

RESOLUTION NO. 2022-21

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF SAN DIEGO COMMUNITY POWER
AMENDING THE BOARD COMPENSATION AND REIMBURSEMENT POLICY TO
INCLUDE ATTENDANCE AT COMMITTEE MEETINGS**

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, SDGP’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 SDGP Board of Directors adopted a Board Compensation and Reimbursement Policy effective March 1, 2022, and amended that Policy on April 28, 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. 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 3. 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 December 15, 2022.

Joe LaCava

Chair, Board of Directors
San Diego Community Power

ATTEST:

K. Isley

Secretary, Board of Directors
San Diego Community Power

AYES: Interim Presiding Officer LaCava (City of San Diego), Alternate Director McCann (Chula Vista), Alternate Director Humora (La Mesa), Director Lawson-Remer (County of San Diego), Alternate Director Bush (National City)

NOES: None

ABSTAINED: None

ABSENT: Encinitas, Imperial Beach



San Diego Community Power

Board Compensation and Reimbursement Policy

Effective Date: December 15, 2022

Adopted/Amended by Resolution 2022-21 Policy Number: 2022-14

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 or Board committees, including standing and ad hoc committees.
- 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 four (4) 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.