



State of New Mexico
County of Otero

RESOLUTION 11-17-11/100-26

A RESOLUTION ADOPTING THE PER DIEM AND MILEAGE ACT AS AMENDED.

WHEREAS, Section 10-8-4 (D) NMSA, 1978 as amended states that the New Mexico Department of Finance and Administration may promulgate rules and regulations for local public bodies for the purpose of carrying out the provisions of the Per Diem and Mileage Act; and

WHEREAS, the County of Otero desires to adopt those amendments pursuant to State Statute Section 10-8-4(D).

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. DEFINITIONS.

As used in this rule:

- A. "board or committee meeting" means the formal convening of public officials who comprise a board, advisory board, commission or committee even if no further business can take place because of the lack of a quorum.
- B. "County" means the County of Otero, New Mexico.
- C. "County Administrator" means the chief administrative officer for the County of Otero, New Mexico.
- D. "County employee" means any person who is in the employ of the County of Otero, New Mexico whose salary is paid either completely or partially from public money.
- E. "County official" means every elected or appointed official of the County of Otero, New Mexico.
- F. "designated post of duty," means the address of a County official's or employee's assignment as determined by the County.
- G. "home" means: 1) for per diem purposes, the area within a 35-mile radius of the place of legal residence as defined in NMSA 1978, Section 1-1-7 (1995 Repl. Pamp.); 2) for mileage purposes, the place of legal residence as defined in NMSA 1978, Section 1-1-7 (1995 Repl. Pamp.)

- H. “out of state” means beyond the exterior boundaries of the State of New Mexico.
- I. “travel” means: for per diem purpose, being on official business away from home as defined in Paragraph G above and at least 35 miles from the designated post of duty of the County official or employee.
- J. “travel voucher” means a payment voucher submitted for the purpose of claiming reimbursement for travel expenditures.

SECTION 2. PER DIEM RATES – PRORATION:

- A. Applicability. Per Diem rates shall be paid to public officials 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 County, or another entity, the County official or employee is entitled to reimbursement only for actual expenses under Section 3.
- B. Per Diem Rate Computation. Except as provided in Subsection C through F of this section, per diem rates for travel by County officials and employees shall be computed as follows:
 - 1. Partial Day Per Diem Rate. County officials or employees who occasionally and irregularly travel shall be reimbursed for travel which does not require overnight lodging, but extends beyond a normal work day as follows:
 - a. for than less two (2) hours of travel beyond normal work day, none;
 - b. for two (2) hours, but less than six (6) hours beyond the normal work day \$12.00;
 - c. for six (6) hours, but less than twelve (12) hours beyond the normal work day, \$20.00;
 - d. for twelve (12) hours or more beyond the normal work day, \$30.00;

“Occasionally and irregularly” means not on a regular basis and infrequently as determined by the County.

“Normal work day” means 8 hours within a nine-hour period for all County officials and employees, regardless of the officials’ or employees’ regular work schedule.

2. Overnight Travel. Regardless of the number of hours traveled, travel for County officials and employees where overnight lodging is required shall be reimburse as follows:
 - a. in state areas \$85.00;
 - b. in state special areas \$135.00;
 - c. out of state areas \$115.00;
 - d. actual lodging and meal expenses under Section 3.

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 reimburses 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 Designation. The in-state special area shall be Santa Fe. The out-of-state special areas shall be the areas of New York City, Washington, D.C., Chicago, Los Angeles, San Francisco, Palm Springs, San Diego, Atlanta, Boston, Las Vegas, Atlantic County, Philadelphia and Dallas/Fort Worth designated as metropolitan areas by the most recent edition of the Rand-McNally road atlas, and areas outside of the continental United States including Alaska and Hawaii.

- C. Officials and Employees Serving in Dual Capacity. County officials, who serve as public officials or employees of State agencies or local public bodies other than the County of Otero, may receive mileage or per diem rates from only one public entity for any travel or meeting attended. County employees who serve on State Boards or Commissions or who serve as public officials of a State agency or local public body other than the County of Otero may receive mileage or per diem rates from any one public entity for each travel or meeting attended. County officials 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.

- D. Travel for Education Purposes. A County official 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 written approval has been obtained from the County Administrator.

- E. Per Diem in Conjunction with Other Leave. While traveling, if a County official or employee takes sick, annual or authorized leave without pay for more than 4

hours of the normal work day, per diem shall not be allowed for that day unless authorized in writing by the County Administrator.

- F. Illness or Emergency. The County Administrator may grant permission, in writing, to pay per diem rates and travel reimbursement to County official or employee 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 3. REIMBURSEMENT OF ACTUAL EXPENSES IN LIEU OF PER DIEM RATES:

- A. Applicability. Upon written request of a County official or an employee, the County Administrator may grant written approval for a County official or employee to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.
- B. Overnight Travel. When there is overnight travel for County officials and employees where overnight lodging is required, the County official or employee will be reimbursed as follows:
1. Actual Reimbursement for Lodging. A County official 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, County officials and employees should stay in hotels, which offer government rates. County officials or employees who incur lodging expenses in excess of \$215 per night must obtain the signature of the County Administrator 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 NMSA 1978, Section 10-8-4(K)(2), as amended a maximum of \$30.00 for a 24- hour period in state and a maximum of \$45.00 for a 24 hour period for out of state travel.
 3. Receipts Required. The County official 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 official 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 County Administrator.
- 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. for 2 or more hours, but less than 6 hours, \$12.00
3. for 6 hours or more, but less than 12, \$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 4. TRAVEL ADVANCES.

- A. Authorizations. Upon written request accompanied by a travel voucher, the County Administrator may approve a County official'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 2 and 3 and for other travel expenses that may be reimbursed under Section 6.
- B. Travel Period. A travel advance may be authorized either for a single trip or on a monthly basis for County officials and employees who travel continually throughout the month. Payment shall be made only upon vouchers submitted with attached authorization for each travel period.
 1. Single Trip Advance. Where a travel advance is made for a single trip, the County officials or employees shall remit, within 5 working days of the return from the trip, a refund of any excess advance payment to the County. The County shall deposit the refund and reduce the disbursement recorded when the money was advanced.
 2. Monthly Advances. Where monthly advances are made, County employees shall remit to the County, at the end of each month, any excess advance payment together with a thorough accounting of all travel advances and expenditures as required by the County Administrator. Where a travel advance is approved for the next month, the County Administrator may authorize the use of excess advance payments from the previous month as part of the advance for the next month in lieu of having the employee remit the excess funds.

SECTION 5. MILEAGE-PRIVATE CONVEYANCE.

- A. Applicability. Mileage accrued in the use of private conveyance shall be paid only in accordance with the provisions of this section.

- B. Rate. County officials and employees 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 automobiles, 80% of the internal revenue service standard mileage rate set January 1 of the previous year for each mile traveled
 2. privately owned airplane, 88 cents 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 Highway and Transportation Department for distances in New Mexico and the most recent edition of the Rand-McNally road atlas for distances outside of New Mexico; 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 map or on the Rand McNally road atlas, or,
 - b. at the destination(s) of the County official or employee, the County official 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 Highway and Transportation Department, 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 automobiles or privately owned airplane shall not exceed the total coach cost 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. The County Administrator or designee 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 County for payment.

SECTION 6. REIMBURSEMENT FOR OTHER EXPENSES.

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

1. Receipts Not Required. County officials and employees may be reimbursed without receipts for the following expenses in the amount of \$6.00 per day not to exceed a total of \$30.00 per trip:
 - a. taxi or other transportation fares at the destination of the traveler;
 - b. gratuities as allowed by the County Administrator or designee; and
 - c. parking fees. I
 - d. 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.
2. Receipts Required. County officials and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:
 - a. actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;
 - b. rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;
 - c. 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 3; and
 - d. professional fees or duties that are beneficial to the County's operations or mission:

Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the County official 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 County Administrator.

SECTION 7. TRAVEL VOUCHERS.

Travel vouchers and supporting schedules and documents shall conform to the policies and procedures manuals issued by the Financial Control Division of the Department of Finance and Administration.

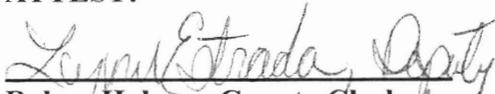
SECTION 8. EFFECTIVE DATES.

All sections shall become effective on July 1, 2003

PASSED, APPROVED, AND ADOPTED ON THIS 17th DAY OF NOVEMBER 2011.

**BOARD OF COUNTY COMMISSIONERS
OTERO COUNTY, STATE OF NEW MEXICO**

ATTEST:



Robyn Holmes, County Clerk

(Seal)





Ronny Rardin, Chairman



Susan Flores, Vice-Chairperson



Tommie Herrell, Member