

*Mendocino County Russian River Flood Control &
Water Conservation Improvement District*

STAFF REPORT

**Agenda Items 4&5: Ordinance 24-01 Establishing Regulations and Rules
For Board of Trustee Compensation
Monday, August 5, 2024**

The Strategic Plan relevant priority is **Administration** through engaged, diverse, and knowledgeable Board leadership and sound and sustainable management of District Finances.

Background

AB 2329 (Obernolte), the purpose of which was to provide Board members with enhanced latitude in increasing the number of compensable meetings and the per meeting compensation amount went into effect on January 1, 2019, enabling Board members to increase the per meeting compensation by up to 5% annually. The ordinance must be adopted pursuant to the procedure used by water districts (Water Code section 20200 *et seq*) that includes multiple opportunities for the public to provide input through a public hearing and a petition process. The procedure for adopting a compensation increase is:

1. Publish a notice of the public hearing in the local newspaper once per week for two consecutive weeks.
2. Hold a public hearing (first reading), and adopt the ordinance at a subsequent meeting (second reading)
3. Within 60 days after adoption, the public may petition for reconsideration of the ordinance. In this case, the Board must reconsider the ordinance before enacting it.

If approved by the Board, the Ordinance will undergo a second reading at the September 9, 2024 meeting. If adopted upon second reading, the Ordinance will go into effect 60 days after adoption.

See the **attached** memo from District Legal Counsel Jeanne Zolezzi for further information.

Public Notice

Public notice of the Ordinance was published in the newspaper once a week for two weeks leading up to this first reading in accordance with Public Resources Code section 5536 and Water Code section 20203. Public notice was also posted on the website and at the District office. The notice and proof of publications are **attached**.

PUBLIC HEARING

The Board will hold a public hearing to introduce and waive reading of the proposed Ordinance #24-01 Establishing Regulations and Rules for Board of Trustee Compensation by the Mendocino County Russian River Flood Control & Water Conservation Improvement District.

(Continued...)

Recommendation:

- Move to approve proposed Ordinance #24-01 Establishing Regulations and Rules for Board of Trustee Compensation by The Mendocino County Russian River Flood Control & Water Conservation Improvement District; and
- Direct staff to prepare an agenda item for the second reading of the proposed Ordinance #24-01 Establishing Regulations and Rules for Board of Trustee Compensation by The Mendocino County Russian River Flood Control & Water Conservation Improvement District.

Attachments:

- Herum\Crabtree\Suntag Memo on Board Compensation by Legal Counsel Jeanne Zolezzi
- Public Hearing Notice and Proof of Publications
- Proposed Ordinance #24-01 Establishing Regulations and Rules for Board of Trustee Compensation by the Mendocino County Russian River Flood Control & Water Conservation Improvement District.

* * * *

Prepared and submitted to the Board of Trustees by: *Elizabeth Salomone, General Manager*

Date: June 26, 2024
To: ELIZABETH SALOMONE
From: Jeanne M. Zolezzi
Subject: Mendocino County Russian River Flood Control District/General
File: 3322-002

BOARD COMPENSATION

The first place to look for rules governing board compensation is the special legislation governing the District. Water Code Appendix Section 54-78, adopted in 1953, provides that each trustee shall receive fifteen dollars (\$15) for each meeting of the board of trustees attended by him, not exceeding three meetings in any calendar month. Section 54-79 also allows the same compensation for performing duties for the improvement district other than attending board of trustee meetings, plus reimbursement of expenses.

Fortunately, Division 10 of the Water Code provides for updated compensation for “water districts,” which are defined broadly enough to include the District. Division 10 provides as follows:

1. Notwithstanding any other provision of law, the Board may provide compensation to trustees in an amount not to exceed one hundred dollars (\$100) per day for each day’s attendance at meetings of the board, or for each day’s service rendered as a member of the board by request of the board (Section 20201).
2. Compensation must be established by ordinance (Section 20201).
3. For purposes of this section, the determination of whether a director’s activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, which allows compensation for:
 - (a) A meeting of the legislative body.
 - (b) A meeting of an advisory body.
 - (c) A conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234).
 - (d) A local agency may pay compensation 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.

4. In any ordinance adopted to increase the amount of compensation above the amount of one hundred dollars (\$100) per day, the increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment, of the compensation which is received when the ordinance is adopted. (Section 20202).
5. No ordinance adopted pursuant to this chapter shall authorize compensation for more than a total of 10 days in any calendar month (Section 20202).
6. No ordinance shall be adopted pursuant to this chapter except following a public hearing. Notice of the hearing shall be published in a newspaper of general circulation pursuant to Section 6066 of the Government Code¹ (Section 20203).
7. An ordinance adopted pursuant to this chapter shall become effective 60 days from the date of its final passage. The voters of any water district shall have the right, as provided in this chapter, to petition for referendum on any ordinance adopted pursuant to this chapter (Section 20204).

¹ California Government Code Section 6066 states that a notice must be published in a newspaper once a week for two weeks, with at least five days between each publication date. The notice period begins on the first day of publication and ends on the fourteenth day.

Russian River Flood Control and Water Conservation Improvement District

NOTICE OF PUBLIC HEARING

at a

**Regular Meeting on
Monday, August 5, 2024 5:30pm**

NOTICE IS HEREBY GIVEN that at the Monday, August 5, 2024 Regular Meeting, the Mendocino County Russian River Flood Control & Water Conservation Improvement District is holding a Public Hearing to consider adoption of Ordinance #24-01 Establishing Regulations and Rules for Board of Trustee Compensation.

Copies of all related documents are on file and may be reviewed at the District website (www.rrfc.net), by email request to DistrictManager@rrfc.net, or the District office in Ukiah by appointment. All those interested are invited to attend, be heard, and participate in the hearing. Written comments can be submitted prior to the hearing.

By Order of
Mendocino County Russian River Flood Control
and Water Conservation Improvement District



Elizabeth Salomone, General Manager
Date Posted: July 15, 2024

Ukiah Daily Journal

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PROOF OF PUBLICATION (2015.5 C.C.P.)

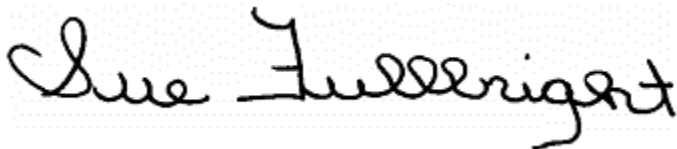
STATE OF CALIFORNIA COUNTY OF MENDOCINO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Ukiah Daily Journal, a newspaper of general circulation, printed and published daily in the City of Ukiah, County of Mendocino and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Mendocino, State of California, under the date of September 22, 1952, Case Number 9267; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

07/18/2024, 07/25/2024

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Ukiah, California,
July 29th, 2024



Sue Fullbright, LEGAL CLERK

Legal No. **0006841406**

NOTICE IS HEREBY GIVEN that at the Monday, August 5, 2024 Regular Meeting, the Mendocino County Russian River Flood Control & Water Conservation Improvement District is holding a Public Hearing to consider adoption of Ordinance #24-01 Establishing Regulations and Rules for Board of Trustee Compensation. Copies of all related documents are on file and may be reviewed at the District website (www.rrfc.net), by email request to DistrictManager@rrfc.net, or the District office in Ukiah by appointment. All those interested are invited to attend, be heard, and participate in the hearing. Written comments can be submitted prior to the hearing. By Order of Mendocino County Russian River Flood Control and Water Conservation Improvement District.
Date Posted: 7-18 & 7-25/2024

ORDINANCE NO. 24-01

An Ordinance Establishing Regulations and Rules for Board of Trustee Compensation by the Mendocino County Russian River Flood Control & Water Conservation Improvement District

This Ordinance is adopted with reference to the following facts and circumstances:

1. The Board of Trustees (“**Board**”) of the Mendocino County Russian River Flood Control and Water Conservation Improvement District (“**District**”) previously adopted Policy #17-01 adjusting the amount of Trustee compensation.
2. The Board now desires, in accordance with Government Code section 53232 *et seq.* and Water Code section 20200 *et seq.*, to clarify the occasions, other than those listed in Government Code section 53232.1 and Water Code section 20201, that constitute the performance of official duties for which a Director of the Board may receive compensation and the rate of such compensation.
3. The Board, pursuant to California Water Code Section 20200 *et seq.*, has called and held a public hearing regarding the planned change compensation method, notice of which was published in a newspaper of general circulation pursuant to California Government Code Section 6066.

NOW, THEREFORE, the Board of Trustees of the Mendocino County Russian River Flood Control and Water Conservation Improvement District does ordain as follows:

Section 1. Trustee compensation shall be \$100 per day for four (4) or more hours and \$50 for less than four (4) hours of services rendered on behalf of the District. Services provided include attendance at:

- Any Regular, Special, Emergency, or Committee meeting of the District Board;
- Any Regular, Special, Emergency, or Committee meeting of a Joint Powers Agency of which the District is a member, and the Trustee has been appointed to represent the District;
- Any Regular, Special, Emergency, or Standing Committee meeting of an organization to which the Trustee has been liaised by the Board;
- Trainings, conferences, and educational activities that are related to the business of the District and/or service as a Trustee.
- Meetings, field visits, tours, or other events representing the District as requested by the Board or the General Manager and/or acting as an Officer of the Board or Trustee Advisor to the General Manager as assigned by the Board.

Section 2. The maximum number of days for which a Trustee may receive compensation shall not exceed ten (10) days in a calendar month, irrespective of the number of days which the Trustee attends meetings of the Board, other meets as appointed by the Board, or otherwise provides service as a Trustee at the request of the Board or the General Manager, as designated by the Board.

Section 3. In addition to the amount a Trustee may receive as daily compensation, Trustees shall also be reimbursed in accordance with the District's Expense Reimbursement Policy, as amended from time to time.

Section 5. On December 2nd of each year the per diem compensation shall increase by five percent (5%) consistent with Water Code Section 20202. The Board shall make a determination annually during the Fiscal Year Budget approval if it wishes to accept the annual increase in per diem compensation.

Section 6. This Ordinance shall become effective sixty (60) days from the date of its adoption.

PASS AND ADOPTED by the Board of Trustees of the Mendocino County Russian River Flood Control & Water Conservation Improvement District on 5th day of August, 2024.

John Reardan	Yes / No / Abstain / Absent
Tyler Rodrigue	Yes / No / Abstain / Absent
John Bailey	Yes / No / Abstain / Absent
Christopher Watt	Yes / No / Abstain / Absent
Dave Koball	Yes / No / Abstain / Absent

Signed: _____

Christopher Watt, President

Attest: _____

Elizabeth Salomone, General Manager