

CONCURRENCE IN SENATE AMENDMENTS

AB 2721 (Lee)

As Amended August 1, 2022

Majority vote

SUMMARY

Doubles the daily compensation (per diem) that members of the Bay Area Air Quality Management District (BAAQMD) board may receive for attending meetings, from \$100 to \$200. Authorizes BAAQMD board members to receive compensation for active transportation travel, as defined, to meetings, within the existing total annual compensation limit of \$6,000.

Senate Amendments

- 1) Provide that the compensation provided for active transportation travel may be calculated on a per mile basis or at a fixed daily, weekly, monthly, or annual rate, and may consider specified benefits to using active transportation travel.
- 2) Require any change to the applicable BAAQMD compensation ordinance to be adopted at an open regular meeting of the district board.
- 3) Define "active transportation travel" as walking, bicycling, and other forms of transportation that the district board has found reduce traffic, improve health outcomes, and reduce air pollution.

COMMENTS

Bay Area employers with more than 50 employees are currently required to offer a commute benefits program, overseen by BAAQMD and the Metropolitan Transportation Commission (MTC). Under the program, employers must offer employees one of the following benefits: employer carpool or transit, subsidy for use of transit, active transportation subsidy, or an employer benefit that similarly reduces vehicle miles traveled (VMT). Because BAAQMD board members are not employees they are not covered, however the Government Code does provide local officials the ability to be reimbursed for documented expenses to attend meetings, such as IRS mileage for driving, tolls, transit, etc. According to BAAQMD, because expenses related to walking or biking are not clearly documented, the Government Code doesn't cover them, thus walkers and bikers (on our board) are left out of commute benefits and Government Code reimbursement provisions.

According to BAAQMD, compensation for active transportation would likely be based on a combination of intrinsic factors such as the social cost of carbon, reduced VMT, etc. In the end, it would be less than an IRS mileage rate, but would at least acknowledge that there's a benefit to reduced driving. And, perhaps a display of leadership from our Board on the issue.

According to the Author

Currently, BAAQMD board members can only be reimbursed up to \$100 per day for attending one or multiple meetings. This amount has remained unchanged for over 30 years despite rising inflation and the increased cost of living. Under existing law, board members can only be compensated for certain types of transportation to and from meetings such as driving a personal vehicle, using a taxi or ride share service, or using transit such as buses, trains, and ferries.

AB 2721 allows these meetings to be more efficient, by changing compensation from \$100/day to \$100/meeting without changing the annual compensation limit. It also allows the Board to create a compensation schedule that encourages members to take active transportation methods to meetings, such as walking or bicycling.

Arguments in Support

According to sponsor BAAQMD, currently, members of the board can only be reimbursed up to \$100 per day for attending one or multiple meetings per day, an amount that has remained unchanged since 1986. AB 2721 encourages consolidation of multiple board, committee, and public functions on single days. Consolidating meetings and encouraging more than one meeting per day would make for longer meeting days, but would be more efficient and to minimize travel for board members as well as the larger public that attends these meetings. In addition, AB 2721 allows the board to create a compensation schedule that encourages board members to physically attend meetings using active transportation modes such as walking or bicycling.

Arguments in Opposition

None received.

FISCAL COMMENTS

None.

VOTES:

ASM NATURAL RESOURCES: 10-0-0

YES: Luz Rivas, Flora, Friedman, Cristina Garcia, Mathis, McCarty, Muratsuchi, Seyarto, Stone, Wood

ASSEMBLY FLOOR: 67-3-7

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO: Gray, Nguyen, Salas

ABS, ABST OR NV: Choi, Cooley, Gallagher, Kiley, Mayes, Muratsuchi, Patterson

SENATE FLOOR: 37-0-3

YES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Bates, Borgeas, Melendez

UPDATED

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