



**DATE:** April 8, 2021

**TO:** Programs and Administration Committee

**FROM:** Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director

**SUBJECT:** Revisions to the Meeting Attendance Payment Policy for Board Members

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### **SUMMARY**

At the April 8, 2021 Programs and Administration Committee, staff will recommend approval of revisions to the meeting attendance payment policy for board members, increasing compensation from \$150 to \$230 per meeting, based on the consumer price index and other factors, and updating the current policy to be in compliance with a recent Internal Revenue Service (IRS) ruling.

### **DISCUSSION**

On March 28, 2018 the WMA Board adopted a meeting attendance payment policy that incorporated into one policy ongoing practices and procedures regarding board member compensation for attending board or committee meetings. The policy did not change the amount paid to board members, which has been \$150 per meeting since 2002. Transportation costs, including parking, are not reimbursed (and have increased steadily throughout the years).

Staff conducted a recent survey of local jurisdictions to determine if there was a standard or prevailing payment made to board or council members and found that amounts vary greatly (ranging from no payment to over \$1,200 per month). A review of the consumer price index since the last time the payment was increased indicated that an increase to \$230 per meeting is fair and reasonable. Among our own member agencies, for example, this amount is consistent with the payment amounts provided by Castro Valley Sanitary District to its board members and slightly lower than those provided by Oro Loma Sanitary District. The additional annual cost to the Agency is approximately \$39,000.

In addition to the change in compensation, there are a few minor changes as noted in Attachment 1, resulting from an Internal Revenue Service determination in 2019. This ruling changed the board member employment status from independent contractor to employee for payroll reporting purposes only. These changes reflect the method in which board members are paid (now by direct deposit) and the type of earnings documentation issued by the Agency (i.e., a W2 instead of a 1099).

While the meeting attendance policy can be revised by board action (in this case a resolution), State law requires that the increase in board member compensation be adopted by ordinance, which requires two public hearings.

## **RECOMMENDATION**

That the Programs and Administration Committee approve forwarding Ordinance 2021-01, which increases board member compensation, and Resolution 2021-xx revising the meeting attendance policy, to the Waste Management Authority Board for adoption.

### Attachments:

Attachment 1: Revised Meeting Attendance Payment Policy (redlined)

Attachment 2: Draft Amended Ordinance

Attachment 3: Draft Resolution and Revised Meeting Attendance Payment Policy (w/o redline)

## Attachment 1

### ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY MEETING ATTENDANCE PAYMENT ~~(PER DIEM)~~ POLICY

1. WMA Board members will receive a payment of ~~\$230150~~ per meeting for WMA Board and standing committee (i.e., the Programs and Administration Committee and Planning Committee) meetings, not to exceed ~~\$690450~~ per person per month. This represents a change in compensation from \$150 per meeting to \$230 per meeting ~~no change to the current payment per meeting and a reduction in the monthly maximum from \$750 to \$450.~~
2. A WMA Board member alternate will receive payment for attending a WMA Board or standing committee meeting if the primary WMA Board member is not present. No more than one representative from a member agency may be paid for any one meeting.
3. Recycling Board member payments are limited to \$100 per meeting (not to exceed \$3,000 per year) by terms of the County Charter (referred to as Measure D). Since the monthly Recycling Board meeting is also a WMA Planning Committee meeting, Planning Committee members (including interim appointees attending instead of a Planning Committee member that is unable to attend) will be paid \$100 from Recycling Board funds and ~~\$50130~~ from WMA funds for a total of ~~\$230150~~ per meeting.
4. If there is a lack of quorum to convene a scheduled meeting, those members in attendance will be eligible for payment as if the meeting took place. If that meeting is rescheduled, all members attending the rescheduled meeting shall be eligible for payment even if they have been paid for attending the meeting that did not convene.
5. A person arriving at a meeting after it has been adjourned is not eligible for payment for that meeting.
6. Attendance via teleconference is eligible for payment, although Board members unable to attend a meeting in person are encouraged to have their alternate or interim appointee attend in their place.
7. The WMA Board and the Recycling Board as its own body (not as the WMA Planning Committee) periodically hold a joint meeting for matters affecting both boards (e.g., the annual budget presentation, strategic planning). For such joint meetings, all Recycling Board members (either appointed by the WMA Board or the Alameda County Board of Supervisors) will receive \$100 from Recycling Board funds and ~~\$13050~~ from WMA funds. All other WMA Board members will receive ~~\$230150~~ from WMA funds.

8. No person receiving a payment pursuant to this policy may be reimbursed by the Waste Management Authority for any expenses (e.g., parking, transportation) incurred in connection with attending a meeting for which payment has been or will be made.
9. Payments are made based on the record of attendance for each meeting and are sent to the recipient by direct deposit ~~'s preferred mailing address. In general, P~~ payments are ~~made processed once a~~ by the 20<sup>th</sup> of each month, following the previous month's meeting.
10. Payments will be included in a calendar year Form W21099 for Board members as per IRS regulations.
11. This policy will be periodically reviewed and revised as needed.

## Attachment 2

### ORDINANCE 2021-01 AMENDING ORDINANCE 2006-01

#### ORDINANCE REGARDING COMPENSATION FOR BOARD MEMBERS

The Board of the Alameda County Waste Management Authority (“WMA”) finds that:

1. In 2006 the WMA adopted Ordinance 2006-01, the Ordinance regarding compensation for board members. Based on a review of the consumer price index and given that this compensation has not been increased since that time, the WMA wishes to amend the ordinance to change the amount of compensation from \$150 per meeting to \$230 per meeting.
2. The Board of the Alameda County Waste Management Authority held a public meeting on May 26, 2021 to consider this ordinance, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

Therefore, the Board of the WMA hereby ordains as follows:

#### Section 1. Amendment.

Ordinance 2006-01, an ordinance regarding compensation for board members and alternates is hereby amended as shown in Attachment A. Text to be added is indicated in bold underlined font (e.g., **added text**) and text to be deleted is indicated in strikeout font (e.g., ~~deleted text~~).

#### Section 2. Severability.

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

#### Section 3. Publication.

Within 15 days after adoption, a summary of the ordinance with the names of those voting for and against, the ordinance shall be published and a certified copy of the full text with the names of those voting for and against the ordinance shall be posted in the office of the Clerk of the Board and shall become effective thirty (30) days after adoption.

- Continued on following page -

**Following introduction on May 26, 2021, passed and adopted June 23, 2021 by the following vote:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of ORDINANCE NO. 2021-01.

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ARLISS DUNN  
CLERK OF THE BOARD

**ORDINANCE NO. 2006-01**  
**as amended by Ordinance 2021-1**

**AN ORDINANCE IMPLEMENTING AB 11 (2005), PARTICULARLY GOVERNMENT CODE SECTION 36516 AND AB 1234 (2005), PARTICULARLY HEALTH AND SAFETY CODE SECTION 6489, REGARDING COMPENSATION FOR BOARD MEMBERS**

The Board of the Alameda County Waste Management Authority (Authority) ordains as follows:

**SECTION 1**

AB 11 and AB 1234, enacted by the Legislature in 2005, require rescission of Resolution #WMA 2002-09 (setting the per diem for members for attendance at Board or committee meetings) and enactment of an ordinance consistent with State law.

**SECTION 2**

The Board of the Authority does hereby repeal Resolution #WMA 2002-09.

**Section 3**

Compensation of Board members **and alternates** shall be set at ~~\$230~~ **\$150** per attendance at a Board or committee meeting or other authorized Board meeting such as an educational activity. The total compensation of a Board member shall not exceed ~~\$690~~ **\$450** per month.

**Section 4**

The terms of this Ordinance may not be changed or amended except by enactment of another Ordinance or amendment of this Ordinance.

**Section 5**

This Ordinance shall be posted at the Authority Office for at least thirty (30) days after its second reading by the Board and shall become effective thirty (30) days after the second reading.

- End--

**Attachment 3**

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

**RESOLUTION #WMA 2021-**

**MOVED:**

**SECONDED:**

**AT THE MEETING HELD JUNE 23, 2021**

**RESOLUTION OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD  
REVISING BOARD MEMBERS AND ALTERNATES COMPENSATION POLICY**

**WHEREAS**, the Alameda County Waste Management Authority (“WMA Board”) provides compensation for Board members or alternates to conduct the business of the WMA Board at Board and standing committee meetings; and

**WHEREAS**, said compensation has not been adjusted since July 2002; and

**WHEREAS**, a review of other local jurisdictions’ payment practices as it applies to board/council members as well as a review of the consumer price index indicates that an increase in compensation is warranted; and

**WHEREAS**, as the per diem policy adopted by the WMA Board on March 28, 2018 requires revisions to reflect this increase in compensation as well as to reflect changes in reporting required by the Internal Revenue Service, and

**WHEREAS**, the Programs and Administration Committee at its meeting on April 8, 2021 reviewed the compensation and relevant changes in the policy and recommended forwarding it to the WMA Board for adoption.

**NOW THEREFORE, BE IT RESOLVED THAT:**

The WMA Board adopts the attached meeting attendance payment policy. This resolution supersedes all other resolutions and policies.

**ADOPTED this 23<sup>rd</sup> day of June 2021, by the following votes:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #WMA 2021-

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Arliss Dunn  
Clerk of the Board

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY  
MEETING ATTENDANCE PAYMENT POLICY**

1. WMA Board members will receive a payment of \$230 per meeting for WMA Board and standing committee (i.e., the Programs and Administration Committee and Planning Committee) meetings, not to exceed \$690 per person per month. This represents a change in compensation from \$150 per meeting to \$230 per meeting.
2. A WMA Board member alternate will receive payment for attending a WMA Board or standing committee meeting if the primary WMA Board member is not present. No more than one representative from a member agency may be paid for any one meeting.
3. Recycling Board member payments are limited to \$100 per meeting (not to exceed \$3,000 per year) by terms of the County Charter (referred to as Measure D). Since the monthly Recycling Board meeting is also a WMA Planning Committee meeting, Planning Committee members (including interim appointees attending instead of a Planning Committee member that is unable to attend) will be paid \$100 from Recycling Board funds and \$130 from WMA funds for a total of \$230 per meeting.
4. If there is a lack of quorum to convene a scheduled meeting, those members in attendance will be eligible for payment as if the meeting took place. If that meeting is rescheduled, all members attending the rescheduled meeting shall be eligible for payment even if they have been paid for attending the meeting that did not convene.
5. A person arriving at a meeting after it has been adjourned is not eligible for payment for that meeting.
6. Attendance via teleconference is eligible for payment, although Board members unable to attend a meeting in person are encouraged to have their alternate or interim appointee attend in their place.
7. The WMA Board and the Recycling Board as its own body (not as the WMA Planning Committee) periodically hold a joint meeting for matters affecting both boards (e.g., the annual budget presentation, strategic planning). For such joint meetings, all Recycling Board members (either appointed by the WMA Board or the Alameda County Board of Supervisors) will receive \$100 from Recycling Board funds and \$130 from WMA funds. All other WMA Board members will receive \$230 from WMA funds.
8. No person receiving a payment pursuant to this policy may be reimbursed by the Waste Management Authority for any expenses (e.g., parking, transportation) incurred in connection with attending a meeting for which payment has been or will be made.

9. Payments are made based on the record of attendance for each meeting and are sent to the recipient by direct deposit. Payments are processed once a month.
10. Payments will be included in a calendar year Form W2 for Board members as per IRS regulations.
11. This policy will be periodically reviewed and revised as needed.