

ORDINANCE NO. 09-2024

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
COACHELLA VALLEY PUBLIC CEMETERY DISTRICT
INCREASING BOARD MEMBER COMPENSATION**

WHEREAS, Health and Safety Code Section 9031 (a) authorizes the Board of Trustees of the Coachella Valley Public Cemetery District ("Board of Trustees") to allow for compensation for members of the Board of Trustees ("Trustee" or "Trustees") by ordinance; and

WHEREAS, Health and Safety Code Section 9031 (b) authorizes the Board of Trustees to increase the compensation for Trustees by an ordinance adopted pursuant to Chapter 2 of Division 10 of the Water Code (Wat. Code, §§ 20200 *et seq.*); and

WHEREAS, Water Code Section 20200 *et seq.* sets forth the authority and procedure for establishing compensation for the Board of Trustees; and

WHEREAS, according to Water Code Sections 20201 and 20202, the Board of Trustees is allowed to receive a base compensation of up to one hundred dollars (\$100) per day for attending board meetings or for performing board-related services as requested. Additionally, these sections authorize the Board to increase this compensation through an ordinance, provided that any increase does not exceed five percent (5%) per calendar year after the date of the last adjustment; and

WHEREAS, on June 14, 2016, the Board of Trustees adopted Bylaws that established compensation for Trustees of fifty dollars (\$50) per each meeting they attended, not to exceed two hundred dollars (\$200) in any calendar month; and

WHEREAS, on November 13, 2018, the Board of Trustees adopted Ordinance No. 01-2018, increasing the amount of compensation to be received by Trustees for each day's attendance at meetings of the Board of Trustees, or for each day's service rendered by a Trustee by request of the Board of Trustees to one hundred dollars (\$100) per day for as many days per month as is lawful; and

WHEREAS, after the adoption of Ordinance No. 01-2018, Assembly Bill 2329 ("AB 2329") amended Health and Safety Code Section 9031 to limit the number of compensated Board meetings where a quorum of the Board is present to no more than four (4) per calendar month, unless the legislative body annually adopts a written policy supported by substantial evidence describing why more than four (4) meetings per calendar month are necessary for the effective operation of the District; and

WHEREAS, Health and Safety Code Section 9031 (a) allows the Board of Trustees to provide compensation for participation in up to six meetings per month, with a stipulation that only four of those meetings can be compensated unless justified by a written policy based on substantial evidence; and

WHEREAS, the Water Code Sections 20201 and 20202 permit compensation for up to ten (10) days of service per month, which can include meetings as well as other board-requested service days, thereby allowing for flexibility in how board members can be compensated for their contributions to the effective governance of the Cemetery District; and

WHEREAS, the Board of Trustees recognizes the need to adopt a policy that accommodates the operational demands of the district while complying with both the Health and Safety Code and the Water Code, ensuring that trustees are fairly compensated for their time and service while aligning with applicable state laws; and

WHEREAS, the Board of Trustees desires to align with state law and increase the amount of compensation for Trustees to account for inflation and increased responsibilities of Trustees; and

WHEREAS, in accordance with Health and Safety Code Section 9031(b) and Water Code Section 20201, the Board of Trustees is authorized to increase the compensation for meeting attendance through an ordinance adopted pursuant to Water Code Section 20200 *et seq.*; and

WHEREAS, a public hearing was held on September 13, 2024, at 8:00 AM or soon thereafter, at the Coachella Valley Public Cemetery District Office, located at 82925 Avenue 52, Coachella, CA 92236, and a notice of said hearing was duly published in The Desert Sun, a newspaper of general circulation, on August 30 and September 5, 2024.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE COACHELLA VALLEY PUBLIC CEMETERY DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Meeting Compensation. The amount of compensation to be received by Trustees for each day's attendance at meetings of the Board of Trustees, or for each day's service rendered by a Trustee shall be increased by 30% (5% per year from 2018 to 2024, inclusive of six years) from the previous amount of one hundred dollars (\$100) per day to one hundred thirty dollars (\$130) per day. Pursuant to Health and Safety Code Section 9031, a member of the Board of Trustees shall not receive compensation for more than six (6) meetings of the Board in a calendar month. However, if the District compensates its members for more than four (4) meetings in a calendar month, the Board of Trustees shall annually adopt a written policy describing, based on a finding supported by substantial evidence, why more than four (4) meetings per calendar month are necessary for the effective operation of the District. The compensation established in this Section shall apply to no more than a total of ten (10) meetings and/or occurrences, combined, in a single calendar month, or as otherwise

allowed under the California Health and Safety Code. A Trustee may not receive more than one thousand three hundred dollars (\$1,300) per calendar month for meeting and/or occurrences compensation combined. The compensation shall be per day. Any Trustee may formally waive receiving compensation for attendance at meetings of the Board of Trustees and/or occurrences by providing written notice to the Clerk of the Board.

SECTION 3. Reimbursement for Expenses. The Board of Trustees hereby chooses to reimburse Members of the Board of Trustees for their actual and necessary traveling and incidental expenses incurred while on official business pursuant to the District's Travel and Expense Reimbursement Policy. Any Trustee may choose to waive being reimbursed for their actual and necessary traveling and incidental expenses incurred while on official business.

SECTION 4. Supersession. All ordinances, resolutions, or administrative actions by the Board of Trustees, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby superseded only to the extent of such inconsistency.

SECTION 5. Effective Date. The Chairperson of the Board of Trustees shall sign this Ordinance and the Clerk of the Board of Trustees shall attest thereto, and pursuant to Section 20204 of the California Water Code, this Ordinance shall take effect sixty (60) days from the date of adoption.

PASSED, APPROVED, AND ADOPTED this 13th day of September, 2024 by the Board of Trustees of the Coachella Valley Public Cemetery District.



Ernesto Rosales
Chairman of the Board of Trustees of the
Coachella Valley Public Cemetery District

ATTEST:



Sherry Winder
Clerk of the Board of Trustees of the
Coachella Valley Public Cemetery District

I, Sherry Winder, Clerk of the Board of Trustees of the Coachella Valley Public Cemetery District, DO HEREBY CERTIFY that the foregoing Ordinance regarding compensation for members of the Board of Trustees of the Coachella Valley Public Cemetery District, Riverside County, State of California, being Ordinance No. 09-2024 was adopted at a regular meeting on September 13, 2024 of said District by the following vote:

AYES: Rosales, Vossler, Coronel, Underwood, Rios
NOES: None
ABSTAIN: None
ABSENT: None

Sherry Under

Clerk

