

SAN GORGONIO PASS WATER AGENCY

ORDINANCE NO. 17

**INCREASING THE NUMBER OF DAYS FOR WHICH A
BOARD MEMBER MAY RECEIVE PER DIEM
COMPENSATION AND UPDATING DEFINITIONS OF
MEETINGS AND DAYS OF SERVICE WHICH ARE
ELIGIBLE FOR PER DIEM COMPENSATION**

WHEREAS, Water Code Section 20200 *et seq.* sets forth the authority and procedure for establishing per diem compensation for the Board of Directors for attendance at meetings of the Board and or for each day of service rendered as a Board member. Occurrences constituting Board meetings, Agency business, official duties and days of service are defined and authorized by Agency policy and by law; and

WHEREAS, the Water Code authorizes an increase in the per diem compensation that may be received by Board members up to an amount equal to five percent (5%) for each calendar year since the effective date of the last increase, and limits the total compensation that may be received to a maximum of ten (10) days per calendar month; and

WHEREAS, under existing Agency policy, Board members currently receive per diem compensation as follows: (a) per diem compensation automatically increases each year on January 1 in an amount equal to the cost-of-living adjustments for Agency employees. Board members may decline or adjust the compensation amount for each day's paid service in any future year; (b) the maximum number of days for which a Board member may receive per diem compensation shall not exceed five (5) days in any calendar month; and (c) Board members currently receive per diem compensation in the amount of \$282.21 for attendance at meetings of the Board and for each day of service rendered as a Board member; and

WHEREAS, Board members are regularly called upon to spend in excess of five (5) days per month in the performance of their duties, including attendance of Board meetings, committee meetings, workshops and other functions related to carrying out the business of the Agency. The duties of Board members involve increasing responsibility and obligations and it is reasonable that they be compensated for their time, to the extent permitted by statute, in carrying out the business of the Agency; and

WHEREAS, the Board seeks to increase the number of days for which they will be eligible for per diem compensation in a calendar month and to set forth in one policy/ordinance all of the terms and conditions for setting compensation, defining days of service and the maximum number of days, all in accordance with the law; and

WHEREAS, in accordance with Section 20203 of the Water Code and Section 6066 of the Government Code, a public hearing was held on October 11, 2021 at 1:30 p.m., or soon thereafter as practicable, at the Board meeting and a notice of said hearing was duly published in the Record Gazette, a newspaper of general circulation, once a week for two weeks as follows: on September 24, 2021 and October 1, 2021.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1 The existing method for determining compensation to be received by members of the Board for each day's attendance at meetings of the Board, or for each day of service rendered as a Board member, is not being changed by this Ordinance and is hereby restated as follows: (a) per diem compensation will automatically increase each year on January 1 in an amount equal to the cost-of-living adjustments for Agency employees; (b) the Board may decline or adjust the compensation amount for each day's paid service in any future year; and (c) in no event shall any such increase exceed an amount equal to 5% for each calendar year since the date of the last adjustment, as required under Water Code Section 20202.

Section 2 In accordance with Section 20202 of the Water Code, no member of the Board of Directors shall receive the compensation set forth in Section 1 of this Ordinance for more than ten (10) days in any calendar month.

Section 3 Any actual expenses, including mileage, incurred by Board members with respect to services rendered as a Board member shall be reimbursed by the Agency upon presentation of satisfactory evidence thereof and compliance with the applicable rules and regulations of the Agency and the law.

Section 4 The definition of Board meetings, committee meetings, workshops and days of service shall be limited to the following as set forth below. The Finance & Budget Committee of the Agency shall determine by examination and vote, that the meetings submitted for payment of a Board member's fees are in accordance with these guidelines. Board members shall have the right to appeal the decision of the Finance & Budget Committee to the full Board.

- (a) Attendance at any meeting of the Agency Board that requires public notice in accordance with the Brown Act including, but not limited to, regular and special Board meetings and standing committee meetings.
- (b) Attendance at meetings of an ad hoc committee of the Agency Board.
- (c) Attendance at regular, special or committee meetings of any organization in which the Agency is a member.
- (d) Attendance at meetings of the Beaumont Basin Watermaster.
- (e) Attendance at special events, programs, or symposiums (not to exceed 1 day) or conferences (not to exceed 3 days) for the following organizations:
 - (i) Association of California Water Agencies
 - (ii) Special Districts Association of Riverside County
 - (iii) State Water Contractors
 - (iv) Water Education Foundation
 - (v) Riverside County Water Symposium

(vi) American Water Works Association

(f) Attendance at any meeting related to or informing the Board members on matters within the jurisdiction of the statutory powers of the Agency, provided that such meetings deal with substantive issues and consume more than a minor amount of the Board member's time.

(g) Attendance at any meeting submitted for consideration and approved as a day of service by the Agency Board of Directors.

Section 5 It is the intent of the Board that this Ordinance shall be controlling over any and all previously adopted ordinances and resolutions on the subject matter of Board member compensation, the number of days of service and the definition of days of service. As a result, as of the effective date of this Ordinance, all other ordinances and resolutions previously adopted on said subject matters shall be deemed to be superseded and of no further force or effect including, but not necessarily limited to, Ordinance No. 7 and Resolutions No. 2008-03 and 2013-04.

Section 6 Pursuant to Section 20204 of the Water Code, this Ordinance shall take effect 60 days from the date of adoption.

Section 7 The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the San Gorgonio Pass Water Agency held on October 11, 2021 by the following vote:

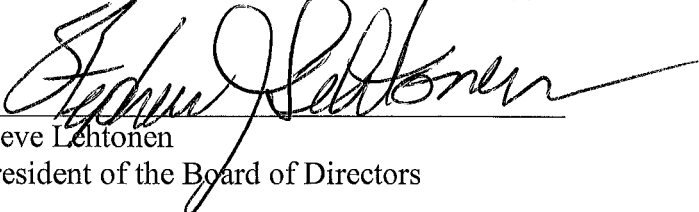
AYES: Directors Duncan, Letulle, Smith, Valdivia, Ybarra and President Lehtonen

NOES: Director Ball

ABSENT:

ABSTAIN:

SAN GORGONIO PASS WATER AGENCY



Steve Lehtonen
President of the Board of Directors

ATTEST:



Lance Eckhart
Secretary of the Board of Directors