



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **December 1, 2022**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

SUBJECT: Review and Possible Action Concerning Changes to Director Meeting Compensation

At the October 20 and November 3 MWSD Board meetings, changes to the director's compensation were discussed. Currently, Directors receive \$75 per attended meeting. No direct comparison to other agencies has been prepared, however, the amount is the lowest of any Coastside government agency. The compensation for Directors has not been changed in over two decades.

Legal Counsel reviewed options to increase the director's compensation:

1. Under H&S Code §6489, the Board can increase compensation up to \$100 per day (not per meeting) and not to exceed 6 days per calendar month; this requires an amendment to the District's Code by Ordinance which requires a noticed public hearing.
2. Under Water Code §20202, the Board can increase compensation above \$100 per day, up to a maximum amount of \$168.75, which represents the amount equal to 5% per year since the last adjustment in 1997 ($\$75 \times 5\% = \3.75 per year @ 25 years = $\$93.75$ plus $\$75 = \168.75); cannot exceed 10 days per month. This also requires a noticed public hearing (WC §20203) and an amendment to the District's Code.

For reference, the above cited statutes are attached.

Per Board direction, a notice of a public hearing to increase the Directors' compensation at the MWSD regularly scheduled board meeting on December 1 was published pursuant to Government Code section 6066 and Water Code Section 20203.

RECOMMENDATION:

Adopt Ordinance No._____, Ordinance of the Montara Water and Sanitary District Amending Section 1-6.200 of the Montara Water and Sanitary District Code Relating to Board Member Compensation, and direct staff to fill in the blank dollar amount with a number between \$75.00 and \$168.75.

Attachments

ORDINANCE NO. ____

ORDINANCE OF THE MONTARA WATER AND SANITARY DISTRICT AMENDING SECTION 1-6.200 OF THE MONTARA WATER AND SANITARY DISTRICT CODE RELATING TO BOARD MEMBER COMPENSATION

THE BOARD OF THE MONTARA WATER AND SANITARY DISTRICT, A PUBLIC AGENCY IN THE COUNTY OF SAN MATEO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 1-6.200 of the Montara Water and Sanitary District Code is hereby amended to read as follows:

“1-6.200. Rate of Compensation. Members of the Board shall receive compensation in the amount of \$____.00 per day as set by the Board for each day of attendance at a regular or special meeting of the Board or a meeting of a standing or ad hoc committee meeting of the Board, and for each day’s service rendered as a member of the Board at the request of the Board. The compensation fixed hereunder shall not exceed more than a total of ten (10) days per calendar month.”

Section 2. Effective Date. Upon adoption, this Ordinance shall be entered in the minutes of the Board and posted for one week in three (3) public places in the District and shall become effective immediately upon expiration of one week following said posting.

President

COUNTERSIGNED:

Secretary

* * *

I hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the Board of the Montara Water and Sanitary District, San Mateo County, California, at a regular meeting thereof held on the 17th day of November 2022 by the following vote of the members thereof

AYES, and in favor thereof, Directors:

NOES, Directors:

ABSENT, Directors:

ORDINANCE NO. ____

**ORDINANCE OF THE MONTARA WATER AND SANITARY DISTRICT AMENDING
SECTION 1-6.200 OF THE MONTARA WATER AND SANITARY DISTRICT CODE
RELATING TO BOARD MEMBER COMPENSATION**

Secretary

MWSD Code

§1-6.200. Rate of Compensation. Members of the Board shall receive compensation in the amount of \$75.00 for each regular or special meeting of the Board, and for each day's service rendered as a member of the Board at the request of the Board.

H&S Code

§6489. Compensation of board members

(a) Subject to subdivision (b), each of the members of the board shall receive compensation 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 director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

(b) The district board, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the compensation received by board members above the amount of one hundred dollars (\$100) per day.

(c) The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he or she may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

(d) 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.

(e) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

Enacted Stats 1939 ch 60. Amended Stats 1939 ch 239; Stats 1947 ch 205 1; Stats 1957 ch 126 1, ch 1491 2; Stats 1967 ch 1018 1; Stats 1968 ch 803 1; Stats 1974 ch 228 1; Stats 1980 ch 269 2; Stats 1982 ch 1271 3; Stats 1986 ch 232 2; Stats 2000 ch 86 2 (SB 1559); Stats 2005 ch 700 12 (AB 1234), effective January 1, 2006.

Water Code

§20200. Water district

As used in this chapter, water district means any district or other political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. Water districts include, but are not limited to, irrigation districts, county water districts, California water districts, water storage districts, reclamation districts, county waterworks districts, drainage districts, water replenishment districts, levee districts, municipal water districts, water conservation districts, community services districts, water management districts, flood control districts, flood control and floodwater conservation districts, flood control and water conservation districts, water management agencies, water agencies, and public utility districts formed pursuant to Division 7 (commencing with Section [15501](#)) of the Public Utilities Code.

Added Stats 1984 ch 186 1. Amended Stats 1989 ch 585 1, effective September 20, 1989; Stats 1992 ch 1003 3 (AB 3100); Stats 2007 ch 213 5 (AB 490), effective January 1, 2008.

§ 20201. Authorization to provide and to increase compensation

Notwithstanding any other provision of law, the governing board of any water district may, by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board, unless any compensation is prohibited by its principal act, 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, and may, by ordinance adopted pursuant to this chapter, in accordance with Section 20202, increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day.

It is the intent of the Legislature that any future increase in compensation received by members of the governing board of a water district be authorized by an ordinance adopted pursuant to this chapter and not by an act of the Legislature.

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.

History

Added Stats 1984 ch 186 § 1. Amended Stats 1988 ch 397 § 1; Stats 2005 ch 700 § 27 (AB 1234), effective January 1, 2006.

§ 20201.5. Reimbursement of expenses

Reimbursement for expenses of members of a governing board of a water district is subject to Sections 53232.2 and 53232.3 of the Government Code.

Added Stats 2005 ch 700 § 28 (AB 1234), effective January 1, 2006.

§ 20202. Yearly ceiling on compensation increase; Limitation on number of compensable days

In any ordinance adopted pursuant to this chapter to increase the amount of compensation which may be received by members of the governing board of a water district 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.

No ordinance adopted pursuant to this chapter shall authorize compensation for more than a total of 10 days in any calendar month.

Added Stats 1984 ch 186 1. Amended Stats 1988 ch 397 2; Stats 1989 ch 111 1.

Former Sections: Former 20202, defining commission, was added Stats 1943 ch 371 1 and repealed Stats 1945 ch 321 2.

§20203. Authority to adopt ordinances; Notice and hearing

Any water district described in Section 20201 is authorized to adopt ordinances pursuant to this chapter. 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 Code.

Added Stats 1984 ch 186 1.

§20204. Effective date of ordinances; Voters' right to petition for referendum 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.

Added Stats 1984 ch 186 1.

§20205. Suspension of ordinance; Number of signatures necessary to subject ordinance to referendum

If a petition protesting against the adoption of the ordinance is presented to the governing board of the water district prior to the effective date of the ordinance, the ordinance shall be suspended and the governing board shall reconsider the ordinance.

If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election. If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election.

Added Stats 1984 ch 186 1.

§20206. Procedure following ordinance protest petition

If the governing board does not entirely repeal the ordinance against which a petition is filed, the governing board shall submit the ordinance to the voters either at a regular election or a special election called for the purpose. The ordinance shall not become effective unless and until a majority of the votes cast at the election are cast in favor of it. If the ordinance is not approved by the voters, no new ordinance may be adopted by the governing board pursuant to this chapter for at least one year following the date of the election.

Added Stats 1984 ch 186 1.

§20207. Applicability of Elections Code

Except as otherwise provided in this chapter, the provisions of the Elections Code applicable to the right of referendum on legislative acts of districts shall govern the procedure on ordinances against which a petition is filed.

Added Stats 1984 ch 186 1.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of the Montara Water and Sanitary District will consider adopting an Ordinance amending the District's Water and Sanitary District Code relating to board member compensation.

For the last 25 years, board member compensation has been set at \$75 per meeting. Health and Safety Code Section 6489 authorizes an increase to \$100 and Water Code Section 20200, et. seq., authorizes an increase above \$100, but not to exceed \$168.75.

A public hearing will be held by the Board of Directors at a meeting of the Board as follows:

DATE: December 1, 2021

TIME: 7:30 p.m., or as soon thereafter as may be heard.

PLACE: District Board Chambers
8888 Cabrillo Highway
Montara, CA 94037

Due to COVID-19, the public hearing will be held remotely and telephonically, without a physical location. Visit www.mwsd.montara.com for access information.