

STAFF REPORT

SUBJECT: ORDINANCE #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 – 2ND READING AND ADOPTION

Board of Directors of Coastside Fire Protection District:

Summary

On April 26, 2017, the Board introduced an ordinance amending Ordinance No. 2015-01 by adding provisions for reimbursement of expenses for the Board. In introducing the ordinance amendment, the Board requested one change be made in Section 4, Expense Payment and Reimbursement, Subsection (b), Transportation, (2), Automobile. This change, which is shown in bold on page 2 of this staff report, limits automobile mileage to travel outside the District. The ordinance is now before the Board for its second reading and adoption. If adopted on this agenda, it becomes effective July 23, 2017.

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 determined that a policy for Board Member expense reimbursement should be reestablished.

Staff recommended that the proposed expense reimbursement policy be included as an amendment

to the District's current Director compensation Ordinance No. 2015-01.

An ordinance amendment containing those provisions was prepared and presented for the Board's consideration at the April 26, 2017 regular meeting.

In introducing the ordinance amendment, the Board requested one change in Section 4, Expense Payment and Reimbursement, Subsection (b), Transportation, (2), Automobile, as shown in bold below:

- 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.

The proposed ordinance is now before the Board for second reading and adoption. If no additional changes are made, the second reading and adoption can occur this evening. Once adopted, the ordinance will become effective after sixty (60) days.

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 conduct its second reading of the ordinance and, after receiving public comment, adopt a motion to approve the ordinance amendment. If adopted on May 24, 2017, the ordinance will become effective July 23, 2017.

Attachments

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

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:

- 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 26th day of April, 2017, and passed and adopted on the 24th day of May, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Burke, President
Board of Directors

ATTEST:

Ginny McShane, Secretary
Board of Directors