

## RESOLUTION NO. 1049-18

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MOJAVE WATER AGENCY ESTABLISHING POLICIES FOR ITS COMPENSATION, REIMBURSEMENT AND ETHICS TRAINING RESCINDING RESOLUTION NO 996-14

WHEREAS, the Board of Directors of the Mojave Water Agency finds as follows:

A. The Mojave Water Agency (“the Agency”) is a special district organized and operating pursuant to California Water Code Appendix Section 97-1 et seq.

B. The Agency 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 and expense reimbursement, (2) Reporting, and (3) Board member ethics training.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS of the Mojave Water Agency as follows:

#### I. BOARD MEMBER COMPENSATION AND EXPENSE REIMBURSEMENT

Section 1. **DIRECTOR FEES**. This section deals only with the payment to a Board member for attending a meeting. Related expenses are included in subsequent sections.

1.1. **Amount**. The amount of Board member compensation by the Agency shall be determined in accordance with all applicable requirements of the California Water Code. Pursuant to said requirements, the Board shall set the rate of such compensation for a day’s service rendered by a Board member on behalf of the Agency, and shall set the maximum number of day’s service for which a Board member may receive

compensation each month from the Agency. The current rate is \$179.57 for a day's service.

1.2. **Day's Service.**

1.2.1. Meetings. For purposes of determining eligibility for compensation of Board members, the term "day's service" is defined as attendance or participation of a Board member, either in person or by confirmed conference call or other electronic means, at a meeting with one or more other parties for the performance of official duties on behalf of the Agency. A meeting is defined as any meeting that falls under Categories A or B in the attached Exhibit "1".

1.2.1.1. Category A Meetings. Meetings under Category A are deemed to be pre-authorized for in person attendance and pre-approved for payment. Participating as a voting member via conference call or other electronic means is only approved for payment if properly noticed and consistent with the Ralph M. Brown Act, Government Code Section 54953.

1.2.1.2. Category B Meetings. Meetings and/or events falling under Category B are deemed to be attended by Board Members as a non-appointed member of the Committee/Commission that participate either in person or via conference call or other electronic means (and verified as such) not requiring Board pre-authorization, however is not deemed approved for payment until approved by the Board. Category B meetings will be submitted to the Board of Directors at the next regular Board meeting, at which time the Board will consider approval thereof through the Consent Calendar. Any meeting which the Board of Directors later deems non-payable will be deducted from the next reimbursement check for that Director. This applies only to the day's service amount. Expenses for attendance will be covered under the Expense Reimbursement Allowance (Section 2 below).

1.2.1.3. Meetings Not Listed. Meetings not listed are not deemed pre-authorized or pre-approved. A request for attendance at a conference or meeting **not** listed in Exhibit “1” is to be submitted to Agency staff for pre-approval by the Board of Directors through the Consent Calendar as long as time permits; however, if this is not possible, the request for payment for attendance will be made at the next Board meeting. Any meeting or conference which the Board of Directors later deems non-payable will be deducted from the next reimbursement check for that Director. This applies only to the day’s service amount. Expenses for attendance will be covered under the Expense Reimbursement Allowance (Section 2 below).

1.2.2. Daily Limitation. If a Board member attends or participates in multiple meetings in a single day, the Board member shall be eligible for compensation for only one meeting on that day, not to exceed a maximum of ten (10) meetings per month pursuant to California Water Code Section 20202.

Section 2. **EXPENSE REIMBURSEMENT ALLOWANCE.**

2.1. Eligible Expenses. The Agency shall reimburse Board members for costs incurred related to attendance or participation at approved meetings as defined in Exhibit 1 of this Resolution, as provided herein. 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 conferences, including airfare, car rental, or mileage for use of a Board member’s own automobile for travel to conferences, and other miscellaneous transportation costs (shuttle, taxi, parking, etc.); (3) lodging at the single-room rate; and (4) reasonable costs of meals, not including alcohol.

2.1.1. Rates.

2.1.1.1. Registration, Tuition, and Meeting Charges. The Agency

reimbursement rate for registration or tuition costs, 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.

2.1.1.2. 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 Agency reimbursement rate for Board member transportation shall be the actual amount incurred (except for airfare, which shall not exceed the cost of round-trip coach airfare – see Section 2.1.1.2.c).

(b) The Agency reimbursement rate for mileage by use of a Board member's own vehicle for travel to a conference shall be calculated on the basis of total miles driven for Agency purposes at the rate specified in the Internal Revenue Code in effect at the time of the vehicle usage. See Section 3 for all other mileage reimbursements.

(c) Travel to conferences or seminars where air travel is available may be reimbursable through a mileage rate should the Board member choose to drive their own vehicles; however, the total reimbursable amount for mileage may not exceed the cost of round trip coach airfare.

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

2.1.1.3. 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 Agency reimbursement rate for Board member lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging.

2.1.1.4. Other. The following are allowable reimbursements for expenses related to the performance of duties as a Board member:

- Telephone charges for non-local, long distance calls
- Memberships and dues. Memberships may include but not be limited to Chambers of Commerce, Rotary and professional organizations.
- Subscriptions. Subscriptions may include but not be limited to local newspapers and water-related publications.
- Agency 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.

2.2. Ineligible Expenses. Board members shall not be eligible for Agency 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 Agency reimbursement of any expenses for personal services not related to Agency business.

2.3 Limits. A pool of funds established through the annual budget process will be available for expenses related to attendance by Board members at major conferences, meetings, and seminars, to be identified in the budget as "Directors expenses". **The**

**intent is for no individual Board member to exceed one-seventh of the monies established in this pool account, specific circumstances notwithstanding.**

Section 3. **MILEAGE REIMBURSEMENT.**

3.1 Allowable Charges. Except for travel to a conference or for Legislative Travel, mileage will be paid through the Agency-wide mileage reimbursement budget and will not be reported as a monthly Board member expense. The Agency reimbursement rate for mileage by use of a Board member's own vehicle for travel to a conference shall be calculated on the basis of total miles driven for Agency purposes at the rate specified in the Internal Revenue Code in effect at the time of the vehicle usage.

Section 4. **LEGISLATIVE TRAVEL.**

4.1 Purpose. The purpose of this pool of funds is to provide funds for the Chair of the Legal Legislative & Public Information Committee and the Board President, or their designee, to meet with State and Federal Representatives or attend meetings relevant for legislation affecting the Agency. In addition, the funds are available for a Board member elected as the Region 9 Board of the Association of California Water Agencies (ACWA). Other Board members may be designated to utilize these funds upon prior Board approval.

4.2 Allowable Charges. Expenses allowed under Expense Reimbursement Allowance in Section 2 above shall be chargeable against these funds. The Expense Form shall identify when the travel is for legislative purposes.

4.3 Limits. A pool of funds will be established through the annual budget process. This amount is not reported as a monthly Board member expense but rather as a lump sum amount on the monthly Board member expense report.

Section 5. **HEALTH INSURANCE.**

5.1 **Insurance Premiums.** The Agency provides health, dental, vision, and life insurance to Board members. Board members may elect to participate in the Agency's health plan or be reimbursed for actual premiums for health insurance.

5.2 **Section 125 Medical Reimbursement Plan.** Board members may elect to participate in the Agency's medical reimbursement plan. The annual amount contributed by the Agency is \$1,500 per year and must be used for medical expenses only. Any unused amount shall be forfeited.

**II. REPORTING**

Section 1. **EXPENSE FORMS.** The Agency 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 Agency 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. In order for a Board member to receive compensation for attendance or participation at the meetings, or for reimbursement of out-of-pocket expenses, the Board member is to submit to the Agency's Accounting Department a payment request on the appropriate form provided in order to be considered for reimbursement. All reimbursement requests for the end of year (July 1<sup>st</sup> through June 30<sup>th</sup>) should be turned in by July 15<sup>th</sup>. The expense report shall be accompanied by receipts documenting each expense. If the reimbursement requests listed by the Board member on said form satisfy the provisions of the policy set forth herein as relates to Category A expenses, then the Agency's General Manager is hereby authorized to approve the reimbursement requests. If any of the reimbursement requests identified by

the Board member on said form for the calendar month fall under Category B of the policy set forth herein, then the Agency's General Manager shall include the reimbursement request on the agenda for the next regular meeting, at which time the Board will consider approval thereof. The Board reserves the right to approve reimbursement of eligible expenses above the budget limit on a case-by-case basis. All documents related to reimbursable Agency expenditures are public records subject to disclosure under the California Public Records Act.

Section 2. **REPORT.** Board members shall provide brief reports on Category B meetings attended at the expense of the Agency at the next regular meeting of the Board. Such reports may be made either orally, or in writing, or by reference to any minutes thereof included in the agenda materials for said Board meeting. The inclusion of the Category B meetings on the consent calendar may also satisfy this requirement.

### **III. ETHICS TRAINING**

Section 1. **REQUIREMENT.** Each local agency official in Agency service must receive training in ethics laws at least once every two years.

1.1. **Local Agency Official.** As used in Section 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 Agency.

1.2. **Ethics Laws.** As used in Section 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.

1.3 **Agency Responsibilities.**

1.3.1. Records. The Agency 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 Agency 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.

1.3.2. Notice. The Agency 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 every two years.

#### **IV. GENERAL PROVISIONS**

Section 1. **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 Agency'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 2. **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. Should a conflict occur between this resolution and any other resolution or ordinance of the Board, this resolution shall prevail.

Section 3. **EFFECTIVE DATE**. This Resolution shall become effective immediately upon adoption and shall supersede Resolution No. 996-14, adopted by the Board on December 11 2014.

Adopted this 12<sup>th</sup> day of April 2018.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Kimberly Cox, President

ATTEST:

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Thurston Smith, Secretary

## **EXHIBIT “1”**

### **DEFINITION OF MEETINGS**

This schedule of meetings defines those meeting that meet the requirement for payment for a day’s service. In addition, meetings on this schedule are also eligible for expense reimbursements, including mileage.

**CATEGORY “A”** – Meetings requiring no pre-approval either in person or via conference call or other electronic means if posted per the Brown Act requirements for remote participation and for which no reporting is required since minute action for these Agency meetings meets the reporting requirement through AB 1234. For those members appointed to serve on a committee/commission, members must participate in person.

- MWA Board of Directors
- Watermaster
- MWA Advisory Committees
- MWA Ad Hoc Committees
- Morongo Basin Pipeline Commission

**CATEGORY “B”** – Any Category “A” meetings attended by Board Members as a non-appointed member of the committee/commission that participate either in person or via conference call or other electronic means and for which such participation is duly noted on the expense report. Other Category B meetings include any meeting not requiring Board pre-authorization (unless noted below), but which require reporting through AB 1234 and which will be considered for approval on the Consent Calendar at an upcoming Board of Directors meeting.

- MWA Advisory Committees – via telephonic participation
- Morongo Basin Pipeline Commission – via telephonic participation
- MWA Technical Advisory Committee – via telephonic participation
- Subarea Advisory Committees
- MWA tours
- MWA seminars
- Board meetings for water districts/agencies
- City Council
- City of Victorville Water Management Committee meetings
- Community Service Districts
- Chamber of Commerce Events
- Chamber of Commerce Local Government Subcommittee, if on committee
- Events sponsored by the Mojave Water Agency
- Meetings with MWA Board members
- Meetings with MWA General Manager
- Meetings with other water districts and managers
- Meetings with city managers
- Association of San Bernardino County Special Districts

- Organization meetings, such as Building Industries Association
- ACWA and CSDA conferences – if pre-approved by the Board of Directors
- High Desert Opportunity Business Conference
- Legal proceedings involving MWA
- Meetings with legislators (state or federal)
- Educational seminars legally required, such as ethics training
- Victor Valley Wastewater Reclamation Authority
- Meetings regarding community issues such as, but not limited to:
  - Lucerne Valley Economic Development Association
  - Johnson Valley Improvement Association
  - Homestead Valley Community Council
  - Joshua Tree Community Association
  - Silver Valley S.D.A.
  - Spring Valley Lake Association
  - Newberry Springs-Harvard Property Owners Association
  - El Mirage Community Group
  - Municipal Advisory Committees
  - Hinkley Community Advisory Committee
  - Copper Mountain Mesa Community Association
  - Flamingo Heights Community Association
  - Newberry Springs Community Alliance
  - Morongo Basin Conservation Association, Inc.