



AGENDA

Special Meeting of the Board of Directors of San Diego Community Power (SDCP)

April 28, 2022

5:30 p.m.

(or Immediately After the Regular Meeting of the Board of Directors)

The meeting will proceed as a teleconference meeting in compliance with waivers to certain provisions of the Brown Act provided for under Government Code section 54953(e)(1)(A), in relation to the COVID-19 State of Emergency and recommended social distancing measures. There will be no location for in-person public attendance. In compliance with the Brown Act, SDCP is providing alternatives to in-person public attendance for viewing and participating in the meeting. Further details are below.

Note: Any member of the public may provide comments to the Board of Directors on any agenda item. When providing comments to the Board, it is requested that you provide your name and city of residence for the record. Commenters are requested to address their comments to the Board as a whole through the Chair. Comments may be provided in one of the following manners:

1. **Providing Oral Comments During Meeting.** To provide comments during the meeting, join the Zoom meeting by computer, mobile phone, or dial-in number. On Zoom video conference by computer or mobile phone, use the “Raise Hand” feature. This will notify the moderator that you wish to speak during a specific item on the agenda. Members of the public will not be shown on video but will be able to speak when called upon. If joining the meeting using the Zoom dial-in number, you can raise your hand by pressing *9. Comments will be limited to three (3) minutes. Please be aware that the Chair has the authority to reduce equally each speaker's time to accommodate a large number of speakers.
2. **Written Comments.** Written public comments must be submitted prior to the start of the meeting by using this ([web form](#)). Please indicate a specific agenda item when submitting your comment. All written comments received prior to the meeting will be provided to the Board members in writing. In the discretion of the Chair, the first ten (10) submitted comments shall be stated into the record of the meeting. Comments read at the meeting will be limited to the first 400 words. Comments received after the start of the meeting will be collected, sent to the Board members in writing, and be part of the public record.

If you have anything that you wish to be distributed to the Board, please provide it via info@sdcommunitypower.org and it will be distributed to the Members.

The public may participate using the following remote options:

Teleconference Meeting Webinar <https://zoom.us/j/94794075133>

Telephone (Audio Only) (669) 900-6833 or (346) 248-7799 | Webinar ID: 947 9407 5133

AGENDA – BOARD OF DIRECTORS – SAN DIEGO COMMUNITY POWER

Welcome

Call to Order

Roll Call

Special Meeting Agenda

The following items call for discussion or action by the Board of Directors. The Board may discuss and/or take action on any item listed below if the Board is so inclined.

1. Board and Employee Child Care During Attendance at Certain Meetings or Events on Behalf of SDCP

Recommendation: Adopt Resolution No. 2022-06 amending the Board Compensation and Reimbursement Policy to provide reimbursement for reasonable child care expenses during attendance at certain meetings of the Board of Directors and to authorize the Chief Executive Officer to establish a program to provide employee child care and/or reimbursement of reasonable child care expenses for attendance at meetings or events outside of business hours.

Adjournment

Compliance with the Americans with Disabilities Act

SDCP Board of Directors meetings comply with the protections and prohibitions of the Americans with Disabilities Act. Individuals with a disability who require a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may contact (888) 382-0169 or info@sdcommunitypower.org. Requests for disability-related modifications or accommodations require different lead times and should be provided at least 72-hours in advance of the public meeting.

Availability of Board Documents

Copies of the agenda and agenda packet are available at <https://sdcommunitypower.org/resources/meeting-notes/>. Late-arriving documents related to a Board meeting item which are distributed to a majority of the Members prior to or during the Board meeting are available for public review as required by law. Previously, public records were available for inspection at San Diego Community Power at Moniker Commons, located at 2869 Historic Decatur Road, San Diego, CA 92106. However, due to the Governor's Executive Orders N-25-20 and N-29-20 and the need for social distancing, in-person inspection is now suspended. Public records, including agenda-related documents, can instead be requested electronically at info@sdcommunitypower.org or by mail to SDCP, 815 E Street, Suite 12716, San Diego, CA 92112. The documents may also be posted at the above website.



SAN DIEGO COMMUNITY POWER Staff Report – Item 1

To: San Diego Community Power Board of Directors

From: Karin Burns, Chief Executive Officer

Subject: Board and Employee Child Care During Attendance at Certain Meetings or Events on Behalf of SDCP

Date: April 28, 2022

RECOMMENDATION

Adopt Resolution No. 2022-06 amending the Board Compensation and Reimbursement Policy to provide reimbursement for reasonable child care expenses during attendance at certain meetings of the Board of Directors and to authorize the Chief Executive Officer to establish a program to provide employee child care and/or reimbursement of reasonable child care expenses for attendance at meetings or events outside of business hours.

BACKGROUND

At the February 24, 2022 Board of Directors meeting, the Board of Directors adopted a Board Compensation and Reimbursement Policy to provide per diem compensation to Directors for attending SDCP Board meetings and reimbursement for actual and necessary expenses under certain circumstances. Specifically, Board Members and Committee Members are eligible for reimbursement of certain travel and other expenses for: (1) attending meetings of other governmental entities or public agencies as a Board-designated representative of SDCP; (2) attending conferences or other organized educational activities conducted in compliance with applicable law, where approved by the Board to attend; and (3) other meetings or activities at which the Board has designated the person to attend. Reimbursement for such expenses must be pre-approved by the Board of Directors prior to the Director incurring the expense.

DISCUSSION AND ANALYSIS

SDCP is preparing to hold one or more Strategic Planning meetings, which are anticipated to occur on a Saturday and last a significant portion of the day. SDCP staff has received at least one inquiry from the Board on whether SDCP will provide reimbursement for child care expenses during Board meetings, such as the Strategic Planning meeting, that occur outside of regularly scheduled Board meetings. Under the current Board Compensation and Reimbursement Policy, such reimbursement would not be authorized.

The proposed amendment to the Board Compensation and Reimbursement Policy would specifically authorize Directors to receive reimbursement for reasonable child care expenses for attending Board of Directors meetings other than regularly scheduled Board meetings. Because the need to attend special meetings can sometimes arise without unexpectedly between regular Board meetings, reimbursement for child care expenses would not be required to be pre-authorized by the Board if the expense is otherwise consistent with the adopted policy. Under the proposed amendment, the reimbursement rate for child care expenses would be limited to \$20.00 per hour during the length of the meeting. Similar to other reimbursements, a Director would be required to submit a claim form and supporting documentation regarding the expenditure in order to receive a reimbursement.

In addition, the proposed resolution amending the Board Compensation and Reimbursement Policy would authorize the Chief Executive Officer to establish a program to provide child care and/or reimbursement of reasonable child care expenses for SDCP employees' mandatory attendance at: (a) Board of Directors or committee meetings outside of regular business hours; or (b) external meetings or events on behalf of SDCP outside of regular business hours. Details of such program may be provided by the Chief Executive Officer in the Employee Handbook.

COMMITTEE REVIEW

None.

FISCAL IMPACT

If all Directors and SDCP employees requested reimbursement for child care expenses for planned, eligible SDCP meetings at the maximum rate of \$20.00 per hour, the fiscal impact would be \$27,040. Because not all Directors or SDCP employees have children or would request reimbursement, the actual fiscal impact would likely be lower.

ATTACHMENTS

Attachment A: Resolution No. 2022-06 Amending the Board Compensation and Reimbursement Policy and Authorizing the Chief Executive Officer to Implement an Employee Child Care Program/Expense Reimbursement for Attendance at Meetings or Events on Behalf of SDCP

Attachment B: Proposed Amendments to Board Compensation and Reimbursement Policy



RESOLUTION NO. 2022-06

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF SAN DIEGO COMMUNITY POWER
AMENDING THE BOARD COMPENSATION AND REIMBURSEMENT POLICY AND
AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO IMPLEMENT AN EMPLOYEE
CHILD CARE PROGRAM/EXPENSE REIMBURSEMENT FOR ATTENDANCE AT
MEETINGS OR EVENTS ON BEHALF OF SDCP**

A. San Diego Community Power (“SDCP”) is a joint powers agency formed pursuant to the Joint Exercise of Powers Act, Cal. Gov. Code § 6500 *et seq.*, California Public Utilities Code § 366.2, and a Joint Powers Agreement first effective on October 1, 2019 (“JPA Agreement”), as amended from time to time.

B. Section 5.10 of the JPA Agreement provides that “the Board may establish rules, regulations, policies, or procedures to govern any such commissions, boards, or committees and shall determine whether members shall be compensated or entitled to reimbursement for expenses.”

C. Government Code section 53232 *et seq.* provides that, when authorized by statute, local agencies may pay compensation to members of a legislative body for attendance at certain occurrences and to reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties, including the activities described therein.

D. Pursuant to Government Code section 6509 and Section 3.4 of the JPA Agreement, SDCP’s powers are subject to the restrictions upon the manner of exercising power possessed by the City of Encinitas, a general law city which is authorized by statute to provide compensation and reimbursement for members of its legislative bodies.

E. On February 4, 2022, the SDCP Board of Directors adopted a Board Compensation and Reimbursement Policy effective March 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of San Diego Community Power as follows:

Section 1. The Board of Directors hereby amends the Board Compensation and Reimbursement Policy as provided in Exhibit A, attached hereto and incorporated herein.

Section 2. The Chief Executive Officer is hereby authorized to establish a program to provide child care and/or reimbursement of reasonable child care expenses up to \$20 per hour for SDCP employees’ mandatory attendance at: (a) Board of Directors or committee meetings outside of regular business hours; or (b) external meetings or events on behalf of SDCP outside of regular business hours. Details of such program may be provided by the Chief Executive Officer in the Employee Handbook.

Section 3. If any provision of this resolution, the attached policy, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution or policy which can be given effect

without the invalid provision or application, and to this end the provisions of this resolution and the policy are severable. The Board of Directors hereby declares that it would have adopted this resolution and the attached policy irrespective of the invalidity of any particular portion thereof.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of San Diego Community Power held on April 28, 2022.

Chair, Board of Directors
San Diego Community Power

ATTEST:

Secretary, Board of Directors
San Diego Community Power



San Diego Community Power

Board Compensation and Reimbursement Policy

Effective Date: April 28, 2022

Adopted/Amended by Resolution 2022-06

PURPOSE

This policy (“Policy”) establishes the terms and conditions for members of the Board of Directors to receive per diem compensation and reimbursement of reasonable and necessary expenses when performing their official duties on behalf of SDCP. This Policy is adopted pursuant to Government Code Section 53232 *et seq.* and must be adopted or amended by resolution.

POLICY

1. Per Diem Compensation for the Board of Directors.

- a. Per Diem and Eligible Meetings. Members of the Board of Directors (“Directors”) shall be entitled to receive per diem compensation as follows:
 - i. \$150 per day for attending meetings of the Board of Directors.
- b. Alternates. An alternate director (“Alternate”) shall be entitled to receive per diem compensation where the Alternate attends a meeting in place of the regular Director. Alternates shall be subject to the terms and conditions applicable to Directors in requesting and receiving per diem compensation under this Policy.
- c. Claim Forms. All per diem requests must be submitted to the Secretary or their designee on a claim form provided by the Secretary within sixty (60) days of the date for which a per diem is requested.
- d. Limitations.
 - i. Directors shall not receive more than two (2) per diem payments in any calendar month.
 - ii. Directors to whom SDCP would pay a per diem under this Policy shall not receive a per diem if they are otherwise eligible to receive a per diem from their respective appointing agency for attendance at SDCP meetings under this Policy.

2. Reimbursement of Reasonable and Necessary Expenses.

- a. Attendance at Meetings and Events on Behalf of SDCP. Directors and Board appointed Committee Members may receive reimbursement for actual and necessary expenses, which may include but not be limited to, travel, meals, lodging, registration, and other expenses incurred in the performance of official duties, for attendance at:
 - i. Each meeting of other governmental entities and public agencies at which the Director or Committee Member have been designated by the Board of Directors to represent SDCP;
 - ii. A conference or organized educational activity conducted in compliance with Government Code Section 54952.2(c) at which the Director or Committee Member have been approved by the Board of Directors to attend; and
 - iii. Other additional meetings or activities at which the Director has been designated by the Board of Directors to represent SDCP.
- b. Rates of Reimbursement. Actual and necessary travel, meals, lodging, and other expenses incurred in the performance of official duties as authorized under this Policy shall be reimbursed at the rates established in Internal Revenue Service Publication 463 or any successor publication, except as limited below:
 - i. For mileage reimbursement using a private vehicle, a Director's mileage costs shall not exceed the cost of coach class airfare plus costs of transportation to and from the airport at the point of departure and destination. Mileage reimbursement shall be equal to the standard rate in effect for business miles deduction by the Internal Revenue Service, as such rate is established from time to time.
 - ii. For lodging in connection with a conference or other organized educational activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at the time of booking. If the group rate is not available, the Director shall use comparable lodging consistent with this Policy.
 - iii. Directors shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging whenever available.
 - iv. If a Director chooses to incur additional costs that are above the rates established under this Policy, or are not otherwise pre-approved by the Board, then the Director may do so at their own expense.
- c. Child Care Expenses During Special Board Meetings. Directors may receive reimbursement for actual and necessary child care expenses incurred during the Director's attendance at any meetings of the Board of Directors other than regular Board meetings. The reimbursement rate for child care expenses shall not exceed \$20 per hour. If a Director chooses to incur additional costs that are above this rate, or are not otherwise pre-approved by the Board, then the Director may do so at their own expense.

- d. Pre-Approval by Board of Directors. Except for reimbursements authorized under subsection (c), all reimbursements under this Policy shall be approved by the Board of Directors in a public meeting before the expense is incurred. All expenses that do not fall within subsection (b) or (c) the rates provided therein shall be approved by the Board of Directors in a public meeting before the expense is incurred.
- e. Claim Forms. All expense reimbursement claims must be submitted to the Secretary or their designee within sixty (60) days of incurring the expense on a claim form provided by the Secretary. Claim forms for expense reimbursement shall be accompanied by the receipts documenting each expense. If no receipt is available, a written explanation and other proof of the expenditure (if available) is required.
- f. Reporting. Directors shall provide brief reports on attendance at meetings or events subject to reimbursement at the next regular meeting of the Board.