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Board of Directors

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December 16, 2019

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

**PUBLIC HEARING: REVISIONS TO ORDINANCE NO. TWSD-101 – REGARDING
POLICY ON BOARD MEMBER TELECONFERENCING**

Summary

At the November 25, 2019, Board Meeting, in compliance with the provisions set forth in Government Code Section 25131, your Board conducted the first reading of Ordinance No. TWSD-101 Concerning Board Member Compensation And Expense Reimbursement which prescribes the policies and provisions for Board member compensation and reimbursement procedures. The changes proposed would create a policy to establish guidelines for the appropriate use of teleconferencing. Staff and District's Legal Counsel recommend adoption of TSD Ordinance No. TWSD-101 and to conduct the public hearing to approve and execute the Ordinance to establish guidelines for the appropriate use of teleconferencing.

Please contact me at (805) 658-4621 or marknorris@trunfowsd.com if you have any questions.

Fiscal Impact

There will be no fiscal impact as a result of the changes.

Recommendation

It is recommended the Board:

- A. Conduct a public hearing regarding proposed TSD Ordinance No. TWSD-101 for prescribing the policies and provisions for Board member compensation and reimbursement procedures:
 - 1) Call to order and open the public hearing.
 - 2) Receive staff report and recommendations.
 - 3) Report of written communications.
 - 4) Public comment.
 - 5) Close public hearing.

6) Discussion by Board of Directors

- B. Conduct the second reading, by title only, of Ordinance No. TWSD-101, Concerning Board Member Compensation and Expense Reimbursement, and adopt Ordinance No. TWSD-101 which shall take effect on December 16, 2019.

REVIEWED AND APPROVED:


Mark Norris - General Manager

Attachment: TWSD Ordinance No. TWSD-101 (Adopted 12/16/19)

TRIUNFO WATER & SANITATION DISTRICT

**ORDINANCE NO. TWSD-101 (Adopted 12/16/19)
ESTABLISHING POLICIES AND PROCEDURES FOR
BOARD MEMBER COMPENSATION AND EXPENSE REIMBURSEMENT**

WHEREAS, California Health & Safety Code Section 4733 provides for the establishment of compensation for members of a County Sanitation District's Board of Directors; and

WHEREAS, Subject to the provisions of California Government Code Sections 53232 through 53232.4, it is the policy of the Triunfo Water & Sanitation District ("District") to compensate and reimburse each member ("Director" or "Board Member") of the District's Board of Directors ("Board"), including, where applicable, alternate Board Members, based upon that Board Member's attendance or performance of certain official duties; and

WHEREAS, The Board appoints certain members to serve on the Board's advisory bodies including, without limitation standing and ad hoc committees, and to perform certain Board-related tasks; and

WHEREAS, The Board desires to establish policies and guidelines for the compensation and expense reimbursement of its members for (i) attending meetings of the Board or its advisory bodies, (ii) engaging in certain authorized activities (including attendance at Board meetings, seminars, conferences, etc., as well as reimbursement for expenses incident thereto); and

WHEREAS, The Board has complied with all requirements under applicable law for the adoption of this Ordinance No. TWSD-101 ("Ordinance") including, without limitation, those set forth in Health and Safety Code Section 4766.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. DIRECTOR'S COMPENSATION

In accordance with California Health & Safety Code Section 4733, Directors shall be paid the sum of \$220 for each Board or Board advisory body meeting (collectively, "Meetings") attended by the Director or each "Day of Service" performed by the Director. The term "Day of Service" shall mean a day, or any portion of a day, where a Board Member is engaged in those Authorized Activities set forth in Section 3 (Expense Payment and Reimbursement) of this Ordinance, including travel to and from those Authorized Activities. The total compensation a Director may be paid in a month attending Meetings and performing Authorized Activities shall not exceed six times the per meeting compensation. Payment for services in one month shall not be delayed to another month to avoid this limitation. Directors shall not be compensated for more than one meeting and/or any Day of Service occurring on the same day. Where the Board has appointed a Director ("Appointee") and an alternate Director ("Alternate Appointee") to attend Meetings or perform a Day of Service, the Alternate Appointee shall not receive compensation for attending a Meeting or performing a Day of Service that the Appointee attends or performs; however, the Alternate Appointee may receive compensation for attending a Meeting or performing a Day of Service that the Appointee does not attend or perform.

A. Appointments

1. Any Board Member or alternate(s) who serves as a member (or alternate member) of an advisory body of the District (including, without limitation, standing and ad hoc committees) shall be appointed by either the Board or the Board's chairperson.
2. A single Board Member and alternate shall be appointed by the Board or the Board's chairperson to perform the Authorized Activity set forth in Section 3(a)(4).
3. A single Board Member and alternate shall be appointed by the Board or the Board's chairperson to perform the Authorized Activity set forth in Section 3(a)(5).

B. Board Approval

1. Notwithstanding any other provision of this Ordinance, a Board Member must obtain the prior authorization of the Board for attending any meeting or performing any activity that conflicts with a District or Las Virgenes –Triunfo JPA regularly scheduled or special board meeting for which the Board Member will be seeking compensation and/or expense reimbursement.
2. Notwithstanding any other provision of this Ordinance, a Board Member must obtain the prior authorization of the Board for out-of-state travel for which the Board Member will be seeking compensation and/or expense reimbursement.
3. A Board Member shall not receive compensation or seek reimbursement for expenditures related to attending any meeting or performing any activity that is not set forth in Section 1 (Director's Compensation) or Section 3 (Expense Payment and Reimbursement) of this Ordinance, unless the Board Member obtained prior authorization of the Board or Board chairperson to attend that meeting or perform the activity.
4. Notwithstanding any other provision of this Ordinance, prior approval of the Board shall be required before any Board Member may perform any of the Authorized Activities set forth in Section 3(a)(3).

SECTION 2. 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 District to reimburse each Board Member, (including alternate Members when required) for actual and necessary expenses ("Authorized Expenses") incurred as a result of the Member's performance of official duties and Authorized Activities. Authorized Expenses, a further described in Section 3 (Expense Payment and Reimbursement), 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 3. 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. Attending meetings, workshops, seminars, conferences, and educational programs of the following organizations designed to improve Board Members skill and information levels: (a) California Association of Sanitation Agencies (CASA); (b) Association of Water Agencies of Ventura County (AWA-VC); (c) Ventura County Special Districts Association (VCSDA); (d) California Special Districts Association (CSDA); (e) WaterReuse; and (f) Association of California Water Agencies (ACWA). To the extent such organizations also provide reimbursement of expenses, the Board Member shall first utilize those reimbursement provisions;
2. Attending District scheduled events including TSD and JPA Board meetings;
3. Attending meetings with organizations, or representatives of regional, state and national government on District adopted policy positions;
4. Attending meetings of the Ventura Regional Sanitation District as an interested Board Member of the Triunfo Sanitation Board and not as a Board Member of the Ventura Regional Sanitation District only after the Chair has reviewed the Ventura Regional Sanitation District Board agenda and believes there are issues on the agenda that requires attendance by a District Board Member; or
5. Conducting a once per month review of the District's expense statements.
6. Board Members are limited to 3 conferences per fiscal year prior to Board approval.

Other activities not addressed above where a Board Member will be seeking compensation and/or expense reimbursement, may be eligible for attendance upon Board approval.

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 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. Mileage claim is limited to 5% above the most direct and/or time-efficient route or justifiable mileage.
3. **Car Rental:** Rental rates that are generally the most economical and reasonable for purposes of reimbursement under this Ordinance.
4. **Taxis/Shuttles:** Taxi or shuttle 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 per individual airline baggage fee policy.

C. Lodging

1. **General**

- a. Lodging expenses will be reimbursed only at the single occupancy rate for rooms.
 - b. 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. **Conferences/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 travel reimbursement for the actual cost shall not exceed:

| Meal | Amount | Depart for Travel | Return from Travel |
|-----------|-----------|-------------------|--------------------|
| Breakfast | \$20 | By 7:00 a.m. | After 7:00 a.m. |
| Lunch | \$20 | By 11:00 a.m. | After 11:00 a.m. |
| Dinner | \$40 | By 5:00 p.m. | After 5:00 p.m. |
| Gratuity | Up to 15% | NA | NA |

The meal allowance above does not apply to meals included in the cost of the conferences and seminars. As it is not the intent for the District to pay twice for the same meal, should a Board Member choose to not participate in the meal provided as part of the conference (and previously paid for by the District in the registration fee), the expense for the discretionary meal will not be eligible for reimbursement. If the meal was not included as part of the registration fee, then the expense for the discretionary meal will be eligible for reimbursement. Exceptions may be made by the Board when the Board Member is unable to partake in the meal provided.

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 (except mileage expense) within thirty (30) days after an expense is incurred, accompanied by receipts documenting each expense. Receipts shall be itemized, dated and sufficiently describe the nature of the expense, as well as, identifying the vendor. 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 4. NON-REFUNDABLE CANCELLATION COSTS

All reasonable efforts shall be made to attend travel engagements booked or to cancel as soon as possible to avoid incurring cancellation fees. When cancellation fees are incurred, the District shall cover all cancellation costs as a result of illness of the Board Member or other serious emergency. Cancellation fees incurred for all other reasons shall be the responsibility of the Board Member.

SECTION 5. REPORTS TO BOARD

At the Board meeting following an activity, Board Members must briefly report on meetings attended at District expense. If multiple Board Members attended, a joint report may be made.

SECTION 6. MEETING TELECONFERENCING

Board members are encouraged to attend Board meetings in person. The Board of Directors may hold meetings by teleconferencing as set forth in California Government Code Section 54953. However; it is the policy of the Board that because of the expense of the teleconferencing, disruption such teleconferencing may cause and our belief that Board members should be accessible in person to our constituents, teleconferencing should be used only in limited circumstances.

The Board shall as a policy discourage teleconferencing by Board members except in circumstances where:

1. A Board member is needed for a quorum of the Board to take action; or
2. In instances where a Board vote requires more than a simple majority; or
3. A Board member is unable to attend a Board meeting because they are absent on account of District business.

SECTION 7. 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 8. SEVERABILITY

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have

passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 9. REPEAL OF PRIOR INCONSISTENT ORDINANCES

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TSD-101 (adopted 4/22/19).

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective on December 16, 2019.

PASSED, APPROVED AND ADOPTED this 16th day of December 2019 by the following vote:

AYES:

NOES:

ABSENT:

TRIUNFO WATER & SANITATION DISTRICT

Janna Orkney, Chair

ATTESTED:

Juliet Rodriguez, Clerk of the Board

APPROVED AS TO FORM:

John Mathews, General Counsel