

RESOLUTION NO. 777

A RESOLUTION OF THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1, CONFIRMING DISTRICT POLICIES RELATING TO PER-MEETING COMPENSATION, EXPENSE REIMBURSEMENT, ETHICS TRAINING, AND SEXUAL HARRASSMENT PREVENTION TRAINING AND EDUCATION FOR THE BOARD OF TRUSTEES

WHEREAS, the Santa Ynez River Water Conservation District, Improvement District No.1 ("District") is a special improvement district of the Santa Ynez River Water Conservation District and is organized and operates pursuant to Water Code section 74000 et seq.; and

WHEREAS, the District carries out its mission to provide domestic and agricultural customers throughout its service area with reasonably priced, reliable, high quality water supplies, and efficient and economical public services related to the provision of water; and

WHEREAS, the scope, complexity, and intensity of matters handled by the District's Board of Trustees has continued to increase substantially over time to include, by way of example and without limitation, myriad issues related to: prolonged, contested, and ongoing multi-phase water right proceedings before the State Water Resources Control Board (SWRCB) from the late 1980s to present relating to contractual water supplies available from the Cachuma Project and operation of the Project to ensure protection of public trust resources and downstream water rights below Bradbury Dam; the 1991 formation of the Central Coast Water Agency (CCWA) and related and ongoing planning, financing, design, construction, governance, contracting, litigation, and management activities to secure, maintain, and deliver critical State Water Project (SWP) supplies to the Santa Ynez Valley; beginning in 1993, the development of a comprehensive multi-agency investigation, planning, and management program for fisheries and fisheries habitat in the Lower Santa Ynez River; development, negotiation, implementation, and various dispute resolution activities relating to the 1996 Master Contract between the United States Bureau of Reclamation (USBR) and the Santa Barbara County Water Agency (SBCWA), and related Member Unit contracts for the provision of Cachuma Project water supplies; the 1997 listing of the Southern California Steelhead Distinct Population Segment under the federal Endangered Species Act (ESA) and designation of critical habitat below Bradbury Dam; issuance and ongoing compliance with the 2000 Biological Opinion issued by the National Marine Fisheries Service (NMFS) for operation of the Cachuma Project; ongoing federal ESA re-consultation process beginning in 2013 between NMFS and USBR regarding Cachuma Project operations and pending issuance of a new Biological Opinion threatening unprecedented impacts to water rights and water supplies; current and ongoing work with local agencies and related proceedings before the SWRCB regarding downstream appropriative water rights and permitting processes; Chromium-6 water quality regulatory process and related studies; increasing water rated complexity and constraints under Proposition 218; passage of the 2014 Sustainable Groundwater Management Act (SGMA) and related and ongoing work among multiple agencies and stakeholders to form and manage a Groundwater Sustainability Agency (GSA) and develop and implement a Groundwater Sustainability Plan (GSP) to achieve statutory groundwater management objectives and requirements by 2022; beginning in 2017, the initiation of a comprehensive multi-party process to negotiate a new Master Contract with USBR for the provision of Cachuma Project water supplies; and

WHEREAS, water districts and agencies throughout California, including the District, are statutorily authorized to pay compensation to members of their legislative bodies for attendance at board meetings, advisory and committee meetings, conferences and organized educational activities, and other types of events, occurrences, and occasions that constitute the performance of official duties, and to reimburse members of their legislative bodies for actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, various provisions of the Government Code establish certain requirements for local agency officials to receive ongoing ethics training, and sexual harassment prevention training and education, if the local agency provides any type of compensation, salary, or stipend to members of its legislative body or provides reimbursement for actual and necessary expenses incurred by members of its legislative body in the performance of official duties; and

WHEREAS, the District desires to confirm its policies specifying the meetings, conferences, activities, events, and other types of occurrences and occasions that constitute the performance of official duties for which members of the Board of Trustees may receive compensation; the types of occurrences that qualify members of the Board of Trustees to receive reimbursement for actual and necessary expenses incurred in the performance of official duties; the manner and rates for which actual and necessary expenses incurred by members of the Board of Trustees in the performance of official duties can be reimbursed; and measures to ensure that members of the Board of Trustees and other designated local agency officials of the District receive ongoing ethics training, and ongoing sexual harassment prevention training and education, as set forth by the Government Code.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, as follows:

Section 1. Board of Trustees Compensation

- a. In accordance with Government Code section 53232.1, and as further established by these District policies, either of which may be amended from time to time, each member of the Board of Trustees shall be entitled to receive compensation in accordance with District Ordinance No. 2018-01 for attendance of the following:
 1. Regular, special, or emergency meetings of the Board of Trustees;
 2. Meetings of standing committees of the Board of Trustees;
 3. Meetings of advisory committees of the Board of Trustees;
 4. Meetings of ad hoc committees of the Board of Trustees;
 5. Regular, special, or emergency meetings of another agency, advisory committee, or respective committee(s) thereof, of which the District is a member and a Trustee attends as a representative of the District;
 6. Conferences or organized educational activities as set forth in Government Code section 54952.2(c)(2), including but not limited to ethics training required by Government Code section 53234 et seq., and sexual harassment prevention training and education required by Government Code section 53237 et seq.; and
 7. Meetings, events, or other occurrences attended by a Trustee for or on behalf of the District in connection with the performance of official business of the District, as the Board of Trustees may deem necessary or appropriate and thereby designate and request a Trustee or Trustees for said attendance; provided, however, in the event time or other circumstances prevent advance designation and request by the Board of Trustees, the President of the Board of Trustees may deem such attendance necessary or appropriate and make such designation and request for attendance, in which case the determination, designation and request may be confirmed by the Board of Trustees as soon thereafter as practicable. Compensable meetings, events, or other occurrences authorized by this Section 1(a)(7) may include, but are not limited to:
 - i. Meetings with the District's General Manager, legal counsel, employee(s), consultant(s), or other representative(s) regarding official business of the District;
 - ii. Meetings with an individual, entity, organization, or governmental agency, or person(s) or representative(s) thereof, regarding official business of the District;
- b. Compensation for attendance at meetings, conferences, activities, events, or occurrences as set forth in Section 1(a) above shall be limited to a total of six (6) days in any calendar month.
- c. Meetings that generally would not be considered eligible for compensation include, but are not limited to, social gatherings, picnics, awards banquets,

holiday events, retirement dinners, and similar functions, unless pre-approved by the Board of Trustees.

- d. Notwithstanding the provisions of Section 1(a)-(c) above, or any other provision of law or District policy, a member of the Board of Trustees may receive compensation for a total of only one (1) meeting, conference, activity, event, or occurrence per calendar day.
- e. Compensation pursuant to this Section 1 may be paid for a total of one (1) day that consists solely of travel as reasonably required to attend a compensable meeting, conference, activity, event, or occurrence located more than two-hundred (200) miles one-way from the District offices. By way of example, a member of the Board who travels to a compensable meeting or conference activity that begins at 8:00 a.m. which is located more than 200 miles from the District offices may request compensation for a total of one day consisting solely of travel the day before the meeting or conference, yet compensation shall not be paid for return travel, even if such travel occurs the day following the meeting or conference and such following day's service consists solely of travel.
- f. As applicable and practicable, and without requiring the disclosure of privileged discussions or the deliberative process of the District, each Trustee shall provide a brief oral report at the next regular or special meeting of the Board of Trustees regarding attendance at any meeting, conference, activity, event, or occurrence for which the Trustee requests compensation in accordance with this Section 1.
- g. To receive compensation for attendance at a compensable meeting, conference, activity, event, or occurrence as set forth in this Section 1, a member of the Board of Trustees shall submit a completed request for payment on an approved form to the District's General Manager or Secretary, which form must be submitted no later than 12:00 p.m. on the Tuesday preceding the first meeting of the Board of Trustees in the calendar month following the attendance for which compensation is sought. Payment requests that are not timely submitted in accordance with this Section 1(g) may be deferred for consideration at a subsequent meeting of the Board of Trustees.

Section 2. Board of Trustees Expense Reimbursement

- a. In accordance with Government Code section 53232.1, and as further established by these District policies, either of which may be amended from time to time, each member of the Board of Trustees shall be entitled to receive reimbursement for the actual and necessary expenses incurred in the performance of official duties in connection with attendance at meetings, conferences, activities, events, and occurrences for which members of the Board of Trustees are eligible to receive compensation as set forth in Section 1 above.
- b. In accordance with Government Code section 53232.2, and as further set forth in this Section 2, either of which may be amended from time to time, reimbursable expenses shall be limited to the following:
 1. Transportation/Travel. Members of the Board of Trustees are eligible for expense reimbursement for transportation to and from a compensable meeting, conference, activity, event, or occurrence. Generally, members of the Board of Trustees must use governmental and group rates offered by a provider of transportation services when such rates are available. Otherwise, reimbursable transportation expenses may include economy or coach airfare, economy or coach bus fare, economy or coach train fare, mileage for use of a Trustee's own automobile (at the rate specified in the Internal Revenue Code in effect at the time of the vehicle usage), economy car rental, standard taxicab fare, standard transportation network company fare (e.g., Uber, Lyft, Sidecar), standard shuttle fare, and miscellaneous transportation costs such as reasonable tips and parking fees.

2. Lodging. Members of the Board of Trustees are eligible for expense reimbursement for lodging reasonably taken in connection with attendance of a compensable meeting, conference, activity, event, or occurrence. Generally, for purposes of eligible reimbursement costs, members of the Board of Trustees must use governmental and group rates offered by a provider of lodging services when such rates are available at the time of booking. If the lodging is in connection with attendance at a conference or organized educational activity, including but not limited to ethics training or sexual harassment prevention training and education as set forth in Section 1 above, lodging costs shall 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 of Trustees at the time of booking. If a group rate is not available, the member shall use costs of comparable lodging available at a government or group rate, provided that if comparable lodging at a government or group rate is not available, the reimbursement rate for Board member lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging that is reasonably available.
3. Meals. Members of the Board of Trustees are eligible for expense reimbursement for meals reasonably had in connection with attendance at a compensable meeting, conference, activity, event, or occurrence. The reimbursement rate for Board member meals shall be the actual amount incurred, not to exceed a total of one hundred dollars (\$100.00) in any calendar day; provided, however, meal events that are already included in the cost or fee for attending a meeting, conference, activity, event, or occurrence shall not be eligible for expense reimbursement.
4. Attendance Fees and Tuition. Generally, members of the Board of Trustees must use governmental and group rates offered by a provider of a conference, organized educational activity, or other compensable meeting, activity, event, or occurrence when such rates are available at the time of booking. Otherwise, the reimbursement rate for attendance fees, tuition, or other admission costs incurred in connection with attendance at a compensable meeting, conference, activity, event, or occurrence shall be the actual amount incurred; provided, however, reimbursement for any attendance fees, tuition, or other admission costs in connection with a compensable meeting, conference, activity, event, or occurrence that will exceed five hundred dollars (\$500.00) must be approved by the Board of Trustees in a public meeting.
5. Other. Any and all expenses for which a member of the Board of Trustees may request reimbursement that do not fall within these adopted policies, or that do not otherwise fall within the reimbursable rates as provided in Internal Revenue Service Publication 463 or any successor publication, must be approved by the Board of Trustees in a public meeting before the expense is incurred.
6. Ineligible Expenses. Except for eligible expenses otherwise incurred by a member of the Board of Trustees as set forth in these policies, Board members shall not be eligible for reimbursement of any expenses incurred by or for any person that is a guest of a Board member in connection with the member's attendance of a compensable meeting, conference, activity, event, or occurrence. Additionally, members of the Board of Trustees shall not be eligible for reimbursement of any expenses incurred for personal services not directly or reasonably required for the performance of official duties for the District. Notwithstanding, if a member of the Board of Trustees chooses to incur costs or expenses that are above or otherwise outside the rates or eligibility for reimbursement

as set forth in these policies, the Board member may do so at his or her own expense.

- c. To receive reimbursement for eligible expenses in connection with attendance at a compensable meeting, conference, activity, event, or occurrence as set forth in these policies, a member of the Board of Trustees shall submit a completed request for payment on an approved form, along with receipts documenting each reimbursable expense, to the District's General Manager or Secretary, which form and receipts must be submitted no later than 12:00 p.m. on the Tuesday preceding the first meeting of the Board of Trustees in the calendar month following the attendance for which compensation is sought. Payment requests that are not timely submitted in accordance with this Section 2(c) may be deferred for consideration at a subsequent meeting of the Board of Trustees.

Section 3. Ethics Training

- a. In accordance with California Government Code section 53234 et seq., and as further established by these District policies, either of which may be amended from time to time, each member of the Board of Trustees shall receive at least two (2) hours of training in general ethics principles and ethics laws relevant to public service with the District no later than one (1) year from the first day of commencing service with the District, and at least once every two (2) years thereafter.
- b. All ethics training shall be provided by or through entities whose curricula, including but not limited to training courses or self-study materials, have been approved by the California Attorney General and the Fair Political Practices Commission.
- c. The District's General Manager and any other employee(s) of the District designated by the Board of Trustees shall also receive the ethics training as specified herein.
- d. The District shall maintain records indicating the dates of completion for all ethics training required herein and the name(s) of the entity or entities that provided the training. The District shall maintain such records for a period of at least five (5) years after the date on which the training was received.

Section 4. Sexual Harassment Prevention Training and Education

- a. In accordance with California Government Code section 53237 et seq., and as further established by these District policies, either of which may be amended from time to time, each member of the Board of Trustees shall receive at least two (2) hours of sexual harassment prevention training and education within the first six (6) months of taking office with the District and at least once every two (2) years thereafter.
- b. All sexual harassment prevention training and education shall be provided by or through entities whose curricula, including but not limited to training courses or self-study materials, have been developed in consultation with appropriate legal counsel. Specifically, in accordance with Government Code section 53237.1(d), as may be amended from time to time, the training and education required herein shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of sexual harassment in employment, and the training and education also shall include practical examples aimed at instructing local agency officials in the prevention of sexual harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of sexual harassment, discrimination, and retaliation.
- c. The District's General Manager and any other employee(s) of the District designated by the Board of Trustees shall also receive the sexual harassment

prevention training and education as specified herein within the first six (6) months of commencing employment and at least once every two (2) years thereafter.

- d. The District shall maintain records indicating the dates of completion for all sexual harassment prevention training and education required herein and the name(s) of the entity or entities that provided the training. The District shall maintain such records for a period of at least five (5) years after the date on which the training was received.

Section 5. Severability

If any provision of these District policies or the application thereof to any person or circumstance is held invalid or unenforceable, such invalidity or unenforceability shall not affect other provisions or applications of these or other District policies which can be given effect without the invalid or unenforceable provision or application thereof, and to this end the provisions of these District policies are severable.

WE, THE UNDERSIGNED, being duly qualified and acting President and Secretary, respectively, of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, do hereby certify that the above and foregoing Resolution was duly and regularly adopted and passed by the Board of Trustees of said District at a special meeting held on May 22, 2018, by the following roll call vote:

AYES, Trustees:

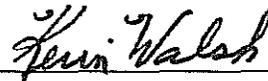
Harlan Burchardi
Kevin Walsh
Jeff Clay
Michael Burchardi
Brad Joos

NOES, Trustees:

None

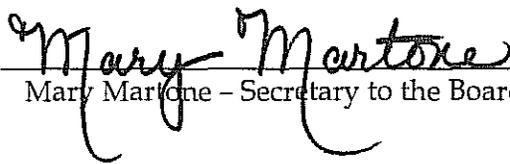
ABSENT, Trustees:

None



Kevin Walsh, President

ATTEST:



Mary Martone - Secretary to the Board of Trustees