

STATE OF NEW MEXICO
CITY OF RIO COMMUNITIES

RESOLUTION NUMBER: 2021 - 21

A RESOLUTION ADOPTING A TRAVEL POLICY RELATING TO THE REIMBURSEMENT AND TRAVEL FOR PER DIEM AND MILEAGE EXPENSES FOR PUBLIC OFFICERS AND EMPLOYEES OF THE CITY WHILE ON OFFICIAL CITY BUSINESS

WHEREAS, the state Per Diem and Mileage Act (§§10-8-1 to 10-8-8 NMSA 1978) and the state Administrative Code (2.42.2 NMAC) governs the reimbursement for travel of all public officers and employees of local public bodies; and

WHEREAS, the state Per Diem and Mileage Act authorizes the City to adopt, by resolution, regulations relating to the Per Diem and Mileage act including reducing or eliminating per diem and mileage reimbursement (§10-8-8B NMSA 1978).

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Rio Communities adopts this policy for public officers and employees for mileage and per diem reimbursement, such as travel expenses, attending meetings, or travel advance.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF SEPTEMBER 2021 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.

City of Rio Communities Governing Body

Mark Gwinn, Mayor

Joshua Ramsell, Mayor Pro-tem

Bill Brown, Councilor

Margaret (Peggy) Gutjahr, Councilor

Jimmie Winters, Councilor

ATTEST:

Elizabeth F. Adair, Municipal Clerk

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Section 1. PURPOSE.

The purpose of this policy is to establish guidelines and set allowable rates for compensation of travel expenses and to provide guidance when traveling for the purpose of conducting official City business.

Section 2. DEFINITIONS.

- A. Council, Commission or Board Meeting** means the formal convening of public officers who comprise a Council, advisory Council, commission or boards even if no further business can take place because of the lack of a quorum.
- B. Designated Post of Duty** means the address of a public officer or employee's assignment as determined by the City.
- C. Employee** means any person who is in the employment of the City whose salary is paid either completely or partially from public money but does not include jurors or jury commissioners.
- D. Home** means 1) for per diem purposes, the area within a 35-mile radius of the place of legal residence as defined in §1-1-7 NMSA 1978, and 2) for mileage purposes, the place of legal residence as defined in §1-1-7 NMSA 1978.
- E. Mileage and Per Diem Rates** means the rate that is paid to a public officer or employee as compensation for travel expenses incurred while conducting official City business away from home or away from their designated post of duty within the state or out of state.
- F. Non-salaried Public Officer** means a public officer serving as a member of a Council, advisory Council, board or commission who is not entitled to compensation, but is entitled to payment of per diem rates and mileage.
- G. Out of State** means beyond the exterior boundaries of the state of New Mexico.
- H. Official City Business** means business directly associated with City government and duties directly related to primary functions of City government and responsibilities.
- I. Public officer** means every elected or appointed officer of the City, including but not limited to all Council, advisory Council, board, and commission members elected or appointed to a special or advisory Council, board or commission specifically authorized by law or City ordinance, resolution, or approved action of the Governing Body (hereinafter "Council"). "Special" Councils, boards or commissions are those adopted by City ordinance, while "advisory" Councils,

boards or commissions are those adopted by resolution or motion of the Council and typically are temporary or ad hoc in nature.

- J. **Travel** means, for per diem purposes, being on official business away from home as defined in "Home" above and at least 35 miles from the designated post of duty of the public officer or employee.
- K. **Travel Voucher** means a payment voucher submitted for the purpose of claiming reimbursement for travel expenditures.

Section 3. REQUESTS FOR TRAVEL.

- A. **In State Travel.** Requests for in state travel, except as otherwise noted, by an officer or employee shall be approved by the City Manager. The Fiscal Officer or City Manager shall review all travel requests for budgetary sufficiency. The officer or employee shall make the request for travel prior to the anticipated dates of travel for all travel, except in a case deemed to be an emergency as determined by the City Manager. In such case, the City Manager shall determine if the travel is to be approved or await approval of the Council, if applicable.
- B. **Out of State Travel.** All out of state travel requests require Council approval and must be submitted with an "Agenda Request Form" in sufficient time for the Council to consider the request at the next regularly scheduled Council meeting. Submitting a travel request late for timely Council action will not constitute an emergency.
- C. **Request for Travel.** The request for travel - see CRC Travel Request and Voucher form, Attachment A - shall include all necessary information, such as the traveler's name, the purpose of the requested travel, the dates and destination of travel and appropriate brochures or other information detailing the travel. The form shall be filled out to show the anticipated cost for travel, registration fees, cost of mode of transportation and other relevant information.

Section 4. ALLOWABLE MILEAGE COMPENSATION.

- A. City vehicles shall be utilized whenever possible to conduct official business. If, due to special circumstances, a City vehicle is not available for use in conducting City business, the City Manager may approve the use of a personal vehicle. Necessary information regarding the personal vehicle is to be filled in on the CRC Travel Request and Voucher form where indicated on the form. Actual mileage traveled will be reimbursed pursuant to the Traveler certifying the beginning and ending odometer reading as true and correct.

- B. Travel by City or personal vehicle shall be made via the shortest and safest route possible. If mileage submitted for reimbursement appears excessive, for in state travel -- a mileage chart of the official state map published by the NM Department of Transportation or internet mileage calculator shall be used as estimated mileage reimbursement and for out of state travel the most recent edition of the Rand-McNally road atlas or internet mileage calculator shall be used as estimated mileage reimbursement.. Gasoline receipts are not a reimbursable item and under no circumstances shall an officer or employee fuel a personal vehicle with City fuel in lieu of mileage compensation.

Section 5. PER DIEM RATES PRORATION.

- A. **Applicability.** Per diem rates shall be paid to public officers and employees only in accordance with the provisions of this section. Per diem rates shall be paid without regard to whether expenses are actually incurred. Where lodging and/or meals are provided or paid for by the City or another entity, the public officer or employee is entitled to reimbursement only for actual expenses under Section 6 of this policy (2.42.2.9 NMAC).

- B. **Per diem rate computation:** Except as provided in Subsections C through G of this Section, per diem rates for travel by public officers and employees shall be computed as follows:
 - 1. **Partial day per diem rate:** Public officers or employees who occasionally and irregularly travel shall be reimbursed for travel which does not require overnight lodging, but extends beyond a normal workday as follows:
 - a. for less than 2 hours of travel beyond normal workday, **none**;
 - b. for 2 hours, but less than 6 hours beyond the normal workday, **\$12.00**;
 - c. for 6 six hours, but less than 12 hours beyond the normal workday, **\$20.00**;
 - d. for 12 hours or more beyond the normal workday, **\$30.00**;
 - e. "Occasionally and irregularly" means not ona regular basis and infrequently as determined by the City Manager.
 - f. "Normal workday" means 8 hours within a nine-hour period for all public officers and employees both salaried and non-salaried, regardless of the officers' or employees' regular work schedule.

 - 2. **Overnight travel:** Regardless of the number of hours traveled, travel for public officers and employees where overnight lodging is required shall be reimbursed as follows:

- a. in state areas, **\$85.00**;
 - b. in state special areas, **\$135.00**;
 - c. out of state areas, **\$115.00**;
 - d. or actual lodging and meal expenses under 2.42.2.9 NMAC.
 - 3. **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed. Divide the number of hours traveled by 24. The hours remaining constitute the partial day, which shall be reimbursed as follows:
 - a. for less than 2 hours, **none**;
 - b. for 2 hours, but less than 6 hours, **\$12.00**;
 - c. for 6 hours or more, but less than 12 hours, **\$20.00**;
 - d. for 12 hours or more, **\$30.00**.
 - 4. **Special area designations:** For all officers and employees, the in state special area shall be Santa Fe.
- C. **Council, commission and committee members:** Non-salaried public officers may receive per diem as follows:
- 1. **Council, Commission and Board meetings:** The only non-salaried public officers' eligible for per diem for attending meetings are as follows:
 - a. City Council Members
 - b. Planning and Zoning Members
 - c. Economic Development Members
 - d. Library Board
 - 2. **Municipal non-salaried public officers:** Non-salaried public officers of Municipalities may elect to receive either:
 - a. \$95.00 per meeting day for attending each Council, commission, or board meeting; or
 - b. per diem rates in accordance with subsection B of this Section, provided that the Council, commission, or board meeting is held outside of the municipal boundaries.
 - 3. **Other official meetings:** Non-salaried public officers may receive per diem rates for travel on official business that does not constitute a Council, advisory Council, commission, or board meeting only in accordance with Subsection B of this section, when approved in advance as set forth in Section 3 A.

4. **Members serving in dual capacities:** Non-salaried public officers who also serve as public officers or employees of state agencies or local public bodies may receive mileage or per diem rates from only one public entity for any travel or meeting attended. Furthermore, non-salaried public officers who are also public officers or employees may not receive per diem rates for attending meetings held in the place of their home or at their designated posts of duty unless they are on leave from their positions as public officers or employees.
- D. **Temporary assignment:** Public officers and employees may be reassigned temporarily to another duty station.
1. **Routine reassignment:** Public officers and employees subject to periodic reassignment of duty stations or districts as a normal requirement of their employment will not be eligible for per diem rates after the time of arrival at the new duty station or district.
- E. **Travel for educational purposes:** A public officer or employee shall not be reimbursed for more than 30 calendar days of per diem in any fiscal year for attending educational or training programs unless approval has been obtained from the Council.
- F. **Per diem in conjunction with other leave:** While traveling, if a public officer or employee takes sick, annual or authorized leave without pay for more than four hours of the normal work day, per diem shall not be allowed for that day unless authorized in writing by the Elected Official/Department Head and the City Manager.
- G. **Illness or emergency:** Elected officials with approval of the City Manager may grant permission, in writing, to pay per diem rates and travel reimbursement to an employee or public officer who becomes ill or is notified of a family emergency while traveling on official business and must either remain away from home or discontinue the official business to return home.

Section 6. REIMBURSEMENT OF ACTUAL EXPENSES IN LIEU OF PER DIEM RATES.

- A. **Applicability:** Upon written request of a public officer or an employee, the Council or the City Manager as applicable pursuant to the requirements of Section 3 A may grant written approval for a public officer or employee of the City to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.

- B. **Overnight travel:** For overnight travel for public officers and employees where overnight lodging is required, the public officer or employee will be reimbursed as follows:
1. **Actual reimbursement for lodging:** A public officer or an employee may elect to be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax) in lieu of the per diem rate set forth in this Section. Whenever possible, public officers and employees should stay in hotels, which offer government rates. Public officers or employees who incur lodging expenses in excess of \$215.00 per night must obtain the signature of the City Manager on the travel voucher prior to requesting reimbursement and on the encumbering document at the time of encumbering the expenditure.
 2. **Actual reimbursement for meals:** Actual expenses for meals are limited by this policy and §10-8-4(K)(2) NMSA 1978 to a maximum of \$30.00 for in-state travel and \$45.00 for out-of-state travel for a 24-hour period.
 3. **Receipts required:** The public officer or employee must submit receipts for the actual meal and lodging expenses incurred. Under circumstances where the loss of receipts would create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the elected official. The affidavit shall be in a form approved by the City Manager.
- C. **Return from overnight travel:** On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed on the travel. Divide the total number of hours traveled by 24. The hours remaining constitute the partial day, which shall be reimbursed as follows:
1. for less than 2 hours, **none**;
 2. or 2 hours but less than 6 hours, **\$12.00**;
 3. for 6 hours or more, but less than 12 hours, **\$20.00**;
 4. for 12 hours or more, **\$30.00**;
 5. no reimbursement for actual expenses will be granted in lieu of partial day per diem rates.

Section 7. TRAVEL ADVANCES.

- A. **Authorizations:** Upon written request accompanied by a travel voucher, the Council or City Manager, as appropriate may approve a public officer's or employee's request to be advanced up to 80 percent of per diem rates and mileage cost or for the actual cost of lodging and meals pursuant to Sections 5 and 6 and for other

travel expenses that may be reimbursed under Section 8. Requests for travel advances shall not be submitted to the Business Manager more than two weeks prior to travel unless, by processing the request earlier, significant savings can be realized for travel by common carrier or for registration fees for seminars and conferences.

- B. **Travel period:** A travel advance may be authorized for public officers and employees who travel continually throughout the month. Payment shall be made only upon vouchers submitted with attached authorization for each travel period. Where a travel advance is made for the public officer or employee shall remit, within 5 working days of the return from the trip, a refund of any excess advance payment to the City. The City shall deposit the refund and reduce the disbursement recorded when the money was advanced. Monthly advances will not be authorized under this policy.
- C. **City records:** The Treasurer or his/her designee is responsible for maintaining records of travel advances authorized by the City.
 - 1. **Employee ledgers:** The City shall keep individual employee ledgers for travel advances. The ledger shall include the following information to provide an adequate audit trail: employee name, travel voucher number, fiscal year, date of travel advance, date of destination, per diem advance, per diem earned, and additional per diem or refund due.
 - 2. **Year-end closing:** The City shall review all travel advances prior to the end of the fiscal year and collect or pay all outstanding amounts, if possible. Any receivables or payables outstanding at year-end must be recorded on the books and records of the City.

Section 8. MILEAGE-PRIVATE CONVEYANCE.

- A. **Applicability:** Mileage accrued in the use of a private conveyance shall be paid only in accordance with the provisions of this Section.
- B. **Rate:** Public officers and employees of the City shall be reimbursed for mileage accrued in the use of a private automobile or aircraft in the discharge of official duties as follows:
 - 1. privately owned automobile, 100% of the Internal Revenue Service standard mileage rate set January 1 of the previous year, for each mile traveled in a privately owned vehicle. This rate will be automatically adjusted on July 1 of each fiscal year.
 - 2. privately owned airplane, eighty-eight (\$0.88) per nautical mile.

- C. **Privately owned automobile:** For conveyance in the discharge of official duties by privately owned automobile, mileage accrued shall be reimbursed at the rate set forth in this section as follows:
1. pursuant to the mileage chart of the official state map published by the state department of transportation for distances in New Mexico or the most recent edition of the Rand-McNally road atlas for distances outside of New Mexico or an internet mileage calculator; or
 2. pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the traveler; and
 - a. the destination is not included on the official state map or on the Rand-McNally road atlas, or,
 - b. at the destination(s) of the public officer or employee, the public officer or employee was required to use the private conveyance in performance of official duties.
- D. **Privately owned airplane:** Mileage accrued in the use of a privately owned airplane shall be reimbursed at the rate set forth in this Section as follows:
1. pursuant to the New Mexico aeronautical chart published by the state department of transportation, aviation division, for distances in New Mexico and other states' air maps for distances outside of New Mexico; or
 2. pursuant to actual air mileage if certification is provided by the pilot, or a beginning and ending reading of actual mileage if the reading is certified as true and correct by the traveler, and the destination is not included on an air map.
- E. **Reimbursement limit for out of state travel:** Total mileage reimbursement for out of state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier.
- F. **Additional mileage provision:** Mileage accrued while on official business shall be reimbursed for travel on official business. An elected official with approval of the City Manager may authorize by memorandum reimbursement for mileage from a point of origin farther from the destination than the designated post of duty in appropriate circumstances. The memorandum must accompany the payment voucher. If official business is transacted while commuting from home to post of duty or from post of duty to home, mileage shall not be paid for the number of miles between post of duty and home. Odometer readings showing additional miles accrued for official business must be provided to the department for payment.

Section 9. REIMBURSEMENT FOR OTHER EXPENSES.

Public officers and employees may be reimbursed for certain actual expenses in addition to per diem rates.

- A. **Receipts not required:** Public officers and employees may be reimbursed without receipts for the following expenses in an amount of \$6.00 per day not to exceed a total of \$30.00 per trip:
1. taxi or other transportation fares at the destination of the traveler;
 2. gratuities as allowed by the agency head or designee;
 3. parking fees, preferred, valet or other special parking, other than handicapped, will not be considered for reimbursement; and
 4. If more than \$6.00 per day or \$30.00 per trip is claimed, the entire amount of the reimbursement claim must be accompanied by receipts.
- B. **Receipts required:** Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:
1. actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;
 2. rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;
 3. registration fees for educational programs or conferences, provided, if the fee includes lodging or meals, then no per diem rates shall be paid and only actual expenses paid by the officer or employee and not included in the fee shall be reimbursed within the limits of Section 6 of this policy (2.42.2.9 NMAC); and
 4. professional fees or dues that are beneficial to the agency's operations or mission.
 5. Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the elected official or the City Manager. See Attachment C for a sample affidavit.

Section 10. NON-REIMBURSEABLE EXPENSES.

The following items are not eligible for reimbursement under this policy:

1. Alcoholic beverages or tobacco;
2. Personal items/expenses not associated with conducting official City business, and includes, but is not limited to: prescription or non-prescription items, souvenirs, room service,
3. Entertainment expenses;
4. Valet or preferred parking;
5. Travel expenses incurred prior or beyond the dates of approved travel or conference dates; and
6. Any expenses incurred by family members or guests traveling with the public officer or employee.

Section 11. CONDUCT WHILE TRAVELING ON OFFICIAL CITY BUSINESS.

Any public officer or employee shall conduct themselves in the highest professional manner while conducting official City business at all times both on and off duty.

Section 12. SAME DAY TRAVEL. (*Within 120 miles from actual post of duty*)

Same day travel will be required of all public officers and employees to and from destinations within 120 miles of City Hall or the public officers or employees actual post of duty. Overnight travel will not be considered to areas within 120 miles if the actual required time to conduct official City business does not extend beyond one workday.

Section 13. ELECTED OFFICIAL PROHIBITION ON TRAVEL.

Pursuant to §10-8-5 F NMSA 1978, no reimbursement for out-of-state travel shall be made to any elected public officer, if after the last day to do so that officer has not filed a declaration of candidacy for reelection to his currently held office or has been defeated for reelection to his currently held office in a primary election or any general election. Further §10-8-5 G NMSA 1978 states, subsection F of this section does not apply to any elected public officer who is ineligible to succeed himself after serving his term of office.

Section 14. AMENDMENTS TO POLICY, CONFLICTS WITH OTHER POLICIES.

- A. All other City of Rio Communities Resolutions and/or Policies relating to Travel which are in conflict with the above provisions, are hereby repealed by the adoption of this Resolution

- B. Any changes to this policy shall be made by a duly adopted resolution of the City Council.
- C. If or when there are two or more policies in conflict regarding travel procedures or dealing with the subject matter contained in this policy, the more stringent policy shall govern.

ATTACHMENT A