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OPINION	:	No. CV 78-117
of	:	<u>January 24, 1979</u>
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SUBJECT: COUNTY SUPERVISORS' TRAVEL REIMBURSEMENT—Without detailing the inspection tours, a county supervisor who travels more than 250 miles per month while inspecting the county road system is entitled to be reimbursed for all miles traveled up to 500 miles per month.

The Honorable L. J. Dewald, County Counsel of the County of Placer, has requested an opinion on the following question:

Is a county supervisor, who travels more than 250 miles per month while inspecting the county road system, entitled to be reimbursed for all actual miles traveled, up to 500 miles per month, without detailing the inspection tours relating to the first 250 miles per month of such travel?

The conclusion is:

A county supervisor, who travels more than 250 miles per month while inspecting the county road system, is entitled to be reimbursed for all actual miles traveled, up to 500 miles per month, without detailing the inspection tours relating to the first 250 miles per month of such travel.

ANALYSIS

The board of supervisors of a county acts as the policy-making body with regard to county highway matters. The county road commissioner operates his department under the general policies established by the board. (Sts. & Hy. Code, § 2009.)¹ The supervisors are responsible for appointing the commissioner, for holding public hearings on the commissioner's budget, and for approving the yearly budget for the road department. (§§ 2006–2007.)

The supervisors are also required by law to periodically inspect the county highway system to make certain that the roads are being properly maintained. (§ 2010; 31 Ops. Cal. Atty. Gen. 93, 94 (1958).) As with expenses incurred while performing other official duties, a supervisor is reimbursed for his travel expenses in inspecting the county highway system. (§ 2010.)

The question presented for analysis concerns the procedure by which a supervisor reports his mileage expenses when he inspects more than 250 miles of county roads during a particular month. Although the governing statute is ambiguous, we believe that a supervisor need not itemize his inspection tours for the first 250 miles but only for the miles traveled in excess thereof for the month.²

Normally, the payment of a supervisor's mileage claim requires that it "be itemized, verified, and state that the expense was actually incurred" and that it first be approved by the county district attorney, county counsel, or county auditor. (Gov. Code, §§ 29707, 29707.1; emphasis added.)

The Legislature, however, has provided for a different method of submitting mileage claims when a supervisor inspects the county highway system.³ If a supervisor inspects less than 250 miles in one month, he can be reimbursed for such mileage "without filing a report of the specific inspection tours requiring such mileage." (§ 2010.)

Although the statutory requirements for submitting mileage claims of less than 250 miles are clear, a problem of statutory construction arises where a supervisor inspects more than 250 miles in one month. Section 2010 provides in pertinent part:

¹ All unidentified section references hereinafter refer to the Streets and Highways Code.

² Even within the first 250 miles, a supervisor may not claim more than the actual miles traveled. (31 Ops. Cal. Atty. Gen. 93, *supra*, at p. 96.)

³ Such claims are paid from funds apportioned to a county under the provisions of the Motor Vehicle Fuel License Tax Law. (§§ 2010, 2104, subd. (a).)

“ . . . For mileage traveled in excess of 250 miles, each supervisor shall be paid ten cents (\$0.10) for each mile traveled up to 250 miles or twenty-five dollars (\$25) for a total not to exceed 500 miles or fifty dollars (\$50). *The supervisor claiming such additional mileage shall file a report of the inspection tour or tours requiring such travel.*” (Emphasis added.)

It could be argued that the language of section 2010 requires a supervisor to itemize all inspection tours made during a month when he travels more than 250 miles; the inspection tours for the first 250 miles may be said to form the basis for “requiring” a supervisor to travel in excess of 250 miles. Alternatively, it could be argued that only the inspections occurring after the first 250 miles need be detailed. We agree with the latter view.

The cardinal rule of statutory construction is to “ascertain the intent of the Legislature so as to effectuate the purpose of the law.” (*Select Base Materials v. Board of Equal.* (1959) 51 Cal. 2d 640, 645; accord, *Cossack v. City of Los Angeles* (1974) 11 Cal. 3d 726, 732.) In determining legislative intent, we look first to the words used in statute, giving them effect according to their ordinary and usual meaning. The various provisions of a statute are to be construed together and harmonized by considering the statutory framework as a whole. (*Moyer v. Workmen’s Comp. Appeals Bd.* (1973) 10 Cal. 3d 222, 230–231; *Steilberg v. Lackner* (1977) 69 Cal. App. 3d 780, 785.)

Guided by these controlling principles, we believe that the phrase “a report of the inspection tour or tours requiring such travel” in section 2010 refers only to inspections from and after the 251st mile. In the context of the entire statute, the ordinary meaning of the phrase would be strained if it were to include itemization of the first 250 miles traveled.

Moreover, certain reporting problems are avoided by this construction. A supervisor may, for example, normally travel 200 miles per month inspecting the county road system. Accordingly, he would only maintain mileage records (without location itemization) for his expense claims.⁴ At the end of one particular month, it could be necessary for the supervisor to inspect an additional 75 miles. Under these circumstances it would be unreasonable to require itemization for the first 200 miles in order that reimbursement could be made for the last 25 miles.

Consequently, we believe that a supervisor must maintain each month only mileage records for the first 250 miles traveled and maintain detailed records of all road inspection tours occurring between the 250th and 500th mile traveled.

⁴ Thus the supervisor has information substantiating his claim for *actual* expenses. (See fn. 3, *ante.*)

The conclusion to the question presented, therefore, is that a county supervisor who inspects more than 250 miles of county roads during a particular month is entitled to reimbursement for all actual miles traveled, up to 500 miles, without detailing the inspection tours relating to the first 250 miles traveled.
