

ORDINANCE NO. 2004-12

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON
ESTABLISHING COMPENSATION FOR COUNCIL MEETINGS WHERE THE
AGENDA INCLUDES MATTERS RELATING TO THE FORMER
AMERICAN CANYON COUNTY WATER DISTRICT**

WHEREAS, in 1991, the Napa County Local Agency Formation Commission of Napa County ("Napa LAFCO") in Resolution 91-18 established the procedures by which the City of American Canyon ("City") would be created, and by which the American Canyon County Water District ("Water District") would be merged into the City; and,

WHEREAS, consistent with the Resolution 91-18 of the Napa LAFCO, on January 1, 1992, the Water District was merged into the newly incorporated City; and,

WHEREAS, approximately half of the territory which is served by the City is beyond the City's territorial boundaries and is operated by the City because the Water Service Area of the former Water District is an area for which the City became responsible for the provision of water service; and,

WHEREAS, because the City services the Water Service Area which was a part of the former Water District, members of the City Council ("Members") have responsibilities beyond those in similarly situated cities; and,

WHEREAS, cities have broad powers to effect operation of municipal owned water systems located beyond the boundaries of the city; and,

WHEREAS, prior to the merger into the City, the Water District paid the members of its Board of Directors \$100.00 per meeting, and the Board of Directors had two meetings per month; and,

WHEREAS, pursuant to Government Code section 57531 and Napa LAFCO Resolution 91-18, the City, as the successor to the Water District, succeeds in the powers and duties of the Water District to pay the members of its governing body for serving on that governing body; and,

WHEREAS, Water Code section 20201, permits the governing body of water districts to pay the members of the governing body \$100.00 per meeting; and,

WHEREAS, Government Code section 36516.5 requires that no change in compensation apply to a member of the City Council during his or her term of office unless an election was held subsequent to the passage of the Ordinance and one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office; and,

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WHEREAS, on November 2, 2004, there will be an election to determine the new membership of the City Council;

WHEREAS, it is not at every meeting of the City Council that matters appear on the City Council agenda which relate to Water Service Area outside the boundaries of the City;

NOW THEREFORE BE IT ORDAINED THAT the City Council declares as follows:

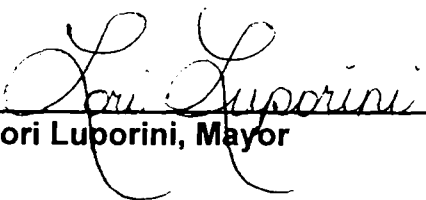
1. Consistent with Water Code section 20201, the City Council establishes the compensation to be paid to each Member at \$100.00 per meeting where the Member attended and the agenda included matters relating to the Water District, and which matters are located outside of the boundaries of the City.
2. In no event shall any member of the City Council be compensated pursuant to this Ordinance for attendance at more than two meetings per month.
3. Consistent with Water Code 20204, this Ordinance shall become effective 60 days from the date of its final passage.
4. Notwithstanding the effective date of this Ordinance, consistent with Government Code section 36516.5, the salaries of the members of the City council shall not be increased pursuant to this Ordinance until November 3, 2004.

APPROVED AND ADOPTED at a regular meeting of the City Council on the 19th day of August, 2004.

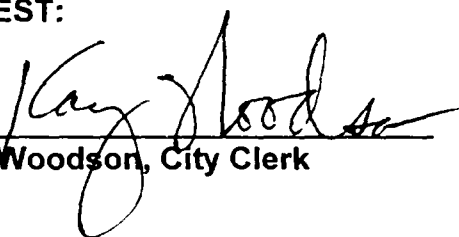
The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 5th day of August, 2004 and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California held on the 19th day of August, 2004 by the following vote:

AYES: Luporini, Shaver, Anderson, Colcleaser, Garcia
NOES: None
ABSENT: None
ABSTAIN: None

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Lori Luporini, Mayor

ATTEST:


Kay Woodson, City Clerk

APPROVED AS TO FORM:


William D. Ross, City Attorney