

**ORDINANCE NO. 10-2021**

**AN ORDINANCE OF THE COACHELLA VALLEY  
PUBLIC CEMETERY DISTRICT LIMITING  
COMPENSATION LIMITS FOR MEMBERS OF THE  
BOARD OF TRUSTEES**

**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 an ordinance; 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 \$100 per day for as many days per month as is lawful; and

**WHEREAS**, since 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**, the Board of Trustees has not adopted any written policy describing why more than four (4) meetings per calendar month are necessary for the effective operation of the District, therefore limiting Trustees under state law to being compensated for no more than four (4) Board meetings per calendar month; and

**WHEREAS**, Section 3 of Ordinance No. 01-2018 restated additional applicable state law by stating: “In accordance with Section 20202 of the California Water Code, no Trustee shall receive the compensation set forth in Section 2 of this Ordinance for more than ten (10) days in any calendar month.”; and

**WHEREAS**, the limitation found in Section 20202 of the California Water Code applies to both meeting compensation where a majority of Trustees are present at a Board meeting and occurrences compensation, meaning where an individual Trustee performs official duties on behalf of the District; and

**WHEREAS**, under applicable state law, Trustees may not be compensated more than four (4) times per calendar month for meeting compensation where a majority of Trustees are present at a Board meeting, and may not be given compensation, between meeting compensation and occurrences compensation combined, for more than ten (10) days per calendar month; and

**WHEREAS**, the Board of Trustees desires to be more restrictive than applicable state law and allow compensation for Trustees in any calendar month not to exceed four hundred dollars (\$400), inclusive of meeting compensation and occurrences compensation combined; and

**WHEREAS**, meeting compensation is per day and not per meeting, meaning that if the Board has multiple Board meetings on a given day, the Trustees may only be compensated once for the whole day; and

**WHEREAS**, a public hearing was held on October 15, 2021, at 8:00 AM, or soon thereafter, at the Renaissance Esmeralda Resort & Spa, Toulon Conference, Room located at 44400 Indian Wells Lane, Indians Wells, CA 92210, and a notice of said hearing was duly published in The Desert Sun, a newspaper of general circulation, on OCTOBER 10, 2021.

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE COACHELLA VALLEY PUBLIC CEMETERY DISTRICT ORDAINS AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are hereby incorporated herein by this reference.

**Section 2.** 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 pursuant to a separately adopted Resolution establishing an Occurrences Compensation Policy, shall be in the amount of one hundred dollars (\$100) per day for no more than four (4) meetings and/or occurrences, combined, in a single calendar month. A Trustee may not receive more than \$400 per calendar month for meeting and/or occurrences compensation combined. The compensation shall be per day. Any Trustee may choose to waive receiving compensation for attendance at meetings of the Board of Trustees and/or occurrences.

**Section 3.** 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 other than a meeting of the Board of Trustees and will, by separate Resolution, adopt a written policy specifying the types of occurrences that qualify a member of the Board of Trustees to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses. Any Trustee may choose to waive being reimbursed for their actual and necessary traveling and incidental expenses incurred while on official business other than a meeting of the Board of Trustees.

**Section 4.** 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 superceded only to the extent of such inconsistency.

**Section 5.** If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

**Section 6.** The Clerk of the Board of Trustees shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law pursuant to Section 25124 of the Government Code.

**Section 7.** The Chairperson of the Board of Trustees shall sign this Ordinance and the Clerk of the Board of Trustees shall attest thereto, and this Ordinance shall take effect thirty (30) days from the date of adoption.

**PASSED, APPROVED, AND ADOPTED** this 15th day of October, 2021, by the Board of Trustees of the Coachella Valley Public Cemetery District.

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

ATTEST:

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Kathryn Herrera  
Clerk of the Board of Trustees of the  
Coachella Valley Public Cemetery District

I, Kathryn Herrera, 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. 10-2021 was adopted at a regular meeting on October 15, 2021 of said District by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Clerk

(Seal)