

RESOLUTION NO. 2009-08

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
ESTABLISHING POLICIES FOR ITS
COMPENSATION, REIMBURSEMENT, AND ETHICS TRAINING**

WHEREAS, the Board of Directors of the Phelan Piñon Hills Community Services District finds as follows:

A. The Phelan Piñon Hills Community Services District ("the District") is a community services district organized and operating pursuant to California Government Code Section 61000 et seq.

B. The District is governed by an elected Board of Directors ("the Board") whose activities are subject to the requirements of California law, including but not limited to the Local Government Sunshine Bill ("AB 1234").

C. The purpose of this resolution is to ensure compliance with AB 1234 and to establish policies with respect to (1) Board member compensation, (2) Board member reimbursement, and (3) Board member ethics training.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS of the Phelan Piñon Hills Community Services District as follows:

Section 1. **COMPENSATION.**

1.1. **Amount.** The amount of Board member compensation by the District shall be determined in accordance with all applicable requirements of California law. Pursuant to said requirements, the Board shall set the amount of such compensation at a rate established by

adoption of a separate ordinance or resolution.

1.2. **Day of Service.**

1.2.1. **Definition.** For purposes of determining eligibility for compensation of Board members pursuant to the ordinance or resolution referred to in Section 1.1 above, the term “day of service” is defined as follows, and Board member representation and participation shall be deemed previously approved by the Board, pursuant to Government Code Section 61047(e):

(a) A meeting conducted pursuant to the Ralph M. Brown Act (Government Code Section 54950 et seq.);

(b) Representation of the District at a public event, provided that the Board member delivers a written report to the Board regarding the member’s representation at the next Board meeting following the public event;

(c) Representation of the District at a public meeting or a public hearing conducted by another public agency, provided that the Board member delivers a written report to the Board regarding the member’s representation at the next Board meeting following the public meeting or public hearing;

(d) Representation of the District at a meeting of a public benefit nonprofit corporation on whose board the District has membership, provided that the Board member delivers a written report to the Board regarding the member’s representation at the next Board meeting following the corporation’s meeting; and

(e) Participation in a training program on a topic that is directly related to the District, provided that the Board member delivers a written report to the Board regarding the member’s participation at the next Board meeting following the training program.

1.2.2. Daily Limitation. If a Board member attends or participates in multiple meetings in a single day, the Board member shall only be eligible for compensation for one meeting on that day.

1.3. Procedure. To receive compensation for attendance or participation at approved meetings, a Board member shall submit to the District's General Manager a payment request for the calendar month by the first regular Board meeting of the following month, at which time the Board will consider approval of the payment request.

Section 2. REIMBURSEMENT.

Pursuant to Government Code Section 61047(c), the District shall reimburse Board members for their actual and necessary traveling and incidental expenses incurred while on official business as provided herein.

2.1. Qualifying Events. Pursuant to Government Code Section 53232.2(b), the types of occurrences that qualify a Board member to receive reimbursement of eligible expenses set forth in Section 2.2 below shall be as follows:

2.1.1. Any occurrence that is listed in Section 1.2.1 of this Resolution;

2.1.2. A meeting of an ad hoc committee of the Board;

2.1.3. A meeting with the District's General Manager involving the operations of the District;

2.1.4. A meeting with the District's auditors, attorneys, or other consultants involving matters for which the consultants have been retained by the District;

2.1.5. A meeting of a local, state, or federal body with subject matter jurisdiction affecting the operations of the District;

2.1.6. A meeting with a local, state, or federal representative concerning matters involving the operations of the District;

2.1.7. A meeting of organizations with interests in matters involving the functions and operations of the District;

2.1.8. A conference, seminar, or organized educational or training activity involving matters related to the functions and operations of the District; and

2.1.9. All other occurrences for which the Board member has obtained prior approval from the Board to attend or participate on behalf of the District.

2.2. **Eligible Expenses.** Expenses eligible for reimbursement shall be limited to (1) registration or tuition costs, or other charges for participation at the meeting; (2) transportation to and from the meeting, including airfare, car rental, or mileage for use of a Board member's own automobile, and other miscellaneous transportation costs (shuttle, taxi, parking, etc.); (3) lodging at the single-room rate; and (4) reasonable costs of meals.

2.3. **Rates.**

2.3.1. **Registration, Tuition, and Meeting Charges.** The District reimbursement rate for registration or other charges for participation at a meeting shall be the actual amount incurred, not to exceed the maximum rate published by the conference or activity sponsor for timely registration after applying all applicable deductions for any available discounts.

2.3.2. **Transportation.**

(a) Members of the Board must use government and group rates offered by a provider of transportation services for travel when available. If such rates are not available, the District reimbursement rate for Board member transportation shall be the actual amount

incurred, not to exceed the cost of round-trip coach airfare.

(b) The District reimbursement rate for mileage by use of a Board member's own vehicle shall be calculated on the basis of total miles driven for District purposes at the rate specified in the Internal Revenue Code in effect at the time of the vehicle usage.

(c) The District reimbursement rate for vehicle parking by a Board member shall be the actual amount incurred.

2.3.3. Lodging. Members of the Board must use government and group rates offered by a provider of lodging services when available. If the lodging is in connection with an accepted conference or organized educational activity, lodging costs must not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board at the time of booking. If a government or group rate is not available, the District reimbursement rate for Board member lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging.

2.3.4. Meals. The District reimbursement rate for Board member meals shall be the actual amount incurred, not to exceed \$15 for breakfast, \$20 for lunch, and \$30 for dinner, for each day of service outside the District's boundaries.

2.3.5. Other. District reimbursement of all other actual and necessary expenses incurred by a Board member shall be computed using the applicable Internal Revenue Service rates for reimbursement as established in Publication 463, or any successor publication. All expenses that do not fall within this reimbursement policy or the Internal Revenue Service reimbursable rates, as provided above, shall be approved by the Board in a public meeting before the expense is incurred.

2.4. **Budget Limits.** The maximum amount of District-paid expenses that each Board member may annually incur without separate prior Board approval is \$3,000.00 each fiscal year.

2.5. **Ineligible Expenses.** Board members shall not be eligible for District reimbursement of any expenses incurred by any person traveling or attending a meeting as a guest of the Board member. No Board member shall be eligible for District reimbursement of any expenses for personal services not related to District business.

2.6. **Expense Forms.** The District shall provide expense report forms to be filed by the members of the Board for reimbursement for actual and necessary expenses incurred on behalf of the District in the performance of official duties. The expense reports shall document that expenses meet the policy reflected in this Resolution for expenditure of public resources. Board members shall submit to the District's General Manager expense reports for the calendar month by the first regular Board meeting of the following month, and the reports shall be accompanied by the receipts documenting each expense. At the first regular Board meeting of each month, the Board will consider approval of District reimbursement of Board member expenses incurred during the previous month. All documents related to reimbursable District expenditures are public records subject to disclosure under the California Public Records Act.

2.7. **Report.** Board members shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board. Information will be provided to the Board at a Board Meeting concerning events, meetings, conferences and educational opportunities prior to attendance where practical.

Section 3. **ETHICS TRAINING.**

3.1. **Requirement.** Each local agency official of the District must receive training in

ethics laws no later than one year from the first day of service with the District. Thereafter, each local agency official must receive such training at least once every two years.

3.2. **Application.**

3.2.1. **Local Agency Official.** As used in Section 3.1 of this Resolution, the term “local agency official” means all of the following:

- (a) All Board members; and
- (b) All executive staff of the District.

3.2.2. **Ethics Laws.** As used in Section 3.1 of this Resolution, the phrase “ethics laws” includes, but is not limited to, the following:

- (a) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws;
- (b) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies;
- (c) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws; and
- (d) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

3.3. **District Responsibilities.**

3.3.1. **Records.** The District shall maintain records indicating (a) the dates that local agency officials satisfied the requirements of Section 3 of this Resolution and (b) the entity that provided the training. The District shall maintain these records for at least five years after local agency officials receive the training. These records are public records subject to disclosure under the California Public Records Act.

3.3.2. **Notice.** The District is required to provide information on training available to meet the requirements of Section 3 of this Resolution to its local agency officials at least once annually.

Section 4. **REVIEW OF RESOLUTION ON ANNUAL BASIS.**

Each year the Board shall review this Resolution to determine its effectiveness and the necessity for its continued operation. The District's General Manager shall report to the Board on the operation of this Resolution, and make any recommendations deemed appropriate, including proposals to amend the Resolution. Upon conclusion of its review, the Board may take any action it deems appropriate concerning this Resolution. Nothing herein shall preclude the Board from taking action on the Resolution at times other than upon conclusion of the annual review.

Section 5. **SEVERABILITY.**

If any provision of this Resolution, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 6. **EFFECTIVE DATE.**

The provisions of this Resolution shall supersede Resolution 08-02 and shall become effective immediately upon adoption.

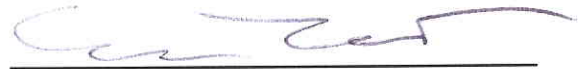
ADOPTED this 13th day of May, 2009

AYES: Morrisette, Anderson, Roberts, Fahlender, Johnson

NOES:

ABSTAIN:

ABSENT:



President, Board of Directors

ATTEST:



Secretary