adopted legislative positions and priorities.
- C. Officials must submit their expense reports within 30 calendar days of an expense being incurred, accompanied by receipts documenting each expense. Expenses reimbursed after 60 days must be reported to the IRS as income. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Meals are considered "gifts" to legislators that must be reported by them if the total value of gifts given from the agency exceeds \$50 in a year; there also is an annual gift limit. This limit is \$340. See [Cal. Gov't Code § 87103\(3\)](#). Registered lobbyists, by contrast, are limited to gifts of \$10 per month. See [Cal. Gov't Code §§ 86201-86204](#).

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

Audits of Expense Reports

The Internal Revenue Service requires that expenses that are reimbursed after 60 days be reported as income to reimburse. Under an "accountable plan," expense reimbursements are not taxable to the recipient; however, if the recipient does not submit his/her substantiated claim for reimbursement within 60 days of the expenditure, then the reimbursement is taxable to the recipient. It is the responsibility of the elected official to determine the appropriate tax rule and pay any and all taxes owing.

All financial expenses are subject to verification that they comply with this policy as part of the annual audit.

Reports to IVDA Board

At the following regular IVDA governing body meeting, each official shall briefly report on any meetings attended at IVDA expense as well as any conferences, educational seminars or meetings with legislators or other governmental officials. Reports shall be identified under "Board member reports" at the end of the agenda.

If multiple officials attended, a joint report may be made. The report may be made orally or in writing.

Violation of This Policy

Under state law, use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges; 2) a demand for restitution to the IVDA; 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; 4) civil penalties of up to \$1,000 per day and three times the value of the resources used; and 5) prosecution for misuse of public resources.

For example, meals are considered "gifts" to legislators that must be reported by them if the total value of gifts given from the agency exceeds a statutorily defined amount in a particular year; there also is an annual gift limit. This limit can be found in California Government Code section 87103. Registered lobbyists are also limited in the amount of gifts they may give, as outlined in California Government Code sections 86201-86204.

Evaluation

This Policy shall be reviewed on an annual basis in order to conform to applicable laws and IVDA Board policy. The IVDA Board shall take action on any and all proposed updates to this IVDA Board: Rules and Procedures document.