

Date of Hearing: April 4, 2022

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Luz Rivas, Chair

AB 2721 (Lee) – As Amended March 10, 2022

SUBJECT: Bay Area Air Quality Management District: district board: compensation

SUMMARY: Doubles the daily compensation that a member 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 to meetings, within the existing total compensation limit of \$6,000 per year.

EXISTING LAW:

- 1) Provides the Air Resources Board (ARB) with primary responsibility for control of mobile source air pollution and provides that local air districts have primary responsibility for controlling air pollution from all sources, other than emissions from mobile sources, and establishes certain powers, duties, and requirements for those districts.
- 2) Creates certain air districts, including districts that cover a single county, as well as unified and regional districts that cover multiple counties.
- 3) Establishes the BAAQMD to regulate air emissions in the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma.
- 4) Establishes a 24-member board to govern the BAAQMD and prescribes the membership of the board.
- 5) Requires BAAQMD board members receive actual and necessary expenses incurred in the performance of board duties and authorizes compensation not to exceed \$100 per day for attending meetings of the board or committees of the board or while on official business of the district, not to exceed \$6,000 per year.

THIS BILL:

- 1) Increases maximum daily compensation for BAAQMD board members attending meetings from \$100/day to \$100/meeting, up to \$200/day.
- 2) Authorizes BAAQMD board members to receive compensation for “active transportation travel” (i.e., walking or biking) to meetings. (Compensation for active transportation is not subject to the \$200 daily limit, but is subject to the \$6,000 annual limit.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Background.** 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.

2) Author's statement:

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.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

Analysis Prepared by: Lawrence Lingbloom / NAT. RES. /