

STAFF REPORT

SUBJECT: INTRODUCTION OF AMENDMENT TO ORDINANCE NO. 2015-01, AN ORDINANCE OF THE COASTSIDE FIRE PROTECTION DISTRICT SETTING COMPENSATION FOR MEMBERS OF THE COASTSIDE FIRE PROTECTION DISTRICT GOVERNING BOARD, BY ADDING PROVISIONS FOR REIMBURSEMENT OF EXPENSES FOR THE GOVERNING BOARD

Board of Directors of Coastside Fire Protection District:

Summary

The Board is asked to introduce the attached Ordinance amending Ordinance No. 2015-01, An Ordinance of the Coastside Fire Protection District Setting Compensation for Board Members, by adding provisions which would also allow for reimbursement of reasonable and necessary expenses incurred by Board Members when acting in their official capacity. Once introduced, the Ordinance will be scheduled for a second reading at the May 24, 2017 Board meeting. If adopted at that meeting, the Ordinance provisions regarding reimbursement would be effective sixty (60) days later.

Background and Discussion

On October 16, 2007, by Resolution No. 2007-03, the Board of Directors of the Coastside Fire Protection District adopted a compensation and expense reimbursement policy for the Coastside Fire Protection District. Pursuant to the policy, each member of the District's Board of Directors was entitled to \$100 per meeting compensation, at not more than three (3) meetings during any single calendar month. Additionally, the policy authorized the Board of Directors reimbursement for Directors' actual and necessary expenses incurred in the performance of their official duties.

On May 27, 2015, the Board of Directors of the Coastside Fire Protection District, after public hearing upon notice pursuant to Government Code Section 6066 as required by Water Code Section 20203, adjusted the Board Members' compensation to \$125 per meeting for a total of two (2) meetings in a calendar month but, in doing so, the Board did not adopt an expense reimbursement policy for inclusion in the Ordinance.

The Board of Directors has now determined that a policy for Board Member expense reimbursement should be reestablished.

Staff recommends that the proposed expense reimbursement policy be included as an amendment to the District's current Director compensation Ordinance No. 2015-01.

The proposed amendments are shown in the draft ordinance attached to this staff report (Attachment

1) at Sections 3-6.

If these amendments are approved, after second reading of the Ordinance, they would become effective sixty (60) days thereafter and authorize Board Members to be reimbursed for expenses incurred while performing official duties for the District or in conjunction with Authorized Activities, defined as:

- 1) Meetings attended by Board members in their official capacity as representatives of the District;
- 2) Educational training activities required for the Board member's participation as a Board member; or
- 3) Attending District scheduled events. (See Attachment 1, Section 4.)

Subject to limitations enumerated in the Ordinance, the following expenses would be authorized for reimbursement:

- 1) Transportation: Airfare, automobile, car rental, taxis/shuttles, parking and baggage handling fees
- 2) Lodging
- 3) Meals (See Attachment 1, Section 4(a)-(d).)

In order to be entitled to reimbursement, expense reports would need to be submitted within thirty (30) days. (Attachment 1, Section 4(e))

Finally, at the Board meeting following any meeting, conference or seminar attended by a Board Member, the attending Board Members would be required to report on the meeting, conference or seminar attended per California Government Code Section 53232.3(d).

Fiscal Impact

If approved, the amended ordinance would allow for reimbursement to Board Members for the above described types of expenses incurred while acting in their official capacity as Board Members of the Coastside Fire Protection District Board of Directors.

Recommendation

It is recommended that the Board review the attached draft Ordinance, provide staff with any changes the Board deems appropriate and to thereafter introduce the draft Ordinance. Once introduced the Ordinance will be scheduled for a second reading and adoption. The Ordinance would then be effective sixty (60) days later.

Attachments

1. Draft Amendment to Ordinance No. 2015-01, An Ordinance of the Coastside Fire Protection District Setting Compensation for Members of the Coastside Fire Protection District Governing Board, By Adding Provisions for Reimbursement of Expenses for the Governing Board

Respectfully submitted,

JEAN B. SAVAREE
District Legal Counsel

ATTACHMENT 1

ORDINANCE NO. 2017-02

AMENDMENT TO ORDINANCE NO. 2015-01, AN ORDINANCE OF THE COASTSIDE FIRE PROTECTION DISTRICT SETTING COMPENSATION FOR MEMBERS OF THE COASTSIDE FIRE PROTECTION DISTRICT GOVERNING BOARD, BY ADDING PROVISIONS FOR REIMBURSEMENT OF EXPENSES FOR THE GOVERNING BOARD

THE COASTSIDE FIRE PROTECTION DISTRICT GOVERNING BOARD DOES HEREBY ORDAIN, as follows:

WHEREAS, on October 16, 2007, by Resolution No. 2007-03, the Board of Directors of the Coastside Fire Protection District adopted a compensation and expense reimbursement policy for the Coastside Fire Protection District. Pursuant to the policy, each member of the District's Board of Directors was entitled to \$100 per meeting compensation, at not more than three (3) meetings during any single calendar month. Additionally, the policy authorized the Board of Directors reimbursement for Directors' actual and necessary expenses incurred in the performance of their official duties; and

WHEREAS, on May 27, 2015, the Board of Directors of the Coastside Fire Protection District, after public hearing upon notice pursuant to Government Code Section 6066 as required by Water Code Section 20203, adjusted the Board Members' compensation to \$125 per meeting for a total of two (2) meetings in a calendar month but, in doing so, the Board of Directors did not adopt an expense reimbursement policy for inclusion in the Ordinance; and

WHEREAS, the Board of Directors has now determined that a policy for Board Member expense reimbursement should now be reestablished; and

WHEREAS, the Board of Directors has determined that adoption of an expense reimbursement policy should be accomplished by amendment of Ordinance No. 2015-01 which currently sets Directors' compensation rates.

NOW, THEREFORE, the Board of Directors of the Coastside Fire Protection District does hereby find, declare, order and ordain that Ordinance No. 2015-01 be amended as follows by addition of Sections 3-6:

Section 1. The matters set forth in the recitals of this Ordinance are true and correct.

Section 2, Board of Directors' Compensation. Upon and after the effective date of this Ordinance, compensation for members of the Board of Directors of the Coastside Fire Protection District shall be \$125 per meeting, for attendance in his or her official capacity as a member of the Board at not more than two (2) meetings during any single calendar month, which may consist of any combination of the following meetings, as determined by the Board Member:

- (a) Any regular or special meeting of the Coastside Fire Protection District Board of Directors;
- (b) Committee meetings; or
- (c) Educational training activities required for the Board Member's participation as a Board Member.

If multiple meetings are held on one day, the Board Members will be compensated \$125 for that day.

Section 3, Policy for Reimbursement of Expenses. In accordance with the provisions of California Government Code Sections 53232 through 53232.4, it is the policy of the Coastside Fire Protection District to reimburse each member of the Board for actual and necessary expenses ("Authorized Expenses") incurred as a result of the member's performance of official duties and Authorized Activities. Authorized Expenses, as further described in Section 4, are for Board Members only, and shall not include expenses incurred by any unauthorized individual, such as family members. Authorized Expenses shall not include personal expenses, such as entertainment, alcoholic beverages, or personal care expenses.

Section 4, Expense Payment and Reimbursement. In accordance with this Ordinance, and other applicable law, Board Members shall be entitled to have actual and necessary expenses that are incident to the performance of official duties, Authorized Activities or other Board-authorized District business reimbursed by the District as follows:

- b. **Authorized Activities.** Expenses incurred while engaging in the following activities are considered Authorized Expenses if all requirements of this Ordinance are fulfilled:
 - 1) Meetings attended by Board Members in their official capacity as representatives of the District;
 - 2) Educational training activities required for the Board Member's participation as a Board Member; or
 - 3) Attending District scheduled events.
- c. **Transportation.** Generally, Board Members must use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route.
 - 1) **Airfare.** Airfares that are generally the most economical and reasonable for reimbursement under this Ordinance.
 - 2) **Automobile.** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect. These rates are

designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.

- 3) **Car Rental.** Rental rates that are generally the most economical and reasonable for purposes of reimbursement under this Ordinance.
- 4) **Taxis/Shuttles.** Taxis or shuttles fares may be reimbursed, including a 15% gratuity per fare when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
- 5) **Parking.** Parking rates that are generally the most economical and reasonable for reimbursement under this Ordinance.
- 6) **Other.** Baggage handling fees of up to \$1 per bag and gratuities of up to 15% will be reimbursed.

d. **Lodging.**

- 1) **General.**
 - i. Lodging expenses will be reimbursed only at the single occupancy rate for rooms.
 - ii. Lodging expenses will be reimbursed when travel is required for authorized activities and is more than 50 miles from the starting point and reasonably requires an overnight stay.
- 2) **Conference/Meetings.** If lodging is associated with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking.
- 3) **Other Lodging.** Lodging rates that are generally the most economical and reasonable for reimbursement under this Ordinance.

e. **Meals and Incidental Expenses.** For meals associated with District business reimbursement for the actual and reasonable cost shall not exceed:

Breakfast: \$20
Lunch: \$20
Dinner: \$40
plus gratuity up to 15%

f. **Expense Reports.**

- 1) All reimbursement requests must be submitted on an expense report form provided by District.
- 2) Expense reports must document that the expense in question met the requirements of this policy.
- 3) Board Members must submit their expense reports within thirty (30) days after an expense is incurred, accompanied by receipts documenting each expense. Restaurant and lodging receipts, in addition to any credit card receipts, are also part of the necessary documentation.
- 4) Inability to provide such documentation in a timely fashion may result in the expense being borne by the Board Member.
- 5) All expenses are subject to verification that they comply with this policy.

Section 5, Reports to Board. At the Board meeting following a meeting, conference or seminar for which reimbursement will be requested, Board members must briefly report on the meeting, conference or seminar attended at District expense. If multiple Board Members attended a joint report may be made.

Section 6, Compliance with Laws. Some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the California Public Records Act.

Section 7, Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Coastside Fire Protection District hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional or ineffective.

Section 8. Pursuant to Section 20204 of the Water Code of the State of California, this Ordinance shall take effect and be in full force and effect sixty (60) days after its final passage.

Section 9. Within fifteen (15) days after the adoption of this Ordinance, the Board Secretary shall have it posted in three (3) public places designated by the Board of Directors.

This Ordinance was introduced and read on the _____ day of _____, 2017, and passed and adopted on the _____ day of _____, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Burke, President
Board of Directors

ATTEST:

Ginny McShane, Secretary
Board of Directors