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Statement of Position Out-of-State Travel Policies

Cities, counties, school districts, regional agencies, and other political subdivisions, except towns, must have a policy that controls out-of-state travel by their elected officials.¹ The policy must specify:

- When travel outside the state is appropriate;
- Applicable expense limits; and
- Procedures for approval of the travel.

The policy and any subsequent changes to it must be approved by a recorded vote.² The policy must be available for public inspection.

A formal travel policy gives a political subdivision direction and guidance on travel expenditures by elected officials. We recommend a resolution or detailed motion for approval of out-of-state travel. The approval should be given in advance of the travel. The resolution or motion should provide both the specific authority for the expenditure and the public purpose for the travel.

For example, some cities participate in the “Sister City” program. We know of no express statutory authority allowing a city to expend public funds on such a program. In addition, as with any expenditure of public funds, the expenditure must be for a public purpose. Recognizing these limitations, many cities pay for “Sister City” expenses by using financial contributions or gifts from private entities or the local Chamber of Commerce. The city, rather than the individual elected official, should accept the gift by a two-thirds majority, prior to the travel.³

Public purpose principles apply to out-of-state travel, and should be incorporated in the policy. For example, public funds should not be used for the following:

- Costs for travel of family members;

¹ See Minn. Stat. § 471.661. While towns are not required to adopt an out-of-state travel policy, they may choose to do so.

² See Minn. Stat. § 471.661.

³ See Minn. Stat. § 465.03; *Kelly v. Campaign Finance and Public Disclosure Board*, 679 N.W.2d 178 (Minn. App. 2004).

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This Statement of Position is not legal advice and is subject to revision.

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- Alcoholic beverages; or
- Events sponsored by or affiliated with political parties.

To sum up, local governments, except for towns, must have out-of-state travel policies, approved by their governing bodies. The governing body must also approve the expenditure of public funds. Public employees and elected officials who make expenditures while disregarding the out-of-state travel policy run the risk that the governing body will not approve their expenditures. If that happens, the public employee or elected official may be personally liable for the payment.

The League of Minnesota Cities has a model out-of-state travel policy on its website at: <http://www.lmc.org/media/document/1/modelectedofficialtravelpolicy.pdf>.