



Consideration of Lea County Resolution No. 22-JAN-017R Adopting Lea County's Travel, Per Diem, Mileage and Reimbursement Policies

Gary G. Eidson (District 1)
Voted: Yes No

Pat Sims (District 5)
Voted: Yes No

ATTEST: Keith
Lea County Clerk

By: Teri Davis, Deputy County Clerk

STATE OF NEW MEXICO COUNTY OF LEA RESOLUTION NO. 22-JAN-017R

A RESOLUTION ADOPTING LEA COUNTY TRAVEL, PER DIEM, MILEAGE AND REIMBURSEMENT POLICIES

WHEREAS, state statutes and the state administrative code establish parameters for reimbursement of travel, per diem, mileage and other expenses; *and*

WHEREAS, the New Mexico Department of Finance Administration (DFA) has modified some of its travel reimbursement rules without concurrently amending the administrative code; *and*

WHEREAS, state law allows local governments to establish policies consistent with such state law, administrative code, and DFA guidance; *and*

WHEREAS, Lea County last amended its Travel and Expense Reimbursement Policy in 2016; *and*

WHEREAS, the Board of County Commissioners of Lea County wishes to update such policies to ensure that they are consistent with state law and in the best interests of Lea County.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the attached Travel, Per Diem, Mileage, and Reimbursement Policies are hereby adopted in accordance with any direction given or amendment approved at this meeting.

BE IT FURTHER RESOLVED that the County Manager is authorized to approve advanced travel pay for all duly authorized and approved travel by County elected officials and County employees.

BE IT FURTHER RESOLVED that the County Manager may finalize the above policies consistent with the direction by the Board of County Commissioners and may sign the finalized policies on behalf of the Board of County Commissioners.

PASSED, APPROVED AND ADOPTED on this 13th day of January, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Member
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

TRAVEL, PER DIEM, MILEAGE, AND REIMBURSEMENT POLICIES [Effective January 13, 2022]

- 1. Purpose:** The purpose of this policy is to set forth procedures and maximum reimbursement levels for all travel, including local travel, in-state, and out of state, and for obtaining advance payments and reimbursements of expenses incurred in the conduct of County business.
- 2. Compliance with State Law:** The county shall comply with the requirements of the New Mexico Per Diem and Mileage Act, NMSA 1978 § 10-8-1 *et seq* and the regulations set forth by the New Mexico Department of Finance and Administration (DFA) for all travel and reimbursements using County funds, including grant funds. [DFA modified per diem and mileage rates in 2021. DFA has not, however, updated 2.42.2 NMAC "DFA Rule" governing per diem and mileage rates. DFA indicates it will do so in 2022. These policies are based upon a presentation by DFA staff on November 16, 2021.]
- 3. Applicability:** These policies apply to elected officials, all departments, agencies, individuals, and other users authorized to travel using public funds budgeted, administered, or controlled by, or otherwise under the supervision of the County of Lea.
- 4. Administration of Policies:** The Director of Finance, under the direction of the County Manager or his designee, shall have the responsibility and authority to ensure that all provisions of the Per-Diem and Mileage Act, regulations of DFA, and these policies are followed. The Director of Finance shall ensure that these policies remain consistent with state law and administrative regulations. The Director of Finance, with the approval of the County Manager, is authorized to create and require the use of any form deemed necessary for the execution and enforcement of the travel and per diem policies.
- 5. Traveler Responsibility:** Any individual authorized by department directors or elected officials to travel utilizing public funds is required to complete, prior to travel, the appropriate travel and per-diem forms and provide required documentation depending on the travel situation. The individual asking for the travel request is responsible for providing accurate information.
- 6. Conflicts and Interpretation:** If any provision of these policies is in conflict with any provision of state law or regulation, then the provisions of state law or regulation shall prevail.



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, January 13, 2022

Submit this summary form & all attachments to the Finance Director clow@leacounty.net
& cc the Executive Coordinator sstout@leacounty.net by: **Monday, December 27, 2021**

County Manager Approval mgallagher@leacounty.net required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 01/10/2022	SUBMITTED BY Name, Title, Dept: John Caldwell, County Attorney, Legal Department	
SUBJECT: Approve Resolution Adopting Lea County Travel, Per Diem, Mileage, and Reimbursement Policies	ATTACHMENT(S): Proposed Policies	
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED: Action Item	
BUDGET LINE ITEM NUMBER:	FISCAL BUDGET YEAR:	
STRATEGIC PLAN Implementation of 5 Year Strategic Plan: 3.1 Accountability		
SUMMARY: This resolution adopts Travel, Per Diem, Mileage, and Reimbursement Policies that are consistent with New Mexico Department of Finance Administration changes.		
Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked, how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: <input type="checkbox"/>	See Additional Summary Attached <input type="checkbox"/>	
SUBMITTER'S RECOMMENDATION(S): Approve,	Submitter's Signature Department Director, Etc. John Caldwell <small>Digitally signed by John Caldwell Date: 2022.01.09 15:51:27 -07'00'</small>	
FINANCE REVIEW Fiscal Impact/Cost: The Travel Policy sets the reimbursement rates for individuals who travel for Lea County business. The financial impact will be based upon the number and types of travel that is allowed.	Reviewed by Finance Director Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.01.10 10:44:28 -07'00'</small>	
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney John Caldwell <small>Digitally signed by John Caldwell Date: 2022.01.09 15:51:49 -07'00'</small>	
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda 	
Item No. 0410 RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN		
Approved: _____ Resolution No. <u>22-JAN-017R</u> Continued To: _____	Denied: _____ Policy No. _____ Referred To: _____	Other: _____ Ordinance No. _____ Comments: _____

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-JAN-017R

**A RESOLUTION ADOPTING LEA COUNTY
TRAVEL, PER DIEM, MILEAGE AND REIMBURSEMENT POLICIES**

WHEREAS, state statutes and the state administrative code establish parameters for reimbursement of travel, per diem, mileage and other expenses; *and*

WHEREAS, the New Mexico Department of Finance Administration (DFA) has modified some of its travel reimbursement rules without concurrently amending the administrative code; *and*

WHEREAS, state law allows local governments to establish policies consistent with such state law, administrative code, and DFA guidance; *and*

WHEREAS, Lea County last amended its Travel and Expense Reimbursement Policy in 2016; *and*

WHEREAS, the Board of County Commissioners of Lea County wishes to update such policies to ensure that they are consistent with state law and in the best interests of Lea County.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the attached Travel, Per Diem, Mileage, and Reimbursement Policies are hereby adopted in accordance with any direction given or amendment approved at this meeting.

BE IT FURTHER RESOLVED that the County Manager is authorized to approve advanced travel pay for all duly authorized and approved travel by County elected officials and County employees.

BE IT FURTHER RESOLVED that the County Manager may finalize the above policies consistent with the direction by the Board of County Commissioners and may sign the finalized policies on behalf of the Board of County Commissioners.

PASSED, APPROVED AND ADOPTED on this 13th day of January, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Member
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Gary G. Eidson (District 3), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By: _____
Teri Davis, Deputy Clerk

John W. Caldwell, County Attorney

TRAVEL, PER DIEM, MILEAGE, AND REIMBURSEMENT POLICIES

[Effective January 13, 2022]

1. **Purpose:** The purpose of this policy is to set forth procedures and maximum reimbursement levels for all travel, including local travel, in-state, and out of state, and for obtaining advance payments and reimbursements of expenses incurred in the conduct of County business.
2. **Compliance with State Law:** The county shall comply with the requirements of the New Mexico Per Diem and Mileage Act, NMSA 1978 § 10-8-1 *et seq* and the regulations set forth by the New Mexico Department of Finance and Administration (DFA) for all travel and reimbursements using County funds, including grant funds. [DFA modified per diem and mileage rates in 2021. DFA has not, however, updated 2.42.2 NMAC “DFA Rule” governing per diem and mileage rates. DFA indicates it will do so in 2022. These policies are based upon a presentation by DFA staff on November 16, 2021.]
3. **Applicability:** These policies apply to elected officials, all departments, agencies, individuals, and other users authorized to travel using public funds budgeted, administered, or controlled by, or otherwise under the supervision of the County of Lea.
4. **Administration of Policies:** The Director of Finance, under the direction of the County Manager or his designee, shall have the responsibility and authority to ensure that all provisions of the Per-Diem and Mileage Act, regulations of DFA, and these policies are followed. The Director of Finance shall ensure that these policies remain consistent with state law and administrative regulations. The Director of Finance, with the approval of the County Manager, is authorized to create and require the use of any form deemed necessary for the execution and enforcement of the travel and per diem policies.
5. **Traveler Responsibility:** Any individual authorized by department directors or elected officials to travel utilizing public funds is required to complete, prior to travel, the appropriate travel and per-diem forms and provide required documentation depending on the travel situation. The individual asking for the travel request is responsible for providing accurate information.
6. **Conflicts and Interpretation:** If any provision of these policies is in conflict with any provision of state law or regulation, then the provisions of state law or regulation shall

control. The Director of Finance, in consultation with the County Legal Department, is authorized to interpret any provision of these policies that is vague or unclear under the circumstances presented, and may provide a written interpretation of the provision, which shall be implemented consistently by all departments and offices.

Standard Travel, Per-Diem, and Mileage

7. Standard Travel Approval:

A. Out-of-state travel approval. The Board of County Commissioners must approve out-of-state travel for all County employees, except elected officials and employees of elected officials' departments as long as there is an approved budget for the travel. The County Manager or designee may approve out-of-state travel for employees of the Fire Marshal's Office and volunteer fire departments. Elected officials may approve travel for themselves and for employees of their departments. If elected officials or employees are requesting a travel advance for out-of-state travel refer to paragraph 9 of these policies.

B. Out-of-state travel approval for Sheriffs Office. Out-of-state travel for investigations and/or transportation and extradition of prisoners by law enforcement officers shall be approved at the discretion of the Sheriff and within court mandates. If travel is for transportation and extradition of prisoners, all travel costs should comply with Section 4-44-18 N.M.S.A. 1978, N.M.A.C 2.42.2 *et seq.*, and any locally adopted County policy. Reimbursement for transportation and extradition-of-prisoner forms as required should be completed and attached to completed request-for-reimbursement travel forms. All other travel, including seminars, conferences, training, etc., shall be governed by these policies.

C. Travel to and within Texas up to 150 miles from Lea County will not require approval as out-of-state travel.

8. Travel Advances:

A. Under the Resolution adopting these policies, the Board of County Commissioners delegated the authority under the Per Diem and Mileage Act to approve advanced travel pay to the County Manager for all duly authorized and approved travel by County elected officials and County employees.

B. Advance payment of estimated travel expenses (exceeding \$100 will be paid at 80%) may be made to an employee who submits an appropriate written travel authorization, including the approval signatures of the department head and the County Manager. A

request must be received by Accounts Payable in the Finance Department complete with all signatures and attached approvals no less than 14 days prior to the departure date.

9. Partial-day per-diem rates and regulations.

A. Partial-day per-diem rate. Elected officials 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:

Travel Time	Reimbursement
Less than 2 hours	\$0
2 hours, but less than 6 hours	\$18
6 hours, but less than 12 hours	\$40
12 hours or more	\$55

10. Standard per-diem rates.

A. Overnight travel. Regardless of the number of hours traveled, travel for elected officials and employees where overnight lodging is required shall be reimbursed as follows with meals included:

In-State	\$151
In-State Special Area	\$194
Out-of-State	\$151

The only in-state special area is Santa Fe County. All out-of-state overnight travel is paid at the standard rate of \$151.

B. 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 that shall be reimbursed as indicated in paragraph 9.

C. Meals Only. Daily meal rates for actual reimbursement are \$55 for all locations.

D. Standard per diem reimbursement may not be used when an individual attends a meeting where any meal is provided by the meeting organizer/sponsor/vendor.

E. Standard per diem reimbursement may not be used when an individual submits a receipt for actual lodging expenses.

11. Actual expenses in lieu of standard per-diem rates.

A. Actual per-diem expenses paid to County elected officials, employees, public officials and nonemployees (NMSA §§10-8-1 to 10-8-7, and DFA Rule 2.42.2) that are greater overall than the standard per-diem rate may be reimbursed, provided the following conditions are met:

(1) Copies of paid receipts are required for all per-diem expenses incurred, including meals. Such expenses shall be paid with the approval of the department head based on a determination that expenses are economically practical and incurred in the discharge of authorized County business within the limits as stated in this policy. All hotel charges in excess of \$215 per night must receive prior approval of the County Manager.

(2) Payment for all meals shall be limited to \$55 per day for in-state travel and out-of-state travel as the maximum amount within a twenty-four-hour period, regardless of amounts spent or receipts submitted. These limits include any gratuity paid with the meal. Such gratuities may not exceed 20% of the cost of the meal. (Note: This amount cannot include any alcoholic beverages.)

(3) When standard per-diem is requested as advance travel pay, and, upon return with receipts, it is evident that expenses incurred were greater than the standard per-diem amount and are considered economically practical, then actual expenses can be claimed with the approval of the County Manager or his/her designee if all original receipts are attached.

(4) When actual per-diem has been requested and approved, under no circumstances can the per-diem be changed back to standard per-diem.

(5) A request for reimbursement for a trip may not mix standard per diem and actual expenses. If reimbursement for actual expenses is requested for any part of a trip, then actual expenses will be reimbursed for the entire trip within the limits set out in these policies.

(6) Lodging will be paid at the single occupancy rate, with the exception of when two persons on County business share one room. The person receiving the per-diem for the lodging will be paid the double occupancy rate. The County will not pay the double occupancy rate for family or friends who room with the person receiving per-diem.

(7) The County will not pay for any extra days that do not pertain to County business.

B. Reimbursements for per-diem, mileage, expenses, academy training, conferences, seminars and all other travel will be to the destination most economical to the taxpayers of Lea County.

12. Reimbursement for travel by private conveyance.

A. Elected officials, employees and nonemployees of Lea County shall be reimbursed for travel by private conveyance in the discharge of official duties as follows:

(1) Privately owned vehicle at the mileage rate allowable for business expense purposes set by the United States Internal Revenue Service in January of the year preceding the current County fiscal year.

(2) Privately owned aircraft at a rate not to exceed the current lowest coach class commercial airfare, after County verifies the current rates of at least two commercial airlines prior to reimbursement, for routes traveled by commercial airlines. Otherwise, a rate of \$0.88 per nautical mile shall be reimbursed for use of privately owned aircraft.

(3) Mileage may be reimbursed based upon map mileage or actual mileage. Map mileage is reimbursed based strictly on distances shown on the official state map published by the State Highway and Transportation Department, or electronic maps such as MapQuest found on Internet-based websites like Yahoo or Google for distances in New Mexico or the most recent edition of the Rand McNally road atlas for distances outside of New Mexico. Any actual mileage claimed in excess of 50 miles beyond map mileage will require odometer readings before and after the additional travel. Justification for the additional travel is also required.

(4) Actual mileage shall require odometer readings before and after travel, purpose of travel, starting and ending destination, rate per mile or any other predetermined rate.

(5) A County gas credit card shall be used only for the vehicle to which it is assigned

] 3. Tipping fees, phone calls, copying, parking, and other fees that may be reimbursed.

A. Elected officials, employees and nonemployees performing County-related business may be reimbursed for certain actual expenses in addition to per-diem rates.

B. Elected officials, employees and nonemployees may be reimbursed without receipts for the following expenses in an amount of \$6 per day (24-hour period), not to exceed a total of \$30 per trip:

(1) Taxi or other transportation fares at the destination of the traveler.

(2) Gratuities as allowed. (See paragraphs 11A2 and 131)

C. Actual costs for travel by common carrier, provided such travel is accomplished in the most economical and practical manner.

D. Rental cars or charter aircraft, provided less-expensive public transportation is not available or appropriate.

E. Registration fees for educational programs or conferences, provided that if the fee includes lodging or meals, then no per-diem rates shall be paid and only actual expenses paid by the elected official, employee or nonemployee and not included in the fee shall be reimbursed within the limitations for actual receipt reimbursement as described in paragraph 12.

F. Professional fees or dues that are beneficial to the agency's operations or mission.

G. Registration fees for meetings can only be reimbursed if there is a speaker or presenter. No other expense shall be reimbursed.

H. Under circumstances where the loss of receipt(s) would deny reimbursement and create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipt(s). The affidavit for the lost receipt(s) must accompany the travel voucher and include the signature of the department head or designee, and/or governing board with all relevant information on the affidavit such as reason for affidavit, location where the expenditure was made and description of purchase item, including the amount. Use of such an affidavit for more than one trip where receipts have been lost or not obtained shall require the approval of the County Finance Director. It is the responsibility of the person claiming the reimbursement to keep track of all receipts.

I. In addition to the above, restaurant and cab fare gratuities shall be limited to no more than 20% of the allowable food receipts and cab fares. Parking, baggage handling and other similar tips will be limited to no more than \$2 per tip.

14. Per-diem, mileage and other travel regulations.

- A. Per-diem, mileage and reimbursements will only be made to the point that is most economical for the taxpayers of Lea County.
- B. County vehicles should be used for work-related travel when available and appropriate.
- C. Persons attending the same functions should try to travel together to save mileage costs.
- D. Persons driving must have a valid driver's license to travel on any County-approved functions.
- E. Mileage reimbursement for personal vehicles will only be made when the total travel distance to and from is 30 miles or greater.
- F. In order to qualify for overnight lodging per-diem rates, an employee must meet the following requirements. Travel time and the meeting or training must be no less than eight hours.
- G. All per-diem forms submitted for travel must have the County Manager's or designee's signature and must reference the Commission meeting approval date as may be required. In addition, supporting documentation, including itineraries, meeting agenda, etc., must be included with the request.
- H. Elected officials, employees and nonemployees may purchase their own airline tickets or car rental using their own credit cards. The County will only reimburse the elected official, employee or nonemployee the best obtainable rate as verified by the County even if the elected official, employee or nonemployee actually paid more.
- I. Registration fees shall not be included on the travel authorization forms.
- J. Business-related phone calls may be reimbursed. Proper documentation must be provided.
- K. All receipts submitted for reimbursement must be original and contain the vendor or business name, date of purchase or delivery, description of item and/or service, and total cost. Sales tax is only paid for services rendered.
- L. Any person who is not a County employee, appointed or elected official who is reimbursed in an amount that singly or in the aggregate exceeds \$1,500 in any one year shall not be entitled to further reimbursement until such person furnishes in writing to the County Commission an itemized statement, on each separate instance of travel covered within such reimbursement, the place to which traveled and the purpose served by such travel.

M. Every claim for reimbursement or travel advances of per-diem, mileage or other expenses authorized by provisions of this policy shall be submitted on the approved travel reimbursement forms, and all procedures for administration of this policy shall contain information as established and approved by the Finance Director with the concurrence of the County Manager.

N. Any requests not completed on the required forms will not be processed.

O. Requests not completed with the required information will not be processed.

I. It is the responsibility of the department and individual who receives funds to ensure that all information provided in relation to a request for travel, per-diem or mileage is accurate.

II. Reimbursement for any individual who receives a paycheck from the County will be made through their payroll deposit. Reimbursement for any other individual will be by a check which must be picked up by the individual to whom the check is made payable, except as provided in the next paragraph.

III. A non-employee may authorize another individual to pick up their reimbursement check by email from an email address recognized by Accounts Payable, Finance Department. Non-advance travel requests and reimbursements will be mailed if not picked up within 30 days. The recipient is responsible for providing a correct mailing address to the Financial Services Department.

IV. Advance per-diem travel requests not picked up within 30 days will be voided

V. Per-diem travel requests and reimbursements must be submitted within 30 days of travel or the date the expense was incurred.

VI. Temporary employees are not eligible for any County-paid travel.

VII. Employees are not eligible for County-paid travel or training until after they pass six months of employment. All training or funding spent on any employee and accepted by an employee will be deducted from the employee's payroll should his/her employment terminate within one year of the training, with the following exceptions:

(1) Sheriff's deputies sent for certification must be employed for a minimum of six months after the training/certification. The cost of travel and training will be deducted from the employee's payroll should his/her employment terminate within one year of the training.

(2) Contract and/or grant employees' travel will be allowed in accordance with the contracts and/or grant requirements only.

(3) The County Manager may grant exceptions to this requirement when it is determined in writing by the County Manager that the exception is in the best interests of Lea County.

VIII. County credit cards, currently MasterCard issued by Wells Fargo, shall not be used for travel expenses except for hotel rooms and commercial travel including taxis.

X. Any employee who knowingly authorizes or who knowingly accepts payment in excess of the amount allowed by the Per Diem and Mileage Act or in excess of the amount authorized by this policy and the governing board pursuant to NMSA § 10-8-5 is liable to the County for the amount overpaid in addition to possible discipline, up to and including termination from County employment, and any legal action authorized by law.

15. Per Diem Payments for Non-salaried Public Officers.

A. A non-salaried public officer is an individual serving as a member of a board, advisory board, committee, or commission who is not entitled to compensation, but is entitled to payment of per diem rates and mileage.

B. Non-salaried public officers may receive \$55.00 for each board or committee meeting attended or for each day spent in the discharge of official duties for travel within the state so long as such travel is more than 35 miles from their home.

C. For overnight travel, public officers may receive per diem as outlined in paragraphs 11 and 12.

FOR THE BOARD OF COUNTY COMMISSIONERS OF LEA COUNTY:

Michael P. Gallagher, III
County Manager