



**COUNTY ADMINISTRATIVE
OFFICE
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: October 30, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Sophia Almanza PHONE: (559) 636-5005				

SUBJECT: Amend ordinance code to add alternative transportation cost as an eligible reimbursement for Tulare County Grand Jurors

REQUEST(S):
That the Board of Supervisors:

On October 23, 2018

1. Introduce and waive the first reading of an ordinance amending Sections 1-19-1205 of Article 5 of Chapter 19 of Part 1, of the Ordinance Code, pertaining to Mileage and Per Diem of Grand Jurors.
2. Set the second reading for October 30, 2018.

On October 30, 2018.

3. Waive the second reading and adopt an ordinance amending Sections 1-19-1205 of Article 5 of Chapter 19 of Part 1, of the Ordinance Code, pertaining to Mileage and Per Diem of Grand Jurors.
4. Direct the Clerk to publish the ordinance after adoption as required by law.

SUMMARY:

Currently, the Code of Ordinances for the County of Tulare contains a provision regarding Mileage and Per Diem of Grand Jurors. The ordinance defines mileage traveled by members of the Tulare County Grand Jury while carrying out their duties as an eligible for reimbursement. However, there are no provisions in the Code for the transportation cost -- alternative mobile transportation used by any Grand Juror

SUBJECT: Amend ordinance code to add alternative transportation cost as an eligible reimbursement for members of the Tulare County Grand Jury
DATE: October 30, 2018

other than driving an automobile.

The following five counties; Kings, Kern, Fresno, Madera and Merced were surveyed for "Alternative Means of Transportation" as applied to reimbursement for Grand Jury members. It was found there is not a reference for such a policy in those five counties. The analysis included review of ordinance codes, county policies, employee policies, personnel rules and adopted budget.

As stated in the proposed ordinance amendment, "*The Chief Administrative Officer, or designee, shall adopt a policy setting forth reimbursement rates for the Grand Jury for all other transportations costs*". The County Administrative Office with assistance from the Auditor-Controller Office developed an Alternative Means of Transportation Policy specific to Grand Jurors. Refer to Attachment B. Essentially, the policy conforms to the IRS regulations for reimbursement of alternative means of transportation.

The ordinance's primary function is to amend section 1 of the Code, which would add alternative transportation cost incurred by members of the Tulare County Grand Jury to be eligible for reimbursement.

The proposed ordinance will elaborate the provisions of section 1 (a) and add section 1 (b) concerning transportation cost. The amendments are summarized as follows:

a. Mileage and Per Diem

- The County shall reimburse the members of the Tulare County Grand Jury for either the mileage or the transportation costs actually and necessarily traveled or incurred by them within the County of Tulare while carrying out their duties;
- A Grand Juror shall not be eligible to receive reimbursement for transportation costs in any month the Grand Juror has requested and received reimbursement for mileage;
- Reimbursement for mileage shall be at the current County rate and made consistent with County policies for mileage reimbursement;
- The Chief Administrative Officer, or designee, shall adopt a policy setting forth reimbursement rates for the Grand Jury for all other transportations costs as defined in this section. Any changes to said policy shall be provided to the Presiding Judge no later than 30 days prior to the effective date of such change.

b. Transportation Costs

SUBJECT: Amend ordinance code to add alternative transportation cost as an eligible reimbursement for members of the Tulare County Grand Jury
DATE: October 30, 2018

- For the purposes of this section, "transportation costs" are the costs of alternative mobile transportation used by any Grand Juror other than driving an automobile. Alternative mobile transportation methods include, but are not limited to, the use of a bicycle, public transportation, taxi, or ride share service.

Adoption Procedure

Adopting the ordinance requires a unanimous vote at a regular meeting with all members present.

FISCAL IMPACT/FINANCING:

This action will not cause a Net County Cost.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The Amendments will further the Organizational Performance goal of the Tulare Strategic Business Plan by aligning the Tulare County Ordinance with corresponding sections of California Government Code and by strengthening the requirements of public officials.

ADMINISTRATIVE SIGN-OFF:



Sophia Almanza, MBA
Deputy CAO – Budget and Finance



Jason T. Britt
County Administrative Officer

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s):
Attachment A - Ordinance
Attachment B - Alternative Means of Transportation Policy

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AMEND ORDINANCE)
CODE TO ADD TRANSPORTATION COST) Resolution No. _____
AS AN ELIGIBLE REIMBURSEMENT FOR) Agreement No. _____
GRAND JURORS)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

On October 23, 2018

1. Introduced and waive the first reading of an ordinance amending Sections 1-19-1205 of Article 5 of Chapter 19 of Part 1, of the Ordinance Code, pertaining to Mileage and Per Diem of Grand Jurors.
2. Set the second reading for October 30, 2018.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AMEND ORDINANCE)
CODE TO ADD TRANSPORTATION COST) Resolution No. _____
AS AN ELIGIBLE REIMBURSEMENT FOR) Agreement No. _____
GRAND JURORS)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: Jason T. Britt
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

On October 30, 2018.

3. Waived the second reading and adopt an ordinance amending Sections 1-19-1205 of Article 5 of Chapter 19 of Part 1, of the Ordinance Code, pertaining to Mileage and Per Diem of Grand Jurors.
4. Directed the Clerk to publish the ordinance after adoption as required by law.

Attachment 1
Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1-19-1205 OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO MILEAGE AND PER DIEM OF GRAND JURORS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1.

(a) The County shall reimburse the members of the Tulare County Grand Jury for either the mileage or the transportation costs actually and necessarily traveled or incurred by them within the County of Tulare while carrying out their duties, and outside the County of Tulare for the limited purpose of attending training authorized by the Superior Court in compliance with Penal Code Section 914(b) on any date after July 1, 1999. A Grand Juror shall not be eligible to receive reimbursement for transportation costs in any month the Grand Juror has requested and received reimbursement for mileage. Reimbursement for mileage shall be at the current County rate and made consistent with County policies for mileage reimbursement. The County Administrative Officer, or designee, shall adopt a policy setting forth reimbursement rates for the Grand Jury for all other transportations costs as defined in this section. Any changes to said policy shall be provided to the Presiding Judge no later than 30 days prior to the effective date of such change.

(b) For the purposes of this section, "transportation costs" are the costs of alternative mobile transportation used by any Grand Juror other than driving an automobile. Alternative mobile transportation methods include, but are not limited to, the use of a bicycle, public transportation, taxi, or ride share service.

(c) Pursuant to Government Code section 68091 and as allowed under Penal Code Section 890, the Grand Jurors shall also be entitled to Twenty-Five Dollars (\$25) a day for each day they perform services as a Grand Juror, not to exceed a total of Five Hundred Dollars (\$500) in any calendar month. No more than one per diem shall be paid to a Grand Juror for all services rendered on any one day. Reimbursement for mileage and per diems shall be limited to the amount budgeted by the Board of Supervisors. Grand Jurors shall not receive per diems, mileage or other reimbursement for meetings or travel outside the county or state except as otherwise provided in this section.

Section 2 . The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in the Visalia Times Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 20__, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Approved as to Form:
County Counsel

By _____
Deputy
Matter # _____

JMF/2018991/7/6/2018/1197434

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1-19-1205 OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO MILEAGE AND PER DIEM OF GRAND JURORS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1.

(a) The County shall reimburse the members of the Tulare County Grand Jury for either the mileage or the transportation costs actually and necessarily traveled or incurred by them within the County of Tulare while carrying out their duties, and outside the County of Tulare for the limited purpose of attending training authorized by the Superior Court in compliance with Penal Code Section ~~914~~ 914(b) on any date after July 1, 1999. A Grand Juror shall not be eligible to receive reimbursement for transportation costs in any month the Grand Juror has requested and received reimbursement for mileage. Reimbursement for mileage shall be at the current County rate— and made consistent with County policies for mileage reimbursement. The County Administrative Officer, or designee, shall adopt a policy setting forth reimbursement rates for the Grand Jury for all other transportations costs as defined in this section. Any changes to said policy shall be provided to the Presiding Judge no later than 30 days prior to the effective date of such change.

(b) For the purposes of this section, “transportation costs” are the costs of alternative mobile transportation used by any Grand Juror other than driving an automobile. Alternative mobile transportation methods include, but are not limited to, the use of a bicycle, public transportation, taxi, or ride share service.

(a)(c) Pursuant to Government Code section ~~68091 and~~ 68091 and as allowed under Penal Code Section ~~890, the Grand~~ 890, the Grand Jurors shall also be entitled to Twenty-Five Dollars (\$25) a day for each day they perform services as a Grand Juror, not to exceed a total of Five Hundred Dollars (\$500) in any calendar month. No more than one per diem shall be paid to a Grand Juror for all services rendered on any one day. Reimbursement for mileage and per diems shall be limited to the amount budgeted by the Board of Supervisors. Grand Jurors shall not receive per diems, mileage or other reimbursement for meetings or travel outside the county or state except as otherwise provided in this section.

Section 2 . The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in the _____, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 20__, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Approved as to Form:
County Counsel

By _____
Deputy
Matter # _____

JMF/2018991/7/6/2018/1197434

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 1-19-1205 OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO MILEAGE AND PER DIEM OF GRAND JURORS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

SUMMARY OF PROPOSED ORDINANCE

The ordinance will amend Ordinance Code Section 1-19-1025 provisions to expand grand jurors' ability to be reimbursed for travel costs actually and necessarily incurred for the purposes of carrying out their duties as grand jurors. It provides that when travel for the purposes of carrying out official grand juror duties, grand jurors may receive mileage reimbursements for the use of their own vehicle. In addition, grand jurors may receive reimbursements for alternative transportation costs, which include the use of a bicycle, public transportation, taxi or ride share service. Grand jurors may not claim reimbursements for alternative transportation costs in the same month the juror also received mileage reimbursements for the use of their own vehicle. This ordinance also authorizes the County Administrative Officer or designee to create and modify an alternative transportation policy for the Grand Jury.

The effective date of these changes will be thirty (30) days after adoption by the Board of Supervisors.

The ordinance herein summarized was adopted by the Tulare County Board of Supervisors on _____, 20__, at a regular meeting of said Board.

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Attachment 2

Alternative Means of Transportation Policy

County of Tulare
Grand Juror's Alternative Mobile Transportation Policy

A Grand Juror may request reimbursement for any of the following alternative mobile transportation methods used while carrying out their duties in any month the Grand Juror has not also requested and received reimbursement for mileage.

Requests for reimbursement for alternative mobile transportation shall be submitted in a manner consistent with requests for reimbursement for mileage.

Bicycles

A Grand Juror may request reimbursement for use of a bicycle at the California Department of Transportation allowable rate as shown in the Department's travel guide in effect at the time utilization occurred.

Public Transportation

A Grand Juror may request reimbursement for the use of public transportation up to the excludable gross income monthly amount for transit passes as set forth in the IRS Form 1099 instructions in effect at the time utilization occurred.

Taxi/Rideshare

A Grand Juror may request reimbursement for use of a taxi or a ride share such as Uber or Lyft if other transportation options are not available.