COUNCIL COMMITTEES

A G E N D A

September 22, 2003 - 6:00 P.M. - Council Chambers - City Hall - City of Dover

AGENDA ADDITIONS/DELETIONS

LEGISLATIVE AND FINANCE COMMITTEE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at Jgreen@dover.de.us) should you wish to be recognized.

1. Hospitality and Civic Function Policy

2. Revised Travel Policy

3. Proposed Ordinance Amendment - Section 1-6 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Amendments (SPONSORS: COUNCILMEN RITTER, RUANE, AND SPEED)

PARKS AND RECREATION COMMITTEE

There will be no Parks and Recreation Committee Meeting held on September 22, 2003.

SAFETY ADVISORY COMMITTEE

There will be no Safety Advisory Committee Meeting held on September 22, 2003.

UTILITY COMMITTEE

Note: The Utility Committee Meeting will be held on ***September 29, 2003 at 4:30 p.m.***

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Legislative and Finance Committee Agenda Item - 9-22-2003 - 1

CITY OF DOVER
DEPARTMENT OF FINANCE

HOSPITALITY & CIVIC FUNCTION POLICY

I. PURPOSE

There are occasions when the **judicious** extension of hospitality in connection with official City of Dover business is in the best interests of the City of Dover, hereinafter referred to as *"City."* There are also occasions where attendance at civic events and functions which are not sponsored by the City are in the best interests of the City. This policy outlines City policy and procedures governing the manner and extent to which the City's **employees, public officials, and appointees** may extend hospitality while attending civic functions **for business purposes only**, provides maximum per person rates authorized for meals and refreshments, and specifies the City funds that may be used for such purposes.

II. SCOPE

This policy applies to all hospitality and civic function expenses incurred by the City regardless of the source of funding, and to all City employees, public officials (as defined herein) and appointees to City Boards, Commissions and Committees. Allowable costs for hospitality and civic functions which are chargeable to federal grant funds are governed by various OMB Circulars. All City employees, public officials, and appointees shall adhere to all requirements of applicable OMB Circulars.

This policy does not apply to meal expenses incurred while on approved travel status (except as specifically delineated hereinafter), which are covered by the City Travel Policy.

III. DEFINITIONS

- *Approval Authority* – a person to whom authority has been given in the City Charter and/or Code or delegated in writing to approve hospitality and civic function expenses and to approve exceptions to the hospitality and civic function policy and the limitations outlined in this policy.
- *Civic Event/Function* - any not-for-profit festival, celebration, or any similar occurrence or event that is conducted for a charitable, historical, educational or public or civic purpose within the City, provided, however that fund-raising events and all political activities are specifically excluded from coverage under this policy.
- *Exceptions* – included hospitality and civic function expenses that exceed the per-person maximum rates specified in Appendix A of this policy and any other type of hospitality and/or civic function expenses that are not specifically included in this policy.

- *Funding Sources* – General Fund appropriations, Utility Funds, and other applicable funds. Grant funds are governed by policies of the granting agency (e.g. the federal government, state government, etc.). Any expenditure of grant funds for hospitality or civic functions shall adhere to the more restrictive clauses of the grantor agency and this policy.
- *Hospitality* – for purposes of this policy, hospitality includes expenses for activities that City employees, public officials, and/or appointees initiate to promote the City to the public, usually with the expectation of benefits accruing directly or indirectly to the City. Hospitality is broadly defined to include providing any of the following:
  1. Meals (catered or restaurant)
  2. Light refreshments (beverages, hors d'oeuvres, pastries, cookies, etc.)
- *Official Business* – when a City employee, public official, or appointee engages a minimum of 60% of the time in a discussion of a COD topic with a written agenda as a hand-out
- *Official Guest* – a person who renders a service to the City or is present at a City meeting, conference, or event at the invitation of the person authorized to host the activity. Employees or public officials are not considered official guests.
- *Official Host* – an employee, public official, or appointee representing the City who hosts a meeting, conference, or event.
- *Public Official* - see VII of this policy for the IRS definition which is incorporated by reference herein.
- *Unallowable Expenses/costs* – expenses and/or costs which are not expressly permitted under this policy and/or for which sufficient documentation is not provided as required under this policy. Any obligation incurred by a City of Dover employee, public official, and/or appointee contrary to this policy becomes the personal obligation of the employee, public official, and/or appointee.
- *Work Location* – the place where the major portion of an employee's or public official's working time is spent, or the place to which the employee or public official returns during working hours upon completion of special assignments.

IV. ALLOWABLE EXPENSES AND APPROVAL

A. Allowable expenses and occasions

Expenses for hospitality and civic functions must be directly related to, or associated with, the active conduct of official City business. The occasion must serve a clear City business purpose, with negligible personal benefit derived by the official host or other City employees, public officials, and appointees. In addition, the expenditure of funds for hospitality and civic functions should be cost effective and in accordance with the best use of public funds.

To prevent inequities among the various competing fund raising events, the occasion cannot be a fund raising event for any one civic, charitable, or religious organization. Furthermore, contributions and donations, including cash, property, and services, regardless of the recipient, or the purpose for which the funds, property or services will be used are prohibited

costs, unless the City Council and Mayor have given specific written approval of such contributions and donations.

To prevent any potential conflict of interest, City funds may not be used by employees, public officials, or appointees to cover expenses related to events, meetings, meals, or activities sponsored by organizations in which the public official and/or employee holds a membership, unless the event, meeting, meal, or activity is already funded by the City.

Expenditures which contribute to, or pay the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections, whether direct or indirect, are prohibited**.**

The procedures set forth in this policy are intended to conform to the Internal Revenue Service regulations related to entertainment expenses and associated employee compensation issues.

When determining whether a hospitality or civic event expense is appropriate, the approving authority must evaluate the importance of the event in terms of the costs that will be incurred, the benefits to be derived from such an expense, the availability of funds, and any alternatives that would be equally effective in accomplishing the desired objectives.

The following examples illustrate the applicability of the hospitality and civic provisions:

- Host to Official Guests

When the City is host to official guests or dignitaries from outside the City who are visiting for a bona fide official City business purpose**,** the cost of meals or light refreshments may be paid or reimbursed.

The expenses of the spouse of a guest may be reimbursed provided such hospitality serves a bona fide City business purpose. In cases where the expenses of a guest's spouse are reimbursed, expenses for the host's spouse are also reimbursable.

- Joint Meetings with Other Governmental Entities or Organizations

The costs of meals or light refreshments may be paid or reimbursed when the City is the host or sponsor of a meeting with other local governments, local legislators, and/or other elected officials meeting with the City on official City business. All such events or meetings shall be open to **all** City elected officials to be reimbursable.

- Retreats, Meetings and Business Meals

The cost of meals or light refreshments may be paid or reimbursed when meetings of an administrative nature are held that are directly concerned with the welfare of the City. Where meals are involved, they *must be a necessary and integral part of the business meeting, not a matter of personal convenience (*e.g. the cost of meals for employees from the same work location may be reimbursed if a working lunch is included as part of a *scheduled meeting).* The meeting should take place over an extended period of time and the agenda should include a working meal to satisfy the requirement that the meal is part of a genuine business function. Reimbursement will ***not*** be allowed when two or more employees from the same work location or elected or appointed officials (or any combination thereof) choose to go to lunch together to continue their business as *an incidental* part of the meal, or when the meeting could have been scheduled during regular working hours. Reimbursement may be allowed when it is necessary for employees, public officials, or appointees to conduct official City business during a meal, the circumstances surrounding the meal are beyond the control of the employee or public official, and it is impractical to complete the business during normal working hours. Absolutely no alcoholic beverages shall be served or consumed on official business.

- Employee Oriented Functions

The cost of light refreshments or meals may be paid or reimbursed when Citywide functions between City officials, management, and employees are held for support of City employee events and recognition activities that are open to all employees (e.g. employee appreciation day and employee picnic). However, holiday parties, birthday parties, employee retirement parties, prayer breakfast's and other events not essential for the conduct of City business are not allowable expenses under this policy.

- Receptions

The cost of light refreshments (and the cost of certificates/awards/plaques/ promotional materials presented – see Gifts Presented to Non-Employees and Employee Non-Cash Awards) may be paid or reimbursed for the annual City of Dover Reception.

- Restrictions on use of City funds

The use of public funds for meals or light refreshments for holiday gatherings for City employees, public officials, and appointees is prohibited.

- Entertainment

Costs of entertainment, including amusement, diversion, golf tournaments or outings, and social activities and any costs directly associated with such costs (such as tickets to shows ,cultural, social or sports events, greens or tee fees, meals, lodging, rentals, transportation, and gratuities) are prohibited.

- Fundraising

Costs of organized fundraising, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are prohibited, regardless of the purpose for which the funds will be used.

- Refreshments

City funds may not be used to pay for refreshments for general office use.

- Alcoholic Beverages

Absolutely no alcoholic beverages shall be served on official business or consumed at any business meeting. Consumption of alcoholic beverages automatically disqualifies any costs associated with any otherwise qualified business meeting from reimbursement, regardless of any other provisions of this Hospitality and Civic Function Policy.

B. Approval of Transactions

Delegation of Authority

Approval for all official City hospitality and civic function expenses must be obtained at the appropriate level. In order to ensure that the approval of hospitality and civic functions is entirely independent, individuals with delegated approval authority shall not approve expenses of a person to whom they directly report. The approval authority shall be the supervisor (or higher level) of the official host. In addition, individuals with delegated approval authority shall not approve their own hospitality or civic function expenses. If the official host is the Mayor, approval shall be by the Council President and Finance director. If the official host is Council, approval shall be by the Mayor and Finance director.

A Delegation of Signature Authority Form or an equivalent form must be on file for each individual to whom approval authority for hospitality and civic function payments has been delegated. Any delegation of authority must be in writing, with copies provided to the Finance Department.

V. PROCEDURES

A. Authorized Rates

Rates are recommended by the City Clerk and are authorized by the City Treasurer. *Maximum* rates allowed for hospitality and civic functions, specified in Appendix A, include taxes and service. These rates do not include the rental of meeting or conference facilities, which may be charged as an additional expense.

The maximum rates will be reviewed periodically by the City Clerk, City Manager, and City Treasurer and adjusted as appropriate.

B. Payment/Reimbursement Procedures

Unless otherwise specifically delineated in this Policy, all Hospitality and Civic expenditures must be approved in advance of the event for which the costs will be incurred. A "Request for Payment/Reimbursement of Hospitality Expenses" form must be submitted to the Finance Department. The completed request must include the following information:

1. *Name and department* of the person requesting approval and/or reimbursement.
2. *Type of activity* (e.g. reception, retreat, League of Local Govts., City/County meeting, business meeting, etc.)
3. *Date of activity*
4. *Location of activity*
5. *Purpose of activity*: explain how this is a necessary, business related expense that is appropriate to charge to/reimburse from the indicated account (e.g. business purpose/reason/benefit and how it contributes to achieving the City's mission and the purpose of the project/account being charged; business topic(s) discussed). A specific, clear, and meaningful statement of the benefit of this function to the mission of the City is required.
6. *A typed agenda* of the meeting to be provided to all participants.
7. *Participants*: who attended (or will be attending) the activity and what is their business relationship to the City department. The name, title and department (if a City employee), or affiliation/occupation/group (if a guest from outside the City) of each person should be shown on the request form or an attached guest list. For meetings of a group with an established participant list or where the group is so large it would be very difficult to name all of the attendees (e.g. City Reception), the persons entertained need not be individually identified by name and title. The group must be named or described and the estimated number of attendees provided.
8. *Type and amount of expense(s)*: describe what was purchased, what it cost, and the total amount of the payment requested.
9. *Number and title of appropriate account* being charged.
10. *A certification* signed by the host that the expenses were incurred for official City business purposes.
11. *Approval signature of the supervisor or other designated approval authority* (or higher level) of the employee, public official or appointee.
12. *Approval signature of responsible person or project director* authorized to approve disbursements for this account.
13. *Approval signature for exceptions*, if required.

All requests for reimbursement must be supported by original itemized receipts, or acceptable electronic receipts, which must be submitted with the request for payment. The level of detail contained in an electronic receipt must be equivalent to that contained in an acceptable paper record.

Note: All meals require an itemized receipt as proof of payment. A credit card receipt alone shall not be sufficient.

To ensure that adequate internal control standards are met, a payment issued to reimburse hospitality and civic function expenses *shall be delivered directly to the payee.* Such payments shall ***not*** be delivered to any of the individuals involved in the approval or payment preparation process. When contracting with a vendor for catering, a purchase order must be submitted to the Finance Department ***before*** the event, along with the requisitions and any vendor proposal or estimate. After the event, the official and approving supervisor must request/authorize payment by submitting the "Request for Payment/Reimbursement of Hospitality and Civic Function Expenses" as outlined above, and the check will be mailed directly to the vendor(s).

Hospitality while on Travel Status

The Travel Policy and the Hospitality & Civic Function Policy are separate and distinct policies.

A City employee, public official, or appointee on travel status who incurs hospitality expenses *must* claim such expenses in accordance with the procedures specified in this policy. Such expenses should be documented on the "Request for Payment/Reimbursement of Hospitality Expenses" and submitted with the Travel Expense Report to ensure that the meals for hospitality are separately justified from the meals for travel. In addition, a *per diem meal must not be added to the travel expense form when a hospitality expense for the same meal has been submitted for reimbursement.*

C. Finance Department and Council Responsibilities

The City Council and the Finance Department will periodically (at least annually) review the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the Council and Finance Department. Exceptions will only be made in particular cases where adequate justification is presented. However, in the interest of achieving maximum uniformity, exceptions will be permitted only in highly unusual circumstances.

D. Exceeding Authorized Meal Rates

Any request for reimbursement of expenses higher than those allowed in Appendix A to this policy must include written justification as to why the higher costs were unavoidable and necessary to achieve a City business purpose. *The fact that actual costs exceed the authorized rates is not in itself adequate justification for a higher reimbursement rate.* If adequate justification exists and provided such costs are deemed to be ordinary and necessary under the circumstances, and exceptional expense may be approved. Reimbursements of expenses shall be limited to the actual costs incurred.

E. Tax Considerations

Under Internal Revenue Service regulations, a meals/entertainment (hospitality) expense shall be considered taxable income to an employee, public official, and/or appointee under any of the following conditions: if the entertainment (hospitality) activity is not directly related or associated with the employee's job, the expense is lavish or extravagant under the circumstances, the official host (or another employee) is not present when the activity takes place, or if the expense is not substantiated with supporting documentation, as provided in this policy. Consequently, any expense that would be considered taxable income to the employee by the IRS is not allowable under this policy. For more information on what hospitality expenses are deductible, see the IRS Web site (http://www.irs.gov) and key in entertainment in the Search window or publication 463 in the Forms and Publications Finder window.

VI. RESPONSIBILITIES

All City of Dover policies are to subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 "Compensation and expenses – Mayor and Council and other elected or appointed officials", whereas, "**Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy**" and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 "Code of Conduct", which is "**applicable to all elected and appointed officials and to all employees of the City of Dover." Any obligation incurred by a City of Dover employee, public official, or appointee contrary to this policy shall become the personal obligation of the employee, public official, and/or appointee.**

VII. INTERNAL REVENUE CODE – DEFINITION OF PUBLIC OFFICIAL

Generally, if there is any provision in a public law which authorizes the employment of the individual, and the individual is hired or elected under this authority, the individual is considered an employee of the State or political subdivision to which the provision applies.

The following factors indicate that an office is a "public office".

1. The office was created by the constitution or through legislation, or by a municipality or other body with authority conferred by the legislature.
2. The office was delegated a portion of the powers of the government body.
3. The powers conferred and the duties to be discharged are defined either directly or indirectly in law or through legislative authority.
4. The duties are being performed independently and without control of a superior power other than the law.
5. The office has some permanency and continuity, and the officer takes an official oath.

Examples of public officers are: the president and vice president; a governor or mayor; the secretary of state; a member of a legislative body, such as a state legislature, county commission, city council, school board, a judge; a justice of the peace; and members of advisory boards and committees.

VIII. REVIEW & REVISION

The City of Dover Hospitality and Civic Function Policy will be reviewed every three years by the Council, Mayor, City Manager, Finance Director, and City Clerk.

VIII. Rescissions

This Policy rescinds and supersedes any and all previous policies, memorandums or other documents governing hospitality and civic function expenses as described herein.

ADOPTED:

Effective Date IMMEDIATELY FROM ADOPTION

APPENDIX A

MAXIMUM RATES FOR HOSPITALITY

The maximum per person expenditures for individuals being entertained and for a City employee, public official, or appointee who is the official host or who is a participant at the request of the official host, shall not exceed the following amounts:

Meal	***Maximum Rates***
Breakfast	$15.00
Lunch	$20.00
Dinner	$35.00
Light Refreshment	$10.00

Footnotes:

1. The reimbursement for a buffet reception cannot exceed the applicable meal allowance associated with the type of buffet, i.e. breakfast, lunch, or dinner.
2. These amounts include tax and service (i.e. tips)

M E M O R A N D U M

TO: Members of the Legislative and Finance Committee



FROM: Janice C. Green, City Clerk

DATE: September 17, 2003

SUBJECT: Staff Comments - Hospitality and Civic Function Policy

As a result of several comments made during the City Manager's Department Head Meeting, Mr. DePrima requested that staff review the proposed Hospitality and Civic Function Policy and submit their comments to my office for compiling and presentation to members for their review and consideration.

The following comments were received:

HUMAN RESOURCES DEPARTMENT

Page 2 - Allowable Expenses and Occasions: The City has participated in United Way and Heart Association for several years. Under these guidelines, will the City be prohibited from continuing their participation in these fund raising events without City Council and Mayor approval?

Page 4 - Employee Oriented Functions: Would the City be prohibited from contributing towards the employee's holiday party (luncheon)?

Page 4 - Restrictions on Use of City Funds: Same question as above.

Page 5 - Fundraising: Would this policy be applicable to the Employee's Committee? The Employee's Committee conducts fundraising events such as raffles, vending machines, etc. to raise money for an employee Christmas Party and other benefits for the employees.

CITY CLERK'S OFFICE (comments are to provide clarification)

Would the sending of flowers, plants, donations, etc. when there is a life changing event (such as death, birth, etc.) for elected or appointed officials, and employees be prohibited in accordance with the policy?

Page 3 - Allowable Expenses and Occasions: In the first paragraph where it states that "City funds may not be used… to cover expenses…unless the event, meeting, meal, or activity is already funded by the City. Would this then not allow expenses associated with City/County Meetings, Delaware Public Archives, Delaware Municipal Clerk's Association, American Public Power Association, etc.?

Page 4 - Alcoholic Beverages: First paragraph, last sentence indicates "Absolutely no alcoholic beverages shall be served or consumed on official business". Would this include functions such as the League of Local Governments Meetings and others similar for which the Mayor and members of Council attend often? Although currently the City does not pay for these, members will have a alcoholic drink during the social time prior to the business or dinner meeting and sometimes member(s) may have an alcoholic drink with their meal. For clarification, would this prohibit alcoholic consumption regardless of whose paying? (Also see page 5, Alcoholic Beverages - same concerns).

Page 4 - Retreats, Meetings, and Business Meals: Would this exclude providing any meals, donuts, coffee, snacks, etc. for any Council or Committee related meeting or retreat since it "must be a necessary and integral part of the business meeting, not a matter of personal convenience"?

Page 4 - Receptions: It indicates "See Gifts Presented to Non-Employees and Employee Non-Cash Awards"; however, there is no section to refer to.

Page 5 - Alcoholic Beverages: See Page 4 - Alcoholic Beverages above.

Page 6 - Payment/Reimbursement Procedures: Would the requirement for such expenditures to be approved in advance, prohibit someone from attending and being reimbursed or for City payment to be made? On many occasions, more so than not, members of Council do not advise the Clerk's Office of their intentions to attend a function until the last minute. Often, they indicate their attendance after an RSVP date and we must make special arrangements for their attendance with the host (assuring payment will follow). In addition, there are rare occasions when a member forgets to advise our office and does attend.

There have also been occasions when a member of Council indicates their attendance at an event, the City pays, then the member does not attend. The City is still responsible for paying for these instances. Is this something that should be addressed in this policy?

Page 9 - Appendix A, Maximum Rates for Hospitality: Maximum meal allowances for breakfast, lunch, and dinner should be equal to the amounts in the Travel Policy (and vice versa).

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Legislative and Finance Committee Agenda Item - 9-22-2003 - 2

CITY OF DOVER
DEPARTMENT OF FINANCE
(7/1/2003)

CITYWIDE TRAVEL POLICY

A. INTRODUCTION

1. Purpose

The purpose of this policy is to provide guidelines under which City of Dover employees, public officials, and appointees will be reimbursed for authorized travel expenses incurred in the conduct of business for the City of Dover, hereinafter referred to as "*City*." In addition to the guidelines, specific procedures with regard to incurring and reporting travel expenses are provided.

2. Scope

This policy shall apply to employees of the City of Dover, elected officials, boards, commissions and others, who are engaged in authorized travel and who expend City funds for travel purposes. The Mayor and Members of City Council are not required to submit a Travel Authorization and Completion Form, but are required to follow the financial and budget requirements of this policy.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding the expenditure of City funds for reimbursable expenses.

It remains the responsibility of city management to control and approve travel-related expenditures. The City Manager and Finance Director may impose more stringent rules when deemed appropriate or necessary.

The City Council and the Finance Department will periodically (at least annually) review the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the Council and Finance Department. Exceptions will only be made in particular cases where adequate justification is presented. However, in the interest of achieving maximum uniformity, exceptions will be permitted only in highly unusual circumstances. The City Council and Finance Director may also, on a case-by case basis, approve reimbursements exceeding the guideline amounts referenced in this policy. In any such instance, a

detailed explanation and substantiation (a receipt) is required. Enforcement of the travel policy will be the responsibility of the Finance Director.

3. Responsibility

a) Employee, Public Official, or Appointee
- Comply with all provisions of this policy.
- Obtain the necessary approvals in **advance** for overnight travel and out-of-state use of City vehicles. Provide a copy of the approval with the travel prepayment made by direct voucher.
- All expenses incurred in the course of City business are to be in accordance with the City's Administrative Policies and Rules of Ethics and must be paid solely from appropriated funds.
- Comply with **the ten (10) working-day** rule.

b) Department Manager/City Manager/Council Designee
- Ensure compliance with this policy.
- Review and approve each of their employees/official's travel approval requests and reimbursable expenses.
- Ensure sufficient funds are available for all anticipated expenses.

c) Signatures on the Travel Expense Report certify that the expenses were incurred by the employee/official requesting reimbursement for official City business, are reimbursable in accordance with this policy, and have not been reimbursed except as indicated on this form.

Required signatures for expenses are:

- Employee
- Supervisor
- Manager or Council Designee

B. TRAVEL AUTHORIZATION

All out-of-state travel that extends beyond one day shall be approved by the City Manager or Council Designee. All requests shall be made on the "Travel Authorization and Completion Form". (City of Dover – Form 047). A copy of the conference or meeting program shall be attached to the form. The authorization form should be submitted to the manager in a reasonable amount of time prior to the traveling day.

The Department Manager, City Manager, or Council designee may impose specific requirements as to the time the authorization form must be submitted prior to travel.

Employees and Officials traveling on official City business should be aware that the approval is for travel only, and is not a blanket approval of the expenses incurred.

C. AUTHORIZED TRAVEL AGENT

1. Definition

The authorized travel agent is identified as Advantage Travel. All travel arrangements must be made through the authorized travel agent.

D. TRANSPORTATION: COMMON CARRIER

1. General

All trips requiring the use of common carrier must be pre-approved by the appropriate approval authority.

The mode of travel must be justified on the basis of the most economical use of time of the personnel involved, the cost of optional travel modes, and the requirements of the trip.

All common carrier reservations must be made through the authorized travel agent under contract with the City of Dover within the guidelines of this policy. (Tickets purchased from any other sources will not be reimbursed.) Consistent with reasonable business travel planning, common carrier will be booked at the lowest available fare. The authorized travel agent is required to offer the traveler the lowest available fare. If the lowest available fare is turned down by the traveler, the traveler's explanation for the denial is to be provided with the travel authorization request.

Travelers should be advised to make travel reservations as far in advance as possible to attain the lowest fares, including non-refundable tickets. Travelers may not specify particular airlines or other carriers to accumulate mileage on promotional plans such as frequent flyer programs.

In order to take advantage of special discount rates (supersaver fares, etc.), payments to the authorized travel agent or reimbursement to an employee may be made prior to a trip being taken under the following conditions:

a. Documentation of the substantial savings that will accrue to the City (i.e., supersaver discounts).

b. Employee's proof of payment on a statement from the travel agency or airline, other than credit card receipts.

Most airlines will not give refunds or partial refunds for supersaver airfares.

Agencies are encouraged to examine the advantage of fares requiring early trip departure or delayed return. However, it is important to consider the additional cost of meals and lodging for the required extra day(s) stay when comparing cost.

2. Air Travel

a. Accommodations - When commercial airlines are used as a mode of travel, accommodations shall be coach/economy class unless some other class accommodations are more economical.

b. Routing of Travel - All travel will be by the most economical and direct routes.

In the event that a person travels by an indirect route for personal convenience, the extra expense shall be the responsibility of the individual. Reimbursement for expenses shall be based only on the cost of the most economical and direct route.

c. Conference Airfare Arrangements

When attending a conference, always check conference materials to see if special airline discounts are offered. When a special airline discount rate is offered and conferees are instructed to go directly to an airline or a specific travel agency to obtain the discount fare, all fare and file number information should be given to the authorized travel agency. The travel agent will then attempt to obtain the conference rate, government rate or lower rate, for the traveler. (See Section E.3. for Conference Lodging Arrangements) If a lower fare is not available, the conferees may make their travel arrangements directly utilizing the conference instructions.

3. Rail Travel

a. Accommodations

When it has been determined that rail travel is the most appropriate mode of transportation, the most economical class accommodations shall be utilized.

When practical, rail travel should be arranged through the authorized travel agent.

E. TRANSPORTATION: PASSENGER VEHICLES

1. City-Owned Vehicles

City-owned vehicles should be utilized for out-of-state travel when such use is the most practical and economical mode of transportation, including the cost of tolls, fuel and parking.

2. Privately-Owned Vehicles

a. The use of privately owned vehicles for out-of-City travel shall require prior approval of the appropriate department manager with approval authority. Reimbursement of private vehicle expenses shall be at the Standard Mileage Rate as set by the federal government for actual and necessary miles traveled. Beginning and ending odometer readings are required for the reimbursement for mileage.

   In considering approval, the approval authority shall take into consideration the cost of alternative modes of travel and the cost of meals and lodging for the additional travel/transit days.

b. When two or more employees travel in a privately owned vehicle, only one mileage reimbursement shall be allowed.

3. Rental Cars

a. General

The use of a rental car when traveling out of state must be justified as an economical need and not as a matter of personal convenience. All rentals should be at the most economical rate per day including government rates or special rate agreements through the authorized travel agent or state contract. When traveling in groups, sharing of cars, when practical, should be done to minimize costs. The city will not pay for the use of a rental car to accommodate family members or non-business associates traveling with the employee, public official, or appointee.

b. Vehicle Size

Whenever possible, compact cars shall be rented or reserved. However, if a larger size vehicle is more economical or more than two city travelers are traveling together the larger vehicle may be appropriate.

c. Insurance

(1) The optional insurance coverage offered by the car rental agency shall be declined when the traveler charges the rental car. The traveler will automatically receive primary coverage under the City blanket insurance policy for travel. When insurance is declined, the policy covers collision damage, theft, fire and vandalism. Reimbursements for additional or optional insurance coverage will not be allowed.

(2) Other. Travelers not covered under the blanket insurance policy may be covered by their personal automobile insurance policy or other personal credit cards. Travelers should check their automobile policy and credit card policy for business travel coverage and accept or decline additional coverage accordingly.

Reimbursement for additional or optional insurance coverage will not be allowed without prior approval from the department approval authority.

d. Refueling Before Return

To avoid a refueling surcharge, all rental cars shall be refueled before returning the vehicle to the rental company. Any surcharges billed to the employee, public official, appointee, or City shall be explained in the reimbursement request.

e. Reservations

Car rental reservations shall be made through the authorized travel agent whenever possible.

F. LODGING

1. General

City travelers are expected to seek accommodations that are comfortable, convenient, meet business and personal needs and offer good value.

2. Accommodations

a. Lodging accommodations for reasonably priced single occupancy rooms are reimbursable when the traveler is away from home overnight due to official travel.

b. Accommodations shared with family members or others not on official City business are reimbursable at the single occupancy rate only.

c. Accommodations shared with other state travelers should be billed and reimbursed to one traveler. When required, reimbursements to more than one traveler shall be based on a pro rata share as reported on each reimbursement request.

d. City travelers may elect to use their personal campers or recreation vehicles rather than staying in a hotel/motel. When prior approval is received from the appropriate department approval authority, the traveler will be reimbursed for actual costs, not to exceed the cost of hotel lodging. The employee, public official, and/or appointee shall provide receipts other than credit card receipts for reimbursement.

3. Conference Lodging Arrangements

Hotel reservations should be made through the authorized travel agent whenever possible. When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate provided, the employee/official should inform the authorized travel agent, who will attempt to obtain the conference rate, government rate or lower rate, for the employee/official. If a lower rate is not available, the conferees should make their lodging arrangements directly utilizing the conference instructions.

4. Occupancy Tax

The City is exempt from the tax on occupancy of hotel, motel and tourist home rooms within Delaware only. When instate overnight accommodations are necessary, the employee should be provided with a copy of the Occupancy Tax Exemption Certificate (see Exhibit C) to be presented to the lodging facility. Tax on occupancy of hotels in other states must be paid.

G. MEAL ALLOWANCES

1. General

The City will pay for or reimburse an employee/official for the necessary and reasonable cost of meals incurred during out of state travel requiring overnight lodging.

Meal costs incurred over and above those provided as part of a registration fee are not reimbursable unless justified as a special circumstance (e.g. special meeting or diet restrictions).

There will not be any reimbursement for the meals when the meals are provided by the host organization and when meals are provided as part of the airfare.

Exceptions are to be approved by the City Manager and Finance Director.

This policy will be instituted through the use of one of two different plans for each travel period:

<u>Plan A – Per Diem/No Receipts</u>

This Plan provides employees with a fixed daily or partial day per meal allowance and requires no receipts to be submitted.

Plan A daily and per meal allowances are:

Daily	$45
Breakfast	10
Lunch	10
Dinner	25

Plan B – Actual Expense/Receipts Required

This Plan provides for the payment of or reimbursement of actual, reasonable meal expenses **which are substantiated with receipts**.

Plan B daily and per meal allowances are:

Daily	$55
Breakfast	10
Lunch	15
Dinner	30

2. Choice of Meal Plan

a. Department management may choose to operate under one or both of the plans.

b. Only one plan may be used per trip.

3. Meal Allowance Adjustments

a. Department management may reduce daily and per meal allowances in both plans for department policy purposes.

b. The Finance Director may approve claims for expenses exceeding the allowances in Plan B on a case-by-case basis when the employee, public official, or appointee travel to the following "high cost" locations:

New York City	Boston	Chicago
Los Angeles	Washington DC	San Francisco
Atlanta	New Orleans	State of Alaska
State of Hawaii		

4. Application of Daily or Per Meal Allowances

a. The daily allowance applies to out-of-state travel lasting two days or more and requiring overnight lodging. The per meal allowances do not apply, only the daily allowance.

b. The per meal allowances apply to the departure and return (partial) days according to the following guidelines:

1) Departure means leaving from home or normal work location; and, return means arriving back to home or normal work location.
2) If the time of departure is after 6:00 a.m., the employee is entitled to lunch and dinner.

3) If the time of departure is after 2:00 p.m., the employee is entitled to dinner.
4) If the time of return is prior to 10:00 a.m., the employee is entitled to breakfast.
5) If the time of return is prior to 7:00 p.m., the employee is entitled to breakfast and lunch.
6) If the departure time is prior to 6:00 a.m., or the return time is after 7:00 p.m., the daily allowance will apply.

5. Day Trips, In-state Travel and Before or After Hours

The meal allowance for day trips out of the City, not requiring overnight lodging. Assignments requiring overnight lodging may be approved as long as the amount does not exceed the allowances established in Plan A and Plan B. The meal allowance for working before or after hours as a general rule are not encouraged, but may be approved by the Finance Director on a case-by-case basis as long as the amount does not exceed the allowances established in Plan A and Plan B.

H. CASH ADVANCES

Travel advance checks will not be issued to employees, public officials, or appointees in the form of general disbursement checks. Employees, public officials, and appointees will be reimbursed for travel related expenses after the trip or event has been completed.

Employees, public officials, and appointees shall use the City purchase order when making travel arrangements when time permits. If there is a time constraint in processing a purchase order, a request for permitted use of the City credit card, accompanied by the proper documentation, will be sent to the Finance Department. Employees and Officials are also encouraged to use a personal credit card and request reimbursement when they return. The City will pay in advance the following costs:

a. Conference/Training registration fees. Such payment will be made payable and mailed directly to the organization. This will be done through a purchase order submitted by the department after the trip is approved. A copy of the registration form describing the registration fees must be attached to the purchase order.
b. Airfare. The check will be made payable and mailed to the travel agency upon submission of a purchase order.
c. Lodging. The check will be made payable to the motel and will be given to the person for whom the lodging arrangements are made. The employee must provide the rates and information pertaining to applicable taxes in advance and submit a purchase order for the same.

I. TRAVEL EXPENSE REIMBURSEMENT

1. General

A Travel Expense Report (City of Dover – Form 030) is due to Accounts Payable within **ten (10) working days** after travel or an expense is incurred. **(Ten working-day rule)**

a. Timely reimbursement can be assured only if an accurate, properly substantiated Travel Expense Report is received in Accounts Payable **ten (10) working days** after completion of the trip.

b. Failure to submit timely Travel Expense Reports after the completion of a trip will result in administrative action, such as notification to the department manager and denial of future travel requests.

Travel Expense Reports for local travel and related expenses are to be submitted at least monthly. In no case shall a reimbursement be made to an employee for travel or expenses incurred in excess of 90 days.

Note: This section pertains to only those travel expenses paid by the traveler; not to travel expenses directly billed to/paid by the City.

2. Receipt Requirements and Other Reimbursement Criteria

a. Tickets booked on common carriers (airline, rail or bus) require original copy of the authorized travel agent paid invoice.

b. Hotel/motel bills shall be the original copy of hotel/motel billing marked paid, or paid invoice from authorized travel agent if lodging was billed through the agency.

c. Ground transportation, including airport shuttle, taxi or public transit requires a receipt if over $10.

d. Car rental reimbursements require paid invoice from the rental company or authorized travel agent if billed through agency.

e. Meals under Plan A (per diem) do not require receipts and are not reimbursable above the maximum daily/partial day per meal allowance.

   Tips in excess of 15% will not be reimbursed.

   When more than one City employee, public official, or appointee's meals are being reimbursed, the number and name of the individuals are to be submitted on a schedule itemizing the cost of each individual's meal and a receipt from the dining facility attached.

f. Hotel/motel related expenses should be documented identifying the date and the cost of each category with the following requirements:

1) Out-of-pocket costs for incidental items such as baggage handling and maid service are reimbursable as follows: (maximum allowable)
   - Porter(P), Doorman (DM) - $1.00 on arrival, $1.00 at departure
   - Bellhop (BH), Valet Parking Attendant (VP) - $1.00 per bag on arrival, $1.00 per bag at departure, not to exceed $4.00.
   - Sky Cap (SC) - $1.00 per bag not to exceed $2.00
   - Taxi (TD) - $2 or 15% of cab fare, whichever is the lowest
   - Shuttle Driver (SD) - $1.00 per occurrence
   - Maid Service (MS) - $1.00 per day
   - All other tips and gratuities not addressed in this policy are discretionary and are not reimbursable.

2) City-business related telephone calls are reimbursable as incurred and require a receipt from the telephone service provider or included on the hotel/motel billing invoice.

g. Lodging at campgrounds using traveler's camper or recreational vehicle is reimbursable at the actual cost, not to exceed the equivalent cost of hotel/motel lodging. Receipt is required.

h. Other Categories

Reimbursement for the following categories should be submitted on a schedule identifying the date, the cost and the category:

Hotel/airport parking and tolls for interstates, turnpike, bridges and/or ferries. Expenses exceeding $10 per category per use shall require a receipt.

i. Gasoline and/or Other Supplies

Need for emergency repairs incidental to using a City-owned vehicle shall require a cash receipt or credit card receipt.

j. Reimbursements for travel expenses incurred without required receipts, as outlined, is strictly prohibited. A "no receipt - no reimbursement" policy applies. An affidavit for lost, stolen, etc. receipts is generally acceptable with approval by the Finance Director. (City of Dover – Form 061)

3. Non- Reimbursable Expenses

The City shall not reimburse expenses for the following:

a. Alcoholic beverages are **strictly prohibited.**

b. In-room movies or pay television.
c. Theater tickets or nightclub entertainment.
d. Laundry.
e. Babysitting.
f. Related expenses of spouse, children and other persons accompanying the authorized employee/official.
g. Pleasure, historic or other tour related expenses. Expenses for business related tours would be reimbursed.
h. Donations and gifts made while at training, conference, or meeting.
i. Loss or damage of personal items.
j. Meals for other conference attendees.
k. Purchase of personal items.
l. Any parking or moving violation fines.
m. Any personal or pleasure travel while on City business.

J. CHARTER AND CODE OF CONDUCT

All City of Dover policies are to subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 "Compensation and expenses – Mayor and Council and other elected or appointed officials", whereas, "**Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy**" and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 "Code of Conduct", which is "**applicable to all elected and appointed officials and to all employees of the City of Dover."**

K. INTERNAL REVENUE CODE – DEFINITION OF PUBLIC OFFICIAL

Generally, if there is any provision in a public law which authorizes the employment of the individual, and the individual is hired or elected under this authority, the individual is considered an employee of the State or political subdivision to which the provision applies.

The following factors indicate that an office is a "public office".

1. The office was created by the constitution or through legislation, or by a municipality or other body with authority conferred by the legislature.
2. The office was delegated a portion of the powers of the government body.
3. The powers conferred and the duties to be discharged are defined either directly or indirectly law or through legislative authority.
4. The duties are being performed independently and without control of a superior power other than the law.
5. The office has some permanency and continuity, and the officer takes an official oath.

Examples of public officers are: the president and vice president; a governor or mayor; the secretary of state; a member of a legislative body, such as a state legislature, county commission, city council, school board, a judge; a justice of the peace; and members of advisory boards and committees.

L. REVIEW & REVISION

The City of Dover Travel Policy will be reviewed every three years by the City Council, City Manager, Finance Director, and City Clerk.

ADOPTED:

Exhibit C
STATE OF DELAWARE
DIVISION OF REVENUE
EXEMPTION CERTIFICATE
TAX ON OCCUPANCY OF HOTEL AND MOTEL AND TOURIST HOME ROOMS
CHAPTER 61, TITLE 30, DELAWARE CODE
This Part to be Completed by the Operator
Name of Hotel, Motel, or Tourist Home Fed. EI or SS Number
Address City State Zip Code

This Part to be Completed by the Occupant

This is to certify that I, the undersigned, am a representative of the United States or State of Delaware
Governmental Department or agency or public school district indicated below; that the charges for the
occupancy at the above establishment on the dates set forth below has been or will be paid for by such
Government or public school unit; and that such charges are incurred in the performance of my official
duties as a representative or employee of such Governmental or public school unit.

Name (Please type or print) Signature

Governmental Unit Title

Address City State Zip Code

Date(s) of Occupancy

NOTE: A separate Exemption Certificate is required for each occupancy and for each representative
or employee.

THIS EXEMPTION CERTIFICATE IS TO BE RETAINED BY THE OPERATORS OF
HOTELS, MOTELS AND TOURIST HOMES AS EVIDENCE OF EXEMPT OCCUPANCY.

FORM 6100

M E M O R A N D U M

TO: Members of the Legislative and Finance Committee



FROM: Janice C. Green, City Clerk

DATE: September 17, 2003

SUBJECT: Staff Comments - Travel Policy

As a result of several comments made during the City Manager's Department Head Meeting, Mr. DePrima requested that staff review the proposed Travel Policy and submit their comments to my office for compiling and presentation to members for their review and consideration.

The following comments were received:

CITY CLERK'S OFFICE

Page 1 - Scope: In the first paragraph it states that the "Mayor and Members of City Council are not required to submit a Travel Authorization and Completion Form…". For record purposes and to allow for reimbursement of expenses, a Travel Expense Report, which I am assuming is referred to here as "Completion Form", would be necessary.

Page 2 - Responsibility: With regards to the ten (10) working-day rule, how does staff handle those involving an elected or appointed official?

Page 7 - Hotel Reservations: When attending a conference, most hotel accommodations are part of the conference registration. In order to have choice of hotel (room blocks), they must be made in advance and in conjunction with the conference registration (separate reservations are not accepted).

Page 9 - Cash Advances: The current Travel Policy allows for advance payments for conference fees, airfare, lodging, and meal and other expense allowances. The proposed Travel Policy eliminates providing cash advance money for mileage, meals, and other expenses and suggests use of a personal credit card for these purposes. Some officials and employees (either by choice or otherwise) do not have a personal credit card nor do they have "extra" cash to take with them for these expenses.

Page 11 - f. 2) Telephone calls: There is a requirement for City-related telephone calls to be included on the hotel/motel invoice or for a receipt from the telephone provider. This has been a problem in the past whereby an invoice from a telephone service provider will not be received in time to meet the "ten (10) working-day rule". Sometimes these invoices are not received until 30+ days after a conference was attended. Also, there is no allowance for a personal call. If the City is having an employee attend a training conference away from home, their family may want to be assured of their safe arrival. Should there be any consideration for this when arrival time could be after the office has closed or over a weekend?

INFORMATION TECHNOLOGY

The attached comments were received.

/jg
S:\ClerksOffice\Packet\09-22-2003 Committee\09-22-2003-L&F-2-Memo.wpd

Attachment

Draft Travel Policy – Preliminary Review

Summary: it appears that this policy was cut and pasted from portions of our earlier policy and perhaps Delaware's state policy. This is great as we don't need to reinvent the wheel. It appears to just need a little more work to make the sections congruous and the policy clearer.

Item A 2. Scope Paragraph 4 "exceptions will be permitted only in highly unusual circumstances."

This statement alone makes it very critical that everything else in the policy is as accurate as possible before it is published.

Item C. 1. "The authorized travel agent is identified as Advantage Travel."

Has this been bid out periodically according to City Purchasing Policy?

Item C. 1. "All travel arrangements must be made through the authorized travel agent."

The impact of this is huge as it:

- eliminates all discounted Internet purchasing,
- eliminate all purchasing directly through airlines,
- increases the cost of travel to city tax payers as now there is a middleman who needs to get paid too,
- slows the booking process by adding another link in the travel preparation chain,
- adds to the accounting workload as another vendor is added to the disbursement/reimbursement process every time,
- takes us backward to the days where technology was unavailable,
- only exception appers to be for conference packages (Item 2. c.)

Item D. 1. paragraph #3 "The authorized travel agent is required to offer the traveler the lowest available fare."

Per Item 2. c, it is recognized by the author that the authorized agent cannot always do this. Perhaps something else is intended here.

Item D. 1. last paragraph. " Agencies are encouraged to examine the …."

- what/who are the "agencies" who are being encouraged here?

- If it is to the city's cost benefit to send someone a day earlier or stay a day later, is it the employee's option or the city's?

Item E. 2. a. Use of privately-owned vehicles. "when considering approval …."

- the cost of using a city vehicle with the low cost of city gas versus private-vehicle at the reimbursed mileage rate will be unlikely to ever favor private vehicle usage. The factor to consider will be more likely the availability of a city vehicle.

Item E. 3. b. Vehicle Size.

As much as many would like to drive a compact car, some cannot fit behind the steering wheel. Even mid-size cars can put people in a driving position that is unsafe.

Item E. 3. e. "Car rental reservations shall be made through the authorized travel agent whenever possible."

- this section includes the caveat of "whenever possible" similar to D.3.a. "when practical" but the definition in Section C 1 does not. Section F only specifies travel agent usage when lodging involves a conference (F. 3.). Perhaps this could be consolidated in C. 1.

Item F. 1. Lodging "City travelers are to seek accommodations ….."

- Unclear as to the role the authorized travel agent is to take in this effort unless it is for a conference F. 3.

Item F. 2. c. Accomodations shared with other state travelers …."

- Perhaps this should read City travelers.

Item F. 2. d. City travelers may elect to use their personal campers or recreation …."

- No towing of personal camper with city vehicles.
- What liability does this put on the city should an accident occur at the camp site or RV park?

Item G. 1. paragraph #1 Reimbursement for meals.

- This appears to exclude meals for overnight trips if they are within the state which seems inconsistent. This exclusion appears to be repeated in G. 4. a.

Item G. 5. the whole paragraph.

- the first line is not a complete sentence.
- The next line refers to overnight lodging but the section heading is "day trips".

Item G. Plan A and Plan B

- do these amounts include or exclude the gratuity noted in I. 2.e.

Item H. paragraph 2 "employees and officials are also encouraged to use …"

- it is unclear if we are being encouraged to use personal cards only if time does not permit P/Os or all of the time.

Item H. c. Lodging.

- making the check payable to the "motel" may not be appropriate if the authorized travel agent was used to book the lodging or if the conference promoter acted as the broker.
- Issuing a check in advance will require additional checks as incidentals may occur. This increases paperwork and labor. If the traveler overestimates or leaves a day early, tracking reimbursement from the hotel will also add labor.

Item I. 1. b. "Failure to submit …."

- No administrative action is noted for department heads, public officials, and appointees yet it is noted in A. 3. a. as applying to all.

Item I. Note. "This section pertains only to those travel expenses paid by …."

- The Travel Expense Report as it stands is a tool to see the total cost of a trip regardless of how portions were billed and paid.
- If registration, air fare, and lodging are paid directly by the city according to H. a., b. and c. , and if this section applies only to things the traveler actually

pays for, then the Travel Expense Report – Form 030 needs to be revised (along with instructions for completing it) to include only those items billed directly to the traveler.

Not Addressed (or I missed it in my first reading):

- Are city personnel and the approved agent always to book non-refundable or refundable air fares?

- Are city personnel and the approved agent always to add travel insurance if booking non-refundable tickets?

- Who takes the responsibility for the traveler's prepaid expenses if travel is cancelled?

- Who takes responsibility for the city's prepaid expenses if travel is cancelled?

- What is the city's liability in rented autos for "family members or non-business associates traveling with the employee, public official, or appointee" (3. a. last sentence)?

- What is the city's additional liability if we authorize use of personal campers and RVs?

- What is the specific limit or, is there a complete exclusion for personal phone calls while traveling overnight. There was an allowance in the original travel plan.

- Will there be periodic internal audits of traveler submissions?

- Will there be periodic audit of authorized travel agent services to ensure best prices were actually sold to the city? Timeliness of this will be critical as finding best comparative prices on flights after the flight date is passed may be difficult.

- What is the effect, if any, of business travel on wages for union personnel?

- What is the effect, if any, of evening, weekend, and holiday travel for non-union personnel's wages, comp time, etc.? The answer may be different if the employee chose the dates or if the city did. Example: return travel on Saturday versus Friday night because flight was much cheaper or because traveler wanted to explore.

- What, if any, should be the consideration of management to send union versus non-union personnel if there is a cost difference that may out weigh the benefit?

All of these comments, or portions thereof, may seem too detailed to bother with but remember the statement in Item A 2. Scope Paragraph 4 "exceptions will be permitted only in highly unusual circumstances."

ACTION FORM

DATE SUBMITTED: **9-2-2003**

PROCEEDING: Legislative and Finance Committee
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Janice C. Green, City Clerk on behalf of Councilman Ritter

SUBJECT: Section 1-6 - Sponsoring, Consideration, Passage and Effective Date of Ordinances and Charter Revisions	**AGENDA ITEM**: **9-22-2003 - 3**
REFERENCE: Ordinance Amendment - Sponsoring Requirements	
RELATED PROJECT: N/A	
APPROVALS: Councilmen Ritter, Ruane, and Speed (Sponsors)	
EXHIBITS: N/A	
EXPENDITURE REQUIRED: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A	**AMOUNT BUDGETED**: $ N/A
TIMETABLE: Recommendation/First Reading to Council on 10/13/2003; Final Reading on 10/27/2003	

RECOMMENDED ACTION: **Approval of the ordinance amendment to Section 1-6 as presented**

BACKGROUND AND ANALYSIS

Councilman Ritter has suggested amending Section 1-6 of the Dover Code to eliminate the need for a member of the Legislative and Finance Committee to sponsor Charter and/or Code amendments and to clarify the sponsor requirements for those that may be presented to another committee for consideration, which results in the amendments as noted below (deletion noted in ~~strikeouts~~ and insertions noted in ***bold italics***):

Sec. 1-6. Sponsoring, consideration, passage and effective date of ordinances and charter amendments.

No ordinance with the exception of emergency ordinances shall be passed by council until it is:

(1) Announced at one regular council meeting, which announcement shall be made by the city clerk, outlining the nature of the ordinance and stated when it will be considered for passage at a subsequent regular council meeting; and

(2) Read by synopsis, outline, or otherwise at the subsequent-announced meeting of council prior to being voted upon by council.

Emergency ordinances may be passed by council at any time but must be designated as such that their immediate passage is necessary to serve the health and welfare of the city. Ordinances shall be passed in accordance with the provisions of Section 10 of the Charter. All ordinances which do not state an effective date shall be effective immediately upon their adoption by council and their approval by the mayor except as otherwise provided in the Charter, Section 10.

With the exception of emergency ordinances, zoning ordinance or map amendments, ordinance amendments submitted by council appointed staff or a committee, and ordinances passed in consideration of a comprehensive review of the Code, all other ordinances or proposed charter changes must have three (3) sponsors to consist of ~~two (2)~~ ***three (3)*** members of council ~~and one (1) member of the legislative and finance committee~~ before they may be presented to the ~~legislative and finance~~ ***appropriate*** committee for consideration and subsequent recommendation to council. (Code 1968, § 1-8; Ord. of 3-12-90; Ord. of 7-10-95; Ord. of 2-12-01)