



Staff Report Item 12

TO: Chairman Haggerty and East Bay Community Energy Board of Directors

FROM: Leah S. Goldberg, General Counsel

SUBJECT: **Stipends for the Community Advisory Committee Members for Meeting Attendance**

DATE: April 18, 2018

RECOMMENDATION

Adopt a Resolution to provide stipends for each voting Community Advisory Committee Member for attending Community Advisory Committee meetings with a limit of up to two meetings in any one calendar month, in the amount of \$50.00 per meeting, with a special provision for the Chair of the Community Advisory Committee to receive a stipend commensurate with Board of Directors stipends when attending Board of Directors meetings, with a limit of two stipends during any calendar month.

BACKGROUND AND DISCUSSION

At the March 21, 2018 Board of Directors meeting, the Board discussed various policy issues and potential amendments to the Joint Powers Agreement, including the issue of whether to pay Community Advisory Committee members that attend meetings stipends to cover their costs of attending. The Joint Powers Agreement provides in pertinent part: “The Board of Directors shall determine whether the Community Advisory Committee will receive a stipend and/or be entitled to reimbursement for expenses.”

The Board members discussed this item and directed staff to bring back a resolution for consideration at the April 2018 Board of Directors meeting.

The proposed resolution provides for a \$50.00 stipend for each Community Advisory Committee member that attends a Community Advisory Committee meeting in which he/she is eligible to vote. Stipends will be paid for attending no more than two meetings in any one calendar month.

For example, if the Community Advisory Committee chooses to meet four times in any one calendar month, stipends would only be paid for attending the first two scheduled meetings. To qualify for the stipend, the Community Advisory Committee member must be a voting member, must attend the meeting in person by arriving on time, but in no event more than 30 minutes late, and must participate during the entire meeting.

The proposed resolution contains special provisions for the Community Advisory Committee Chair who also serves as an Ex Officio member of the Board of Directors, and therefore attends Board of Directors meetings as well. The Community Advisory Committee Chair is likewise subject to the two-meeting per calendar month stipend limitation, but the Chair would be eligible for the higher stipend paid to the Board of Directors when he/she attends Board of Directors meetings. For example, if during one calendar month, the Board of Directors holds one meeting and the Community Advisory Committee holds two meetings, the Chair would be eligible for two stipends--one \$100 stipend for attending the Board of Directors meeting and one \$50 stipend for attending one of the Community Advisory Committee meetings.

The resolution authorizes retroactive payment to Community Advisory Committee members who attended Community Advisory Committee meetings on or after March 21, 2018, and for the Chair, who attended the Board of Directors meeting on March 21, 2018.

FISCAL IMPACT

Community Advisory Committee Stipends would cost EBCE up to \$1,000 per month or \$12,000 annually.

CEQA

Not a project.

ATTACHMENT

1. Resolution to Approve Stipends for the Community Advisory Committee Members

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO APPROVE STIPENDS
FOR THE COMMUNITY ADVISORY COMMITTEE MEMBERS**

**THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY
AUTHORITY DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:**

Section 1. The East Bay Community Energy Authority (“EBCE”) was formed on December 1, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Castro Valley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs in all of the member jurisdictions.

Section 2. The Joint Powers Agreement provides for the formation of a Community Advisory Committee, composed of nine members, to advise the Board of Directors on all subjects related to the operation of the Community Choice Aggregation Program, as set forth in a work plan adopted by the Board of Directors, from time to time, with the exception of personnel and litigation decisions. The Joint Powers Agreement also obligates the Board of Directors to determine whether Community Advisory Committee members will receive a stipend and/or be entitled to reimbursement for their expenses.

Section 3. Each voting Community Advisory Committee member that attends a Community Advisory Committee meeting shall receive a stipend of \$50.00 per meeting to cover the costs of attendance of up to two Community Advisory Committee meetings in any one calendar month. To qualify as attending a meeting, the Community Advisory Committee member shall be a voting member, shall arrive at the meeting at the start of the meeting, but in no event later than thirty minutes after the scheduled time of the meeting as stated on the agenda, shall attend the meeting in person, and shall participate in the entire meeting.

Section 4. The Joint Powers Agreement provides that the Chair of the Community Advisory Committee shall serve as an Ex Officio Board Member. As an Ex Officio Board Member, the community Advisory Committee Chair shall be entitled to the same stipend Board members receive. In cases where the Community Advisory Committee Chair, or the Vice-chair sitting in the Chair’s place at the Board of Directors meeting, attends both Board of Directors meetings and Community Advisory Committee meetings in one calendar month, the Chair, or Vice-chair as the case may be, shall be entitled to the highest compensation available for attendance at up to any two meetings in one calendar month.

Section 5. The Authority shall commence paying stipends for attendance at Community Advisory Committee meetings or, in the case of the Chair, Board of Directors meetings, retroactively to and including the March 21, 2018 Board of Directors Meeting.

ADOPTED AND APPROVED this _____ day of _____, 2018.

Scott Haggerty, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board