

**DRAFT**

**BEFORE THE BOARD OF DIRECTORS OF THE  
KINGSBURG HEALTHCARE DISTRICT**

**IN THE MATTER OF:  
Policy For Compensation of Members of the  
Board of Directors under Health and Safety  
Code § 32103.**

**RESOLUTION 2024- \_\_\_\_\_**

WHEREAS, the Kingsburg Healthcare District (“**District**” or “**KHD**”) is an independent local governmental public entity existing as a local health care district under the “The Local Health Care District Law” (“**principal act**”) codified in California Health and Safety Code §§ 32000 *et seq.*;

WHEREAS, based upon a **1982** amendment to Government Code § 32103(a), the District’s governing Board of Directors (“**Board**”) became authorized to allow compensation to each Board member of up to one hundred dollars (\$100) for participation in each “meeting” for a maximum of six (6) meetings each month;

WHEREAS, Government Code § 32103(b) authorizes the Board to enact an ordinance under Water Code § 20202, which increases the amount of compensation for each meeting above the level prescribed under Government Code § 32103(a), and to increase the number of compensable meetings to no more than ten (10) per month;

WHEREAS, each member of a governing board of directors may waive any or all of the payments for each meeting;

WHEREAS, in Section 1 of Senate Bill 329 (2023), the Legislature found that the compensation schedule it enacted in **1984** for certain local governing bodies has not been adjusted since 1984 and has not kept pace with inflation;

WHEREAS, in Section 1 of Senate Bill 329 (2023), the Legislature declared that in allowing certain local governing bodies “...to adjust their compensation for inflation since 1984 may help [them] become more diverse because increased compensation can help individuals from across different income levels receive sufficient income from their service to help ensure that they can continue to serve the public...”; and

WHEREAS, in an effort to account for inflation since 1982, and a recent inflation surge during the COVID-19 pandemic, the Board now desires to take steps to set or adjust Board member compensation to the extent permitted by law, including the enactment of the District’s Board compensation policy as embodied within this resolution.

UPON MOTION OF BOARD MEMBER \_\_\_\_\_, SECONDED BY BOARD MEMBER \_\_\_\_\_, THE FOLLOWING WAS PASSED, APPROVED, AND ADOPTED BY THE BOARD OF DIRECTORS AT AN OFFICIAL MEETING HELD \_\_\_\_\_, 2024, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

**DRAFT**

ATTEST: \_\_\_\_\_  
Kenneth Crabb, Board Secretary

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**NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS:**

1. Found the foregoing recitals to be true and correct;
2. Authorized the District to cause to be paid compensation of one hundred dollars (\$100) to each member of the Board for each meeting, which shall mean a “day of service”, including (but not limited to) attendance at each and any of the following:
  - (a) Regular, special and emergency meetings of the Board of Directors of this District conducted pursuant to the Ralph M. Brown Act;
  - (b) Each day of participation in a training program on a topic directly related to the District, when the same is pre-approved by the Board and a written report thereof is delivered to the Board;
  - (c) Representation of the District at a public event, when the same is pre-approved by the Board and a written report thereof is delivered to the Board;
  - (d) Representation of the District at a public meeting or a public hearing conducted by another public agency, when the same is pre-approved by the Board and a written report thereof is delivered to the Board; and
  - (e) Any other day of service authorized by State law to be compensable, when the same is pre-approved by the Board and a written report thereof is delivered to the Board;

3. Decided that for items 2(b) through 2(e) above, pre-approval shall be deemed to have occurred: **(a)** whenever the Board actually votes to and does pre-approve; **(b)** the Board member(s) desiring to provide a day-of-service submits a written request to the Board for such day(s) of service, at least one Board meeting before such day-of-service is to occur, and the Board being aware of the same does not vote to decline such request; and/or **(c)** the Board subsequently votes to ratify a pre-approval;
4. Authorized the District to cause to be paid to each Board member all reimbursement(s) for actual and necessary traveling and incidental expenses incurred while on official business for the District, provided that satisfactory documentation is provided to evidence and/or verify the same, and further provided that such reimbursement(s) does not exceed the maximum I.R.S. mileage and per diem rates; and
5. Authorized the District's CEO (or their designee) to carry out the terms and conditions of this resolution and to take all steps reasonably necessary, proper and/or convenient and/or incidental thereto, including all related expenditures.

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## Cal Health & Saf Code § 32103

Deering's California Codes are current through the 2024 Regular Session Ch 1

*Deering's California Codes Annotated* > *HEALTH AND SAFETY CODE (§§ 1 — 151003)* > *Division 23 Hospital Districts (Chs. 1 — 11)* > *Chapter 2 Board of Directors (Arts. 1 — 3)* > *Article 1 Election and Organization (§§ 32100 — 32111)*

### § 32103. Compensation and expenses of board members

(a) The board of directors shall serve without compensation except that the board of directors, by a resolution adopted by a majority vote of the members of the board, may authorize the payment of not to exceed one hundred dollars (\$100) per meeting not to exceed six meetings a calendar month as compensation to each member of the board of directors. Commencing January 1, 2019, if the district compensates its members for more than five meetings in a calendar month, the board of directors shall annually adopt a written policy describing, based on a finding supported by substantial evidence, why more than five meetings per month are necessary for the effective operation of the district.

(b) The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with [Section 20200\) of Division 10 of the Water Code](#), may increase the amount of compensation received for attending meetings of the board by no more than 5 percent annually.

(c) Each member of the board of directors shall be allowed his or her actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with [Section 53232\) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code](#). Reimbursement for these expenses is subject to [Sections 53232.2 and 53232.3 of the Government Code](#).

### History

Added Stats 1945 ch 932 § 1. Amended Stats 1973 ch 362 § 1; Stats 1982 ch 1513 § 4; [Stats 1989 ch 212 § 1](#); [Stats 2005 ch 700 § 16 \(AB 1234\)](#), effective January 1, 2006; [Stats 2018 ch 170 § 3 \(AB 2329\)](#), effective January 1, 2019.

Annotations

### Notes

#### **Amendments:**

#### **1973 Amendment:**

(1) Deleted “members of the” before “board of directors”; (2) deleted “each” after “except that”; and (3) added “the board of directors, by a resolution adopted by a majority vote of the members

of the board, may authorize the payment of not to exceed fifty dollars (\$50) per meeting for not to exceed two meetings a month as compensation to each member of the board of directors. Each member of the board of directors”.

**1982 Amendment:**

(1) Substituted “one hundred dollars (\$100)” for “fifty dollars (\$50)” and “four” for “two” in the first paragraph; and (2) added “or her” in the second paragraph.

**1989 Amendment:**

Substituted “not to exceed five” for “for not to exceed four” before “meetings” in the first paragraph.

**2005 Amendment:**

Added the last two sentences of the last paragraph.

**2018 Amendment (ch 170):**

Added designation (a); in (a), substituted “six meetings a calendar month” for “five meetings a month” and added the last sentence; added (b); and added designation (c).

**Opinion Notes**

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**Attorney General's Opinions**

Hospital district may use district funds to provide family health insurance for the members of its board of directors; compensation limits established for hospital district board members in [H & S C § 32103](#) would not be affected by district providing family health insurance to its directors. [66 Ops. Cal. Atty. Gen. 13](#).

A hospital district may not pay traveling and incidental expenses incurred by spouse of district director who is attending conference on official business of district. [75 Ops. Cal. Atty. Gen. 20](#).

**Research References & Practice Aids**

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**Hierarchy Notes:**

[Cal Health & Saf Code Div. 23](#)

[Cal Health & Saf Code Div. 23, Ch. 2, Art. 1](#)

Deering’s California Codes Annotated  
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