

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA
APPROVING A CITY COUNCIL REIMBURSEMENT POLICY FOR ACTUAL AND
NECESSARY EXPENSES PURSUANT TO CITY CHARTER SECTION 402 AND
AUTHORIZING REIMBURSEMENT FOR SPECIFIC SAFETY SERVICES**

WHEREAS, section 53232.2(a) of the Government Code authorizes local agencies to “reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties;” and

WHEREAS, section 402 of the City of Santa Ana City Charter provides that the City may reimburse the Mayor and City Council Members for actual and necessary expenses pursuant to a Council Resolution; and

WHEREAS, section 53232.2(b) of the Government Code requires local agencies that make such reimbursements to “adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expense relating to travel, meals, lodging, and other actual and necessary expenses;” and

WHEREAS, the City of Santa Ana has an Administrative Travel and Expense Reimbursement Policy that applies to employees and elected officials which Policy was updated in July 2021; and

WHEREAS, the attached policy applies only to elected officials as provided for by Section 402 of the City Charter; and

WHEREAS, the Mayor and each City Council Member is allocated \$5,000 on a Fiscal Year basis for office expenses; and

WHEREAS, in addition to these expenses the Mayor or a City Council Member may incur a special or unanticipated actual or necessary expense and there are no current policies regarding reimbursement for such expenses;

NOW, THEREFORE, BE IT RESOLVED, that the Santa Ana City Council does hereby resolve as follows:

Section 1. The City Council hereby adopts the City Council Reimbursement for Actual and Necessary Expense Policy which is set forth as Exhibit “A” and attached hereto and incorporated herein as “Exhibit A.”

Section 2. The City Council hereby also approves reimbursement of up to \$1,500 related to actual and necessary safety services incurred by Mayor Amezcua.

Section 3. This Resolution shall take effect immediately upon its adoption.

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Section 4. The Mayor shall sign this Resolution, and the City Clerk shall attest and certify to the passage and adoption thereof.

ADOPTED this _____ day of _____, 2023.

Mayor Pro-Tem

APPROVED AS TO FORM:
Sonia R. Carvalho

By: _____
Chief Assistant City Attorney

Exhibit A to Resolution No. 2023-__

**City of Santa Ana Council Actual and Necessary Expense Policy
(Adopted February 20, 2023)**

I. Purpose

The City of Santa Ana takes its stewardship over the use of its public resources seriously. This policy provides direction to City Council members on the use and expenditure of City resources for necessary and actual expenditures, as well as the standards against which those expenditures will be measured. This policy is in addition to existing applicable policies for office expenses, travel and reimbursement as they apply to the City's elected officials.

II. Authorized Expenses

City funds, equipment, supplies and staff time must only be used for authorized City business and may not exceed the adopted budget appropriation.

The adopted budget appropriation for City Council's annual office expenses is \$5,000 for each elected official.

The Council also has a Special Event Sponsorship Policy which provides each member with \$10,000 on a Fiscal Year bases to sponsor city programs, services and special events produced by qualified nonprofit organizations and/or City recognized neighborhood associations.

If the Council approves an actual and necessary expense for which an appropriation has not been made and is not covered by the Council budget, then the Council shall make the necessary appropriation at the time the expense is approved.

III. Expenditure Approval Requirements

Actual and necessary expenses, other than those provided for in the annual office expenses or special event sponsorship categories, shall require approval by Resolution of the City Council at a regular meeting of the City Council, pursuant to Section 402 of the City of Santa Ana City Charter.

IV. Non-authorized Expenses

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

1. The personal portion of any trip;

2. Political 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. 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. Alcoholic beverages, either as a portion of a meal expense or as a separate charge;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Any additional costs related to the extension of travel beyond what is required for business-related purposes (except due to travel restrictions caused by inclement weather); and
8. Personal losses incurred while on City business.

Approval of actual and necessary expenses shall be at the discretion of the City Council which decision shall be final.

V. Expense Report Content and Timing

All expenditure reports and expense reimbursement requests must be submitted on the City's current "Expense Report" form within sixty (60) days of an expense being incurred. The form must be accompanied by receipts documenting each expense or supporting documentation. The Expense Report and receipts shall be submitted to the elected official's executive assistant with a copy to the City Manager and the City Attorney. The City Manager or designee will prepare the necessary staff report and Resolution for City Council approval. Pre-authorization for reimbursement may also be requested in the same manner by estimating expenses and the City Council will be asked to approve a do-not exceed amount.

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

VI. Compliance with Laws

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.