



SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
**EXECUTIVE PERSONNEL  
AND COMPENSATION  
COMMITTEE**

Item No.  
**2**

Meeting Date: **NOVEMBER 18, 2010**

**Subject:**

**Discussion Regarding the Proposed Resolution Adjusting Compensation Rate for Days of Service and Revising the Pre-Approved List of Meetings**

**Recommendation:**

Forward this item to the Board for approval.

**Background/Justification:**

California Public Utilities Code §170017 and Authority Policy 1.10 define a "day of service" for Board member compensation and outline the requirements for Board member attendance at meetings. In order for a "day of service" to qualify for compensation, the statute has certain conditions and restrictions:

- (1) \$200 is the maximum compensation for a "day of service" [Pub. Util. Code §170017(a)] unless, by a two-thirds vote of the majority, the Board, by resolution, modifies the \$200 limit [Pub. Util. Code §170017(b)];
- (2) A Board member shall not receive compensation for more than eight days of service each month;
- (3) A Board member shall not receive compensation for being present at more than one meeting, hearing, event or training program on each day of service;
- (4) A Board member shall be present for at least half of the time set for the meeting.

For a "day of service" to qualify for compensation, it must be one of the following:

- (1) Brown Act Meeting. Attendance at the meeting of the Authority Board or a Board committee meeting, noticed and conducted pursuant to the Brown Act. (No pre-approval of the Board is necessary).
- (2) A Meeting Pre-Approved by Board Action. Attendance as a representative of the Authority at any of the following, provided attendance was previously approved by the Board and the Board member delivers a written report to the Board at the next Board meeting:
  - a. A public event,

- b. A public meeting or hearing conducted by another public agency,
- c. A meeting of a public benefit nonprofit corporation on whose board the Authority has membership,
- d. A training program on a topic directly related to the Authority, or
- e. An official meeting.

- (3) A Meeting Pre-Approved by Board Resolution No. 2009-0149R. The Board's blanket resolution pre-approves attendance for certain meetings, events and training of certain identified entities, specifies special situations where compensation is permitted and enumerates other activities and attendance for which compensation is not allowed.

#### History.

The Board, by a series of resolutions<sup>1</sup>, pre-approved on a blanket basis Board member attendance and "day of service" compensation for certain designated meetings, hearings, events and training. On December 3, 2009, the Board adopted Resolution No. 2009-0149R approving Board member compensation when attending public meetings and events of the enumerated entities, agencies, boards, bodies and organizations, although in some instances there are additional conditions required to receive compensation and these requirements are listed in the Resolution.

#### Proposed Resolution.

It is recommended that the Board adopt Resolution No. 2010-0118, (which rescinds and supersedes Resolution No. 2009-0149R) adjusting the amount of compensation allowed for a "day of service" when the meeting, event, hearing or training requires significant travel to and/or from the location of the meeting. Specifically, the proposed Resolution allows a higher compensation amount of three hundred dollars (\$300) for a "day of service" where the meeting, hearing, event or training takes place outside the counties of San Diego, Orange, Riverside or Imperial ("non-local meetings") provided that travel on the preceding day is required in order to attend the first day of the meeting, hearing, event or training. In addition, compensation at the rate of three hundred dollars (\$300) is permitted for the last day of "non-local meetings" provided the last day of the meeting, hearing, event or training extends so far into the evening as to require travel the following day. Finally, for "non-local meetings", the days between the first and last day of the meeting, hearing, event or training shall be compensated at the usual rate of two hundred dollars (\$200) per "day of service".

Compensation for meetings taking place in San Diego County, Orange County, Imperial County and Riverside County shall remain at two hundred dollars (\$200) per "day of service".

It is also recommended that the list of pre-approved meetings set forth in Resolution No. 2009-0149R be updated to include an official meeting with the Transportation Security Administration.

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<sup>1</sup> See Board Policy 1.10 and Board Resolutions 2008-0030, 2008-0085, 2008-0112, 2009-0007.

**Fiscal Impact:**

Not applicable.

**Environmental Review:**

- A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

**Equal Opportunity Program:**

Not applicable.

**Prepared by:**

AMY GONZALEZ  
DIRECTOR, COUNSEL SERVICES

## **PROPOSED RESOLUTION FOR BOARD APPROVAL**

### **A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY ADJUSTING THE COMPENSATION RATE FOR DAYS OF SERVICE AND REVISING THE PRE-APPROVED LIST OF MEETINGS**

WHEREAS, Cal. Pub. Util. Code §170017 authorizes Board Member compensation for representing the Authority at certain meetings and events or attending certain training; and

WHEREAS, Cal. Pub. Util. Code §170017(a) provides that Board Members are eligible to receive compensation for each “day of service” in an amount not to exceed two hundred dollars (\$200) per day of service, but Members (1) may not receive compensation for attending more than one meeting, hearing, event, or training program (defined as “day of service”) during any one day, and (2) may not receive compensation for more than eight (8) days of service during any one month; and

WHEREAS, the Board finds it is appropriate for Board Members to receive compensation of two hundred dollars (\$200) for each “day of service” when the meeting, hearing, event or training takes place in San Diego County, Orange County, Riverside County or Imperial County; and

WHEREAS, meetings, hearings, events or training taking place in the counties of San Diego, Orange, Riverside, and/or Imperial are considered “local meetings” for which members may be compensated at the rate of \$200 for each “day of service”; and

WHEREAS, Cal. Pub. Util. Code §170017(b) states that the Board, by a two-thirds vote of the majority of the members, may modify the \$200 per day of service compensation rate provided in §170017(a); and

WHEREAS, the Board finds it is appropriate to allow a higher compensation amount of three hundred dollars (\$300) for a “day of service” where the meeting, hearing, event or training takes place outside the counties of San Diego, Orange, Riverside or Imperial; and

WHEREAS, meetings, hearings, events or training that take place outside the counties of San Diego, Orange, Riverside or Imperial are considered “non-local meetings” and may be compensated at a rate of three hundred dollars (\$300) for the first day of the meeting, hearing, event or training provided (1) that multiple meeting days are scheduled, and (2) that travel on the preceding day is required in order to attend the first day of the meeting, hearing, event or training; and

WHEREAS, where multiple days of attendance are scheduled which qualify as non-local meetings, members may be compensated at the rate of three hundred dollars (\$300) for the last day provided the last day of the meeting, hearing, event or training extends so far into the evening as to require travel the following day; and

WHEREAS, for “non-local meetings”, where multiple days of attendance are scheduled, compensation for the days between the first and last day shall be compensated at the rate of two hundred dollars (\$200) per “day of service”; and

WHEREAS, it is presumed that a meeting, hearing, event or training scheduled at a location in excess of five hundred (500) miles from San Diego county is a “non-local meeting” for purposes of compensation and the rules set forth above regarding the first and last day of the meeting, hearing, event or training shall apply; and

WHEREAS, in order to be eligible for compensation under §170017, a Board Member must be present for at least half of the time set for the meeting, or for the duration of the meeting, whichever is less; and

WHEREAS, Cal. Pub. Util. Code §170017 defines six (6) types of meetings, events and training as constituting a “day of service” and eligible for compensation when attended by Board Members:

- a. attendance at a meeting of the Authority Board or a Board committee conducted pursuant to the Ralph M. Brown Act;
- b. representation of the Authority at a public event, if the Board has previously approved the member’s representation at a Board meeting and the member delivers a written report to the Board regarding the member’s representation at the next Board meeting following the public event;
- c. representation of the Authority at a public meeting or a public hearing conducted by another public agency, if the Board has previously approved the member’s representation at a Board meeting and the member delivers a written report to the Board regarding the member’s representation at the next Board meeting following the public meeting or public hearing;
- d. representation of the Authority at a meeting of a public benefit non-profit corporation on whose board the Authority has membership, if the Board has previously approved the member’s representation at a Board meeting and the member delivers a written report to the Board regarding the member’s representation at the next Board meeting following the corporation’s meeting;

- e. participation in a training program on a topic that is directly related to the Authority, if the Board has previously approved the member's representation at a Board meeting and the member delivers a written report to the Board regarding the member's representation at the next Board meeting following the training program;
- f. representation of the Authority at an official meeting, if the Board has previously approved the member's representation at a Board meeting and the member delivers a written report to the Board regarding the member's representation at the next Board meeting following the official meeting.

WHEREAS, Board Members can be compensated for attending meetings of the Authority Board or Board committee conducted pursuant to the Ralph M. Brown Act, without the need to obtain prior Board approval and without filing a written report at the next Board meeting following such a meeting; and

WHEREAS, in order to receive compensation for attending other events, meetings or training, §170017 requires the Board must previously approve the Board Member's representation, participation or attendance at such events, meetings or training; and

WHEREAS, Board Members are not eligible for compensation for attending meetings with Authority staff or management, unless the meeting is also part of an official meeting of the Authority Board or of a Board committee and the meeting is held pursuant to the Ralph M. Brown Act; and

WHEREAS, Board Members are not eligible to receive compensation for attending meetings as a Board Member liason, unless the meeting is part of an official meeting of the Authority Board or a Board committee held pursuant to the Ralph M. Brown Act; and

NOW, THEREFORE, BE IT RESOLVED that the Board approves compensation in the amount of two hundred (\$200) dollars for a "day of service" when the meeting, hearing, event or training takes place in San Diego County, Orange County, Riverside County or Imperial County ("local meetings"); and

BE IT FURTHER RESOLVED that the Board approves compensation in the amount of three hundred dollars (\$300) for the first meeting day of a series of meeting, hearing, event or training days when they take place outside the counties of San Diego, Orange, Riverside or Imperial ("non-local meetings"), provided that travel on the preceding day is required in order to attend the first day of the meeting, hearing, event or training; and

BE IT FURTHER RESOLVED that the Board approves compensation in the amount of three hundred dollars (\$300) for the last day of a series of “non-local meeting” days provided that the meeting, hearing, event or training on the final day extends so far into the evening as to require travel the following day; and

BE IT FURTHER RESOLVED that for a series of “non-local meeting” days, those days after the first and before the last day of the meetings, hearing, event or training shall be compensated at the rate of two hundred dollars (\$200) per “day of service”; and

BE IT FURTHER RESOLVED that it shall be presumed that a meeting, hearing, event or training which takes place at a location in excess of five hundred (500) miles from San Diego county is a “non-local meeting” for purposes of compensation and the rules set forth above regarding the first and last day of the meeting, hearing, event or training shall apply; and

BE IT FURTHER RESOLVED that the Board PRE-APPROVES Board Member representation for attending events and meetings organized by or involving:

- A Noticed Brown Act meeting of the City Council or a meeting with the Mayor/Chair of the Board of any of the following governmental entities:
  - City of Carlsbad
  - City of Chula Vista
  - City of Coronado
  - City of Del Mar
  - City of El Cajon
  - City of Encinitas
  - City of Escondido
  - City of Imperial Beach
  - City of La Mesa
  - City of Lemon Grove
  - City of National City
  - City of Oceanside
  - City of Poway
  - City of San Diego
  - City of San Marcos
  - City of Santee
  - City of Solana Beach
  - City of Vista
  - County of San Diego
- Asian Business Association
- California Coastal Commission
- California Regional Water Quality Control Board (RWQCB”)
- California High Speed Rail Authority

- Centre City Development Corporation (“CCDC”)
- Chicano Federation of San Diego County, Inc.
- Downtown San Diego Partnership
- East County Economic Development Council
- Hispanic Chamber of Commerce
- Japan Society of San Diego and Tijuana
- San Diego Air and Space Museum
- San Diego Association of Governments (“SANDAG”)
- San Diego Bldg. Owners and Mgrs. Assn. (“BOMA”)
- San Diego Convention and Visitors Bureau (“CONVIS”)
- San Diego Convention Center Corporation
- San Diego County Taxpayers Association
- San Diego Economic Development Corp. (“SDEDC”)
- San Diego Hotel/Motel Association
- San Diego Military Affairs Council (“MAC”)
- San Diego North Economic Development Council
- San Diego Regional Chamber of Commerce or other regional chamber of commerce
- San Diego Unified Port District (“SDUPD”)
- San Diego World Trade Center (“WTC”)
- San Marcos Economic Development Council
- South County Economic Development Council
- Southern California Assn. of Governments (“SCAG”)
- Southern California Reg. Airport Authority (“SCRAA”), or its successor organization
- Transportation Security Administration (“TSA”)

BE IT FURTHER RESOLVED that the Board PRE-APPROVES Board Member representation for attending formal public meetings and events held by service and professional organizations, where attendance has been requested and approved by the President/CEO or by the Board Chair, and DELEGATES to the President/CEO and/or the Board Chair the authority to request and approve attendance at such meetings and events to officially represent the Board and the Authority; and

BE IT FURTHER RESOLVED that the Board PRE-APPROVES Board Member representation for attending a public event or meeting where the Board Member is requested by the Authority’s Public Relations Department, by the President/CEO or by the Board Chair to attend a public meeting of any of the following organizations as an invited speaker: Kiwanis, Lions, Elks Club, Rotary, YMCA, YWCA, Optimists, Masons, Knights of Columbus, Boys and Girls Club or other similar non-profit organizations; and



BE IT FURTHER RESOLVED that the Board PRE-APPROVES Board Member attendance and/or representation at a public meeting where (a) the Board Member is previously requested to attend by the Chair, the President/CEO, or the President/CEO's authorized designee, (b) the meeting is a public meeting, (c) the meeting is held after due public notice is given, and (d) the meeting concerns an issue or program directly related to San Diego International Airport or the Authority, and

BE IT FURTHER RESOLVED that the Board DELEGATES to the Board Chair the power to PRE-APPROVE last-minute, necessary attendance at any public meeting of a public body, a local governmental entity or other civic organization provided attendance relates to the business or interests of the Authority or Board; and

BE IT FURTHER RESOLVED that the Board PRE-APPROVES Board Member attendance at training sessions to comply with the requirements of Cal. Gov. Code §53232 *et seq.* ("AB 1234"), to attend the Authority's Academy 101 course upon taking office, to attend one SDCRAA official media training event during a Member's term of office, or to comply with any training required by state or federal law; and

BE IT FURTHER RESOLVED that Board Member representation and attendance at events, meetings, training and hearings pursuant to the Board's pre-approval procedures specified above QUALIFIES for compensation provided a written report is submitted to the Board; and

BE IT FURTHER RESOLVED that this approval shall be effective beginning November 4, 2010; and

BE IT FURTHER RESOLVED that upon approval, this resolution supersedes and rescinds Resolution No. 2009-0149R, previously approved on December 3, 2009; and

BE IT FURTHER RESOLVED this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this \_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:            Board Members:

NOES:           Board Members:

ABSENT:        Board Members:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL