



DATE: May 26, 2021
TO: Waste Management Authority (WMA) Board
FROM: Pat Cabrera, Administrative Services Director
SUBJECT: Public Hearing: Ordinance Regarding Board Member Compensation

SUMMARY

At the May 26, 2021 WMA Board meeting, staff will recommend that the WMA Board hold a public hearing to introduce an ordinance amending Ordinance 2006 -1, "Ordinance Regarding Compensation for Board Members," to increase board member compensation from \$150 per meeting to \$230 per meeting. Staff further recommends that the Board direct staff to update the meeting attendance policy to reflect the change in compensation and to include minor revisions to reflect changes in board members' employment status (from independent contractor to employee), as determined by the Internal Revenue Service.

DISCUSSION

At the April 8, 2021 Programs and Administration (P&A) Committee meeting, staff recommended revising board member compensation from \$150 per meeting to \$230 per meeting. This recommendation was based on a review of the Consumer Price Index (CPI) over the past 18 years, which indicated that this increase was reasonable and fair, particularly given the steady increase in transportation and parking costs, which are not reimbursed for meeting attendance. Board member compensation has been \$150 per meeting since 2002.

Staff also noted that the board member meeting attendance payment policy adopted on March 28, 2018 needed to be revised based on a recent ruling from the IRS, which determined that board members were considered employees for payroll reporting purposes. The April 8, 2021 staff memo is available at [P&A-Memo-04-08-21.pdf](#).

While the meeting attendance policy can be revised by a board resolution, the change in board member compensation requires an amendment to Ordinance 2006-01. The Ordinance must be

adopted prior to amending the meeting attendance payment policy. At the April 8 meeting the P&A Committee approved by a vote of 12-0 to forward Ordinance 2021-01 amending Ordinance 2006-01 to the WMA for adoption and thereby increasing board member compensation to \$230 per meeting. The Committee also approved staff's recommendation to revise the meeting attendance payment policy. Once the compensation ordinance is adopted staff will submit a revised meeting attendance policy for WMA approval (draft policy revisions are attached).

RECOMMENDATION

Staff recommends that following the public hearing the WMA Board:

1. Introduce and waive the first reading of the attached ordinance and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.
2. Approve a revised Board member meeting attendance policy once the ordinance is adopted.

Attachments:

Attachment 1: Ordinance 2021-01 amending Ordinance 2006-01 "Ordinance Regarding Compensation for Board Members"

Attachment 2: Draft revised version of the WMA Meeting Attending Policy, pending approval of Ordinance 2021-01

Attachment 1

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., **underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~).

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, Posting, and Effective Date

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

ARLISS DUNN
CLERK OF THE BOARD

ATTACHMENT A

**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 adoption by the Board and shall become effective thirty (30) days after adoption.

- End-

Attachment 2

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 23rd 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-

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.