

ORDINANCE NO. 2009-02

**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 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, Water Code section 20202, authorizes the governing body of water districts, here the City Council, to adjust the monthly compensation paid to each Member per meeting where the Member attended and the agenda included matters relating to the Water District which relate to Water Service Area outside the boundaries of the City, by an

additional 5% for each calendar year from the operative date of the last compensation increase; and,

WHEREAS, on August 19, 2004 the City Council adopted Ordinance No. 2004-12 establishing Board Member compensation of one hundred dollars (\$100) per meeting, which was later changed one-hundred five dollars (\$105);

WHEREAS, the City Council has not adjusted Member compensation where the Member attended and the agenda included matters relating to the Water District which relate to Water Service Area outside the boundaries of the City, since it established compensation in 2004 and four (4) years have passed since the City Council established the compensation currently in effect; and

WHEREAS, the City Council now desires to increase monthly compensation through the adoption of this Ordinance for all Members where the Member attended and the agenda included matters relating to the Water District which relate to Water Service Area outside the boundaries of the City in an amount equal to five percent (5%) for each calendar year from the operative date of Ordinance No. 2004-12 and

WHEREAS, increasing the compensation of City Council Members where the Member attended and the agenda included matters relating to the Water District which relate to Water Service Area outside the boundaries of the City will assist in compensating City Council Members for the time and effort taken to resolve matters relating to the Water District business which relate to Water Service Area outside the boundaries of the City and is in the public interest;

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 or her beginning a new term of office; and,

WHEREAS, on November 4, 2008, there was 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 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 \$126.00 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.

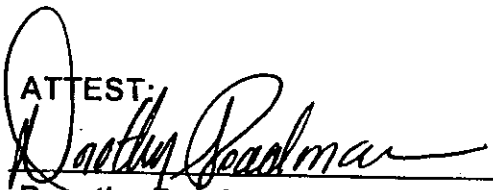
2. In no event shall any member of the City Council be compensated pursuant to this Ordinance for attendance at more than two meetings per month.
3. Consistent with Water Code section 20204, this Ordinance shall become effective 60 days from the date of its final passage.
4. Pursuant to the California Environmental Quality Act (Pub. Resources Code §§ 21000 *et seq.*) ("CEQA") and the CEQA Guidelines (Title 14, Cal. Code Regs., §§ 15000 *et seq.*) ("Guidelines"), the City Council has determined that the adoption of this Ordinance is not a "project" within the meaning of CEQA because pursuant to Guidelines 15378(b)(4) it involves only a government fiscal activity that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

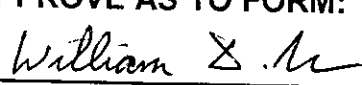
APPROVED AND ADOPTED at a regular meeting of the City Council on the 20th day of January, 2009.

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 2nd day of December, 2008 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 3rd day of February, 2009 by the following vote:

AYES: Callison, Coffey, West
NOES: Garcia, Bennett
ABSENT: None
ABSTAIN: None


 Leon Garcia, Mayor

ATTEST:

 Dorothy Roadman, City Clerk

APPROVE AS TO FORM:

 William D. Ross, City Attorney