

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: President and Village Board of Trustees

FROM: Scott Niehaus, Village Manager

DATE: January 11, 2017 (COW) (B of T): January 19, 2017

TITLE: An Ordinance Regarding Travel Reimbursement amending the Travel Policy in the Purchasing Policies and Procedures Manual

SUBMITTED BY: Tim Sexton, Director of Finance

BACKGROUND/POLICY IMPLICATIONS:

The Local Government Travel Expense Control Act (PA 99-0604) requires non-home rule communities to approve an ordinance regulating the reimbursement of all travel, meal, and lodging expenses for officers and employees. Beginning on March 2, 2017, the governing bodies of non-home rule communities will be required to conduct a roll call vote in an open meeting in order to approve reimbursements for travel expenses of : (1) any officer or employee who exceeds the maximum expenses allowed under the policy the unit of government; or (2) any member of the governing board or corporate authorities.

Village staff and Board members currently follow the employee Travel Policy for submitting expenses. While the procedures are observed by elected officials too, a policy has never been formally adopted. Staff revised the current Travel Policy in the Village of Lombard Purchasing Policies and Procedures Manual to comply with the new legislation (Exhibit B). Staff has prepared a summary of the proposed changes compared to the current policy.

Staff recommends the Village Board approve the proposed Ordinance to comply with PA 99-0604 with an effective date of March 1, 2017 and changes to the Travel Policy in the Village of Lombard Purchasing Policies and Procedures Manual.

FISCAL IMPACT:

N/A

REVIEW (as needed):

Village Attorney XX	_____	Date	_____
Finance Director XX	_____	Date	_____
Village Manager XX	_____	Date	_____

ORDINANCE NO. ____

AN ORDINANCE RE TRAVEL, MEAL AND LODGING EXPENSES

WHEREAS, the Illinois General Assembly has recently enacted Public Act 99-0604, known as the "Local Government Travel Expense Control Act" (the "Act"), which Act becomes effective on January 1, 2017; and

WHEREAS, pursuant to the Act, non-home rule units of local government are required to establish regulations with respect to allowable travel, meal, and lodging expenses;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows, effective March 1, 2017:

SECTION 1. The recitals set forth hereinabove shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2. Definitions. For purposes of this Ordinance, the following terms shall be defined as set forth below:

"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"Public Business" means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village of Lombard (the "Village") to carry out the responsibilities of Village business.

"Travel" means any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

SECTION 3. The Village shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

- A. The allowances for meals shall be up to \$15 per each meal (breakfast, lunch, dinner) per day with submission of a detailed receipt. If meals are provided as a part of the registration fee for the authorized travel, no additional meal allowances will be paid or reimbursed.
- B. Government or Standard room rate for single occupancy relative to hotel/motel accommodations.
- C. Lowest reasonable fare for mode of transportation. Air travel shall be at coach fare rate.
- D. The actual fee for registration, convention, conference, seminars and/or training, not to exceed the annual Village budgeted amount.

E. Reimbursable incidental travel expenses incurred during the course of travel for which reimbursement is being sought shall be accompanied by a receipt, not to exceed \$500 per week, or pro-rated portion thereof. Such incidental travel expenses include the following:

- (1.) Taxi/Rideshare, and airport or hotel transportation fares;
- (2.) Storage or baggage fees;
- (3.) Tolls;
- (4.) Parking fees;
- (5.) Telephone, facsimile charges and internet access charges relating to official business; and
- (6.) Public Transportation.

Alcoholic beverages are specifically excluded from reimbursement, whether in relation to a meal and/or accommodation, or otherwise.

In the event of an emergency or other extraordinary circumstance, the Corporate Authorities of the Village may approve more than the maximum allowable expenses set forth above.

SECTION 4. No reimbursement of travel, meal or lodging expenses incurred by a Village employee or officer shall be authorized unless the "Travel Advance & Expense Report" form, attached hereto as Exhibit A and made a part hereof, has been submitted and approved by the Village Manager or his/her designee. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (5 ILCS 140/1 *et seq.*).

SECTION 5. Expenses for travel, meals, and lodging of: (A.) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under Section 3 of this Ordinance, or (B.) any member of the Corporate Authorities of the Village, may only be approved by roll call vote at an open meeting of the Corporate Authorities of the Village.

SECTION 6. The Village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Notwithstanding the foregoing entertainment mentioned which is ancillary to the purpose of the program or event may be reimbursed in accordance with the provisions of this Ordinance.

SECTION 7. In light of the foregoing, Chapter 7 of the Village of Lombard Purchasing Policies & Procedures Manual is hereby amended to read in its entirety as set forth on Exhibit B attached hereto and mad part hereof.

SECTION 8. Any policy, resolution, or ordinance that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 9. That this Ordinance shall be in full force and effect on from and after its passage and approval as required by law.

Passed on first reading this _____ day of _____, 2017.

First reading waived by action of the Board of Trustees this _____ day of _____, 2017.

Passed on second reading this _____ day of _____, 2017, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2017.

Keith Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2017.

Sharon Kuderna
Village Clerk

Exhibit A

Travel Advance & Expense Report

INSTRUCTIONS FOR PART I – AUTHORIZATION TO TRAVEL FORM Complete this section for all travel overnight and forward to the Finance Department thirty (30) days prior to travel. Approval is needed for travel and travel advances. Include a descriptive brochure or program if available.									
EMPLOYEE NAME:			TITLE:			DEPARTMENT		ACCOUNT NO.	
PURPOSE OF TRAVEL:					ESTIMATED EXPENSE:				
DESTINATION		NUMBER OF DAYS – ()			<div style="display: flex; justify-content: space-between;"> Prepaid by Village Village Credit Card Other </div>				
MODE OF TRAVEL		DEPARTURE DATE		RETURN DATE		Transportation			
						Lodging			
AUTHORIZATION RECOMMENDED:					Meals				
DEPARTMENT HEAD _____ DATE _____					Registration				
CERTIFICATION OF FUNDS:					Miscellaneous				
ASSISTANT DIRECTOR OF FINANCE _____ DATE _____					Total Estimate				
TRAVEL AUTHORIZED:					Total Prepaid or Credit				
VILLAGE MANAGER _____ DATE _____					Advance Requested				
INSTRUCTION FOR PART II –TRAVEL EXPENSE REPORT: Complete within five (5) days after return and forward to the Accountant in the Finance Department. Please retain a copy for employee/department records if desired. Attach original receipts for each item.									
II. Expense Report		Day of week	Day of week	Day of week	Day of week	Day of week	Day of week	Day of week	Total
Dates		/ /	/ /	/ /	/ /	/ /	/ /	/ /	
Transportation									
Air									
Rental Vehicle									
Personal Vehicle Mileage Refund									
Bus/Train/Taxi/Subway									
Tolls/Parking									
Lodging									
Meals Breakfast									
Lunch									
Dinner									
Per Diem Total									
Registration Fees									
Miscellaneous (detail below)									
Total Cost of Trip									
Less Total Paid Directly by Village -									
Less Total Paid via Village Credit Card -									
Less Cash Advance -									
Misc. Additions or Subtractions – please detail:									
Misc. Additions or Subtractions – please detail:									
Circle One: Reimbursement Due to Employee Or Reimbursement due to Village if amount is negative =									
I certify that the foregoing expenses were incurred in the conduct of Village Business				APPROVED:			APPROVED:		
EMPLOYEE		DATE		DEPARTMENT HEAD		DATE		ASSISTANT DIRECTOR OF FINANCE DATE	

EXPENSE	CURRENT VOL TRAVEL POLICY	PROPOSED TRAVEL & BUSINESS EXPENSE POLICY & PROCEDURES MEETS STATE MANDATE LOCAL GOVERNMENT TRAVEL EXPENSE CONTROL ACT, PA 99-604
Travel Authorization	VM approves for all overnight travel	Some travel expenses must be approved by the governing board.
		1. Any officer or employee who has exceeded the max allowable reimbursement limit.
		2. Any member of the governing board of the local public agency.
		All travel requires prior authorization by Department Head and/or Village Manager
Receipts	Detailed receipt Required for all reimbursements	Detailed receipt Required for all reimbursements
Accommodations	Reasonably priced lodging with request for government or corporate rate.	Hotel or accommodations allowances will be made when travel extends overnight and requires lodging, at the single occupancy rate (unless an Authorized Individual determines to share accommodation with another Authorized Individual). An Authorized Individual taking a guest shall pay any cost differences for double occupancy. The Government Room Rate shall be sought in all circumstances, unless not available. Room service, and additional room expenses (movie rental, valet, minibar, etc.) will not be paid and/or reimbursed.
Accompaniment by an Immediate Family Member	The Village will not reimburse employees for travel costs of immediate family members with employees on official business. Only employee travel may be reimbursed.	The Village will not reimburse employees for travel costs of immediate family members with employees on official business. Only employee travel may be reimbursed.
Combined Business/Personal Travel	The additional expenses related to personal travel are the responsibility of the employee.	The additional expenses related to personal travel are the responsibility of the employee.
Meals	Effective 1/1/16, the per diem rate will increase slightly to a daily maximum of \$54.50, broken out as follows: 9.50 Breakfast; \$17.50 Lunch; \$27.50 Dinner; The breakout does not apply to overnight travel however, so just refer to the daily \$54.50 maximum if your travel is overnight. Excludes alcohol.	For the purpose of reimbursements, the allowances for meals shall be up to \$15 per meal (breakfast, lunch, dinner) per day with submission of a detailed receipt. If meals are provided as a part of the registration fee for the authorized travel, no additional meal allowances will be paid or reimbursed.
Entertainment	The additional expenses related to personal travel are the responsibility of the employee.	Expenses related to entertainment are excluded from reimbursement, unless such entertainment is ancillary to the purpose or program or event. For example, "ancillary" means those entertainment events which are included in the registration cost of a convention or seminar.
Travel Arrangements	Least expensive means possible with logical routes for arriving at the intended destination	All travel must be on a convenient and mainly traveled route. If an Authorized Individual travels by an indirect route for his/her convenience, any extra costs shall be borne by the Authorized Individual. Air travel shall be at the coach fare.

Rental Passenger Automobiles	Must be approved in advance by Department Head, Director of Finance and Village Manager.	Must be approved in advance by Department Head, Director of Finance and Village Manager. Transportation by rental or charter vehicle may be authorized when deemed to be the most economical method of travel considering the nature of the business, the number of people making the trip and the most efficient and economical means of travel.
Personal Vehicles	Shall not exceed the lowest available air fare. Reimbursable at the IRS authorized rate in effect at the time of travel. Mileage reimbursement allowance covers all automobile related costs; gasoline, insurance, maintenance, ect.	If a privately owned automobile is used for travel, the Authorized Individual shall be entitled to a mileage reimbursement at a cents-per-mile rate equal to the Internal Revenue Service allowable rate then in effect. When two or more Officers or Employees are attending the same travel related event, carpooling should be practiced whenever possible. An online route planner such as MapQuest from the Village of Lombard to destination and return to the Village of Lombard shall be used for mileage calculation purposes. Mileage reimbursement allowance covers all automobile related costs; gasoline, insurance, maintenance, ect.
Registration Fees		Registration fees, convention, conference, seminars and/or training fees should not exceed the annual budgeted amount.
Incidental Expenses		An Authorized Individual may be reimbursed for incidental travel expenses incurred during the course of travel. Not to exceed \$500 per week. Such incidental travel expenses include the following: Taxi/Rideshare, and airport or hotel transportation fares, storage or baggage fees, tolls, parking fees, telephone and facsimile charges relating to official business, public transportation.
Taxi and Airport Transportation	Preferred method to hotels or meeting sights. Taxi may be used taking cost into consideration.	Incidental Expense
Toll Charges & Parking Fees	Reimbursable in addition to mileage allowance.	Incidental Expense
Non-Allowable Expenses	Cleaning, pressing, laundry, personal entertainment, airline/trip insurance, beautician, barber, manicurist, shoe shine, personal telephone calls, repairs on personal automobiles damaged while on company business, traffic violations and court costs, membership fees in airline clubs.	Only up to the maximum allowable expenses included in policy is reimbursable without Village Board approval by roll call vote. Alcoholic beverages are excluded from reimbursement for any meal and/or accommodation. Any exceptions to this Policy must be granted in writing by the Village Manager. Repairs on personal automobiles damaged while on company business, traffic violations and court costs, and membership fees in airline clubs will not be reimbursed.
Approved Forms of Payment	Employees may use personal funds or employees that have a Village issued credit card may use it to pay for travel/business expense. However, the employee must still submit a completed travel expense report to Finance with receipts when travel has been completed.	Employees may use personal funds or employees that have a Village issued credit card may use it to pay for travel/business expense. However, the employee must still submit a completed travel expense report to Finance with receipts when travel has been completed.

Advances	A travel advance will be issued upon receipt of a completed travel expense report with approval from Department Head, Director of Finance, and Village Manager. Must be settled within five days after completion of the travel. Any unused travel advance money must accompany the expense report with receipts.	A travel advance will be issued upon receipt of a completed travel expense report with approval from Department Head, Director of Finance, and Village Manager. Must be settled within five days after completion of the travel. Any unused travel advance money must accompany the expense report with receipts. If common carrier tickets are necessary, issuance of such tickets shall be made only upon receipt of the Expense Report Form, with proper approval signatures.
Expense Reporting	Travel Expense Report form should be filled out with the instructions noted on the form. Shall be submitted to Finance within 5 days following completion of the trip.	The Travel Expense Report Form is to be used by each Authorized Individual for all travel requests, expenses and reimbursements and mileage allowances, for use for all expenditures and reimbursements sought in an amount more than One Hundred and 00/100 Dollars (\$100.00). Travel Expense Report form should be filled out with the instructions noted on the form. Shall be submitted to Finance within 15 days following completion of the trip.
Tax Exempt	Ensure that vendors are made aware of and provided with the Village of Lombard tax exemption information whenever applicable	Ensure that vendors are made aware of and provided with the Village of Lombard tax exemption information whenever applicable

Exhibit B
VILLAGE OF LOMBARD

TRAVEL AND BUSINESS EXPENSE POLICIES AND PROCEDURES

Section 1. Purpose

The purpose of the Village of Lombard Travel and Business Expense Policies and Procedures (“Expense Policy”) is to effectively regulate reimbursement of all travel, meal and lodging expenses of Village of Lombard’s Officials and Employees. The Expense Policy is established pursuant to the Local Government Travel Expense Control Act, Public Act 99-604. Each Public Official and Employee is responsible for assuring that expenditures are prudent and necessary to effectively fulfill their duties to the Village of Lombard (the “Village”).

Section 2. Applicability/Effective Date

This Expense Policy shall apply to all Elected Officials, Appointed Officials and Employees of the Village (the “Covered Individuals” or a “Covered Individual”).

This Expense Policy is to be effective: March 1, 2017

Section 3. Definitions

“Act” is the Local Government Travel Expense Control Act, Public Act 99-604.

“Authorized Individual” shall mean a Covered Individual, who is authorized to incur travel and travel related or business expenses in the performance of his or her duties.

“Entertainment” includes, but is not limited to shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event. .

“Travel” means any expenditure directly incident to official travel by Covered Individuals, involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

Section 4. Authority to Incur Travel and/or Business Expenses

A. The Village hereby recognizes that certain travel and business expenses are necessary and proper for the efficient conduct of public business. Such travel and business expenses are properly incurred for performing mandated, job-required duties (such as investigating usefulness of equipment or services to a particular government requirement) and/or are related to attendance at schooling, conferences, seminars, meetings and workshops, where such attendance is necessary for continuing education, or is deemed worthwhile for reasons, including, but not limited to, networking, marketing and/or facilitating the duties of the office or business of the Village.

B. The Village through its budget system, shall maintain control of travel and business expenses for Covered Individuals, which shall provide for the efficient and economical conduct of official business.

C. Prior authorization for travel planned by an Employee during a budget year shall be obtained as part of the approved budget for each department. All travel and business expenses by an Employee must be authorized by their Department Head.

D. If an elected official of the Village finds it necessary to incur travel and/or business expenses, and when the expenses are within the intent of the annual adopted budget, the expenditures are authorized.

E. Summary reports of travel to conferences, conventions, seminars and/or meetings may be reported, if required, to the Village Manager or Department Head.

Section 5. Allowable Expenses

A. Travel and/or business expenses shall be limited to those expenses necessarily incurred by the Covered Individual in the performance of duties related to the functions and responsibilities of the Covered Individual.

B. Business expenses shall apply to those expenditures which are incurred in the performance of a public purpose, including attending meetings with government officials, seminars and training programs, pick-up and delivery of parts and/or equipment, community programs and any other related purposes.

Section 6. Funding

A. All travel requires prior authorization.

B. Except as hereinafter set forth, all travel requires the completion and submittal to the Village Manager of the Travel Advance & Expense Report Form (the "Expense Form"), as attached hereto and incorporated herein as Exhibit 8 of the Purchasing Policy and Procedure Manual. All expenditures incurred for which reimbursement is sought must be accompanied by the original receipt for such expenditures.

C. Travel advances may be issued to a Covered Individual prior to departure on an authorized trip. The advance payment will be predicated on the amount estimated as set forth in the Expense Form. If common carrier tickets are necessary, issuance of such tickets shall be made only upon receipt of the Expense Form, with proper approval signatures. If an authorized travel advance is less than the approved actual expense, the difference will be paid to the Covered Individual following travel, and upon proper receipts being provided. If the travel advance is greater than the actual or allowed travel expense, then the difference shall be reimbursed to Village within fifteen (15) days after return of the Covered Individual.

D. All Covered Individuals are required to ensure that vendors are made aware of and provided with the Village's tax exemption information whenever applicable.

Section 7. Expense Report Form

The Village of Lombard Finance Department shall provide an Expense Form to be used by each Covered Individual for all travel requests, expenses and reimbursements and mileage allowances, for use for all expenditures and reimbursements sought in an amount more than One Hundred and 00/100 Dollars (\$100.00).

The Village Manager shall cause requests for travel expense and reimbursement to be verified before payment is made therefor.

Section 8. Meal Allowances and Accommodations

A. Meals

For the purpose of reimbursements, the allowances for meals shall be up to \$15 per each meal (breakfast, lunch, dinner) per day with submission of a detailed receipt.

If meals are provided as a part of the registration fee for the authorized travel, no additional meal allowances will be paid or reimbursed.

B. Accommodations

Hotel or accommodations allowances will be made when travel extends overnight and requires lodging, at the standard single occupancy rate (unless a Covered Individual determines to share accommodation with another Covered Individual). A Covered Individual taking a guest shall pay any cost differences for double occupancy. The Government Room Rate shall be sought in all circumstances, unless not available. Room service and additional room expenses (movie rental, valet, minibar, etc.) will not be paid and/or reimbursed.

C. Exclusions

Alcoholic beverages are specifically excluded from reimbursement for any meal and/or accommodation.

Expenses related to entertainment are excluded from reimbursement, unless such entertainment is ancillary to the purpose or program or event. For example, "ancillary" means those entertainment events which are included in the registration cost of a convention or seminar.

D. Exceptions

Any exceptions to this Expense Policy must be approved in writing by the Village Manager or his/her designee. Notwithstanding the foregoing, or any other provision of this Expense Policy, expenses for travel, meals and lodging of (1) any Covered Individual that exceeds the maximum reimbursement allowed under this Policy, or (2) any member of the Corporate Authorities of the Village, may only be approved by a roll call vote at an open meeting of the Corporate Authorities of the Village.

Section 9. Transportation

A. All travel must be on a convenient and mainly traveled route. If a Covered Individual travels by an indirect route for his/her convenience, any extra costs shall be borne by the Covered Individual. Air travel shall be at the coach fare rate. Membership fees in airline clubs will not be reimbursed.

B. If a privately owned automobile is used for travel, the Covered Individual shall be entitled to a mileage reimbursement at a cents-per-mile rate equal to the Internal Revenue Service allowable rate then in effect. Mileage reimbursement allowance covers all automobile related costs; gasoline, insurance, maintenance, ect. When two or more Covered Individuals are attending the same travel related event, carpooling should be practiced whenever possible. An online route planner, such as MapQuest, from the Village to destination and return to the Village shall be used for mileage calculation purposes. Repairs on personal automobiles damaged while on Village business, traffic violations and court costs will not be reimbursed.

C. Transportation by common carrier which has not been prepaid, and for which the Covered Individual seeks reimbursement, must be substantiated by the original receipt from the common carrier.

D. Transportation by rental or charter vehicle may be authorized when deemed to be the most economical method of travel considering the nature of the business, the number of people making the trip and the most efficient and economical means of travel.

Section 10. Fees and Reimbursable Incidental Expenses

A. Registration fees, convention, conference, seminars and/or training fees, not to exceed the annual budget amount, shall be reimbursable.

B. A Covered Individual may be reimbursed for incidental travel expenses incurred during the course of travel, not to exceed \$500 per week or prorated portion thereof. Such incidental travel expenses include the following:

1. Taxi/Rideshare, and airport or hotel transportation fares;
2. Storage or baggage fees;
3. Tolls;
4. Parking fees;
5. Public Transportation; and
6. Telephone, facsimile and internet access charges relating to official business.

Any miscellaneous expense for which reimbursement is being sought shall be accompanied by a receipt.

Section 11. Emergencies

In the event of emergency or other extraordinary circumstances necessitating travel or

the incurrence of a business expense, the requirements of this Expense Policy shall be waived prior to travel or incurring the expense. However, within thirty (30) days of any emergency or other extraordinary circumstances expenditure, the Expense Form shall be completed and filed with the appropriate office for reimbursement and to document the emergency or other extraordinary circumstances. Report of any expenditure for emergency or other extraordinary circumstances that exceeds the maximum expense policy shall be provided to the Corporate Authorities in an open meeting, and must be approved by the Corporate Authorities.

Section 12. Credit Card

A credit card may be used by the Covered Individual for the conduct of public business, in regard to charging and payment of travel and/or business expenses that cannot be conveniently paid for by other means.

Use of an authorized credit card must be in accordance with the policy enacted for same by Village.

Section 13. Auditing

All Expense Forms shall be submitted to the Finance Department no later than fifteen (15) days before travel or the business expense is expected to be incurred for estimated expenses, and within fifteen (15) days after the travel or business expense has been incurred for auditing by the Finance Department.

Section 14. Official Documents

In compliance with the Act, all documents and information submitted in regard to travel and/or business expenses in accordance with this Expense Policy are declared to be “public records” and subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*

Section 15. Fraudulent Claims

Claims submitted pursuant to this Expense Policy must be signed by the Covered Individual, which signature shall serve as verification of the true and correct nature of the funds being sought therein. Any individual who makes or aids in the making of a false or fraudulent claim shall be guilty of a violation against the Village and, if found guilty of same, shall be punished as provided in the Village of Lombard Human Resources Manual. In addition, any individual who receives an advance or reimbursement by use of a false claim, shall be liable for repayment of the advance or reimbursement.

Section 16. Supersede/Conflict in Policies and/or Procedures

This Expense Policy supersede any other policy or procedure currently in effect to the extent such policy or procedure is in conflict with the provisions herof.