

STAFF REPORT

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**SUBJECT: SECOND READING AND ADOPTION OF AN AMENDMENT TO ORDINANCE NO. 2015-01 SETTING COMPENSATION FOR BOARD MEMBERS AT \$167.50 FOR MEETINGS, NOT TO EXCEED TWO MEETINGS A MONTH FOR A MAXIMUM MONTHLY COMPENSATION OF \$335.00**

Board of Directors of Coastside Fire Protection District:

**Summary**

The Board is asked to conduct a second reading and adopt Ordinance No. 2020-03, An 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 Increasing the Compensation for the Governing Board. This amendment would adjust the Board's compensation from \$125.00 per meeting to \$167.50 for a maximum of two (2) meetings per month.

**Background and Discussion**

On May 27, 2020, the Board introduced an amendment to Ordinance No. 2015-01, An Ordinance of the Coastside Fire Protection District Setting Compensation for Board Members, by increasing the compensation each member of the District's Board of Directors receives for attending meetings. Board Members' current compensation is \$125.00 per meeting for a total of two (2) meetings in a calendar month. The Board was asked to determine whether or not to increase the compensation to \$167.50 per meeting. If adopted at this meeting, the Ordinance provisions regarding compensation will be effective sixty (60) days later. (California Water Code §20204)

**Analysis**

Pursuant to the Board's Policy Manual:

The basic manner in which members fulfill their office must be at a regular, special, emergency, committee, or workshop meetings, and will be a matter of public record. Therefore, members of the Board are expected to attend all regular, special and emergency meetings of the District. (Section 3.2, Meeting Attendance)

By Board Policy, Board Members are currently entitled to compensation and reimbursement as set by Board Ordinance. (Section 4.4, Directors' Compensation and Reimbursement)

The current rate of compensation for Board Members was set in 2015 at \$125.00 per meeting and compensable meetings were limited to a total of two (2) per month. As a result, Board Members are now authorized to be paid \$250.00 per month if they attend two (2) meetings. If multiple meetings are held on one day, the Directors are compensated only \$125.00 for that day.

This practice reflects the language in California Health & Safety Code §13857(a) which authorizes compensation of \$100.00 for attending each meeting of the Board, not to exceed four (4) meetings per month. Per Health & Safety Code §13857, Government Code §53232.1 defines the type of activities on a specific day which are defined as compensable meetings. They include:

1. Board meetings;
2. Meeting of an advisory body;
3. Conferences or organized educational activities, including, but not limited to, the ethics training required for Board members who receive compensation pursuant to Government Code §53234 et seq. (Two hours every two years per Government Code §53235(b)).

Health & Safety Code §13857(b) provides that a Board may also authorize payment for "attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment."

In addition to setting a compensation rate of \$100.00 per meeting, Health & Safety Code §13857(b) authorizes increases to Board Members' compensation if adopted per the requirements of the Water Code. Water Code §20202 authorizes the Board to adopt an ordinance increasing the \$100.00 limit by 5% per calendar year for each year since the last adjustment. As noted above, pursuant to the District's records, the last adjustment to Board compensation was made in May 2015 when the rate was set at \$125.00 per meeting.

Pursuant to Water Code §20202, Board Members' compensation could now be adjusted to \$167.50 per meeting. This would reflect a 5% increase per calendar year since the last adjustment made in 2015 as authorized by Water Code §20202. This would entitle Board Members to a total of \$335.00 per month.

When this matter was discussed with the Board at its May meeting, staff was requested to provide information on compensation authorized for other fire boards in the Bay Area. That information is shown below:

Menlo Park Fire Protection District	\$100.00 per meeting for all regularly scheduled meetings, and when responding to subpoenas or legal actions, to a maximum of \$400.00 per month
Los Altos Hills Fire District	\$100 per meeting; maximum of 4 meetings per month
San Ramon Valley Fire Protection District	\$105 per meeting; maximum of 4 meetings per month
Southern Marin Fire Protection District	\$100 per meeting; maximum of 4 meetings per month
Novato Fire District	\$200 per meeting; maximum of 4 meetings per month

If the ordinance amendment is adopted as proposed, District Board members would only be entitled to compensation for a maximum of two (2) meetings per month at \$167.50 per meeting, for a maximum payment of \$335.00 per month.

**Fiscal Impact**

If the Board's maximum monthly compensation is increased from \$250.00 per month to \$335.00, the fiscal impact would be measured by the difference between the currently authorized rate of \$250.00 per month and the newly authorized rate of \$335.00 per month.

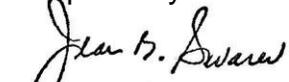
**Recommendation**

Staff recommends that the Board conduct its second reading and adopt the amended ordinance adjusting the Board's per meeting compensation from \$125.00 per meeting to \$167.50 per meeting. If adopted, the ordinance will be effective on August 24, 2020, (i.e., sixty (60) days after adoption).

**Attachments**

1. Ordinance No. 2020-03, 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 Increasing the Compensation for the Governing Board

Respectfully submitted,



JEAN B. SAVAREE

District Legal Counsel

## ATTACHMENT 1

ORDINANCE NO. 2020-03, 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 INCREASING THE COMPENSATION FOR THE  
GOVERNING BOARD

ORDINANCE NO. 2020-03

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 INCREASING THE COMPENSATION 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**, on May 24, 2017, the Board of Directors of the Coastside Fire Protection District adopted an expense reimbursement policy by amendment of Ordinance No. 2015-01 which currently sets Directors' compensation rates by adding Sections 3-6; Ordinance No. 2017-02; and

**WHEREAS**, the Board of Directors has now determined that the meeting compensation should be increased to \$167.50 per meeting for a total of two (2) meetings in a calendar month.

**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 increasing the compensation amount at Section 2:

**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 \$167.50 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 \$167.50 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:

- a. **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.
- b. **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 for travel outside the jurisdiction of the District 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.

c. **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.

- d. **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%

- e. **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 27<sup>th</sup> day of May, 2020, and passed and adopted on the 24<sup>th</sup> day of June, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gary Burke, President  
Board of Directors

ATTEST:

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Ginny McShane, Secretary  
Board of Directors