

BOARD MEETING DATE: July 7, 2017

AGENDA NO. 13

PROPOSAL: Adopt Resolution and Amend Administrative Code for Hearing Board Member Compensation

SYNOPSIS: Hearing Board Member compensation is substantially based on Governing Board action in 2004, but with cost-of-living increases being added since that time. The Hearing Board's workload has increased in technical, legal, and socio-economic complexity so an adjustment to compensation is being recommended to ensure retention and attraction of highly qualified members. In addition, the Hearing Board compensation was previously documented through a series of Governing Board Resolutions and is now being incorporated into the Administrative Code to provide more transparency and to codify this information in a single location.

COMMITTEE: No Committee Review; Requested by Governing Board Chair at Administrative Committee, June 9, 2017

RECOMMENDED ACTION:

Adopt the attached Resolution and amendment to the Administrative Code to amend Hearing Board Compensation.

Wayne Natri
Executive Officer

MBO:lg

Background

In October 1992, the Governing Board set the monthly compensation for Hearing Board members at \$5,000 per month (\$60,000 per year). In June 1995, as part of cost reduction efforts, the annual compensation for regular members of the Hearing Board was reduced to \$50,000 per year, except the member-elected Chair was increased to \$65,000. In 2004, 2006, and 2015, the annual compensation was increased for cost of living adjustments.

The current Hearing Board member compensation is \$5,686.58 per month (\$68,238.96 per year), except the member-elected Chair's compensation is \$7,393.01 per month (\$88,716.12 per year). The alternate member's compensation is \$443.57 per day, with

the same amount being deducted from the absent Hearing Board member. In the event the Vice-Chair acts in the Chair's absence, the Vice-Chair receives \$100 extra compensation per day, with the same amount being deducted from the Chair for the day. Newly appointed regular or alternate Hearing Board members are permitted an orientation period of up to 15 days at a compensation rate of \$150 per day.

In addition to the compensation described above, each Hearing Board member, including alternate members, may receive up to \$8,000 per year as reimbursement for travel, meals, and lodging when performing their official functions or attending conferences. The reimbursement amount also includes lunch expenses, within established limits, on days when hearings extend beyond noon.

Proposal

The Hearing Board provides an important function for SCAQMD. The Hearing Board's workload has increased in technical, legal, and socioeconomic complexity so an adjustment to compensation is being recommended to ensure retention and attraction of highly qualified members.

This proposal includes increasing the Hearing Board member compensation to \$7,500 per month (\$90,000 per year), increasing the Chair of the Hearing Board compensation to \$9,750 per month (\$117,000 per year), increasing the Hearing Board medical doctor member's compensation to \$12,500 per month (\$150,000 per year), increasing the alternate Hearing Board member's compensation to \$585.07 per day, increasing the alternate Hearing Board medical doctor member's compensation to \$974.97 per day, increasing the orientation period compensation rate to \$198 per day for new Hearing Board members and \$330 per day for new Hearing Board Medical Doctor or alternate Medical Doctor, increasing the \$100 per day extra compensation for the Vice-Chair acting in the Chair's absence to \$132 per day. All other rates and limits are proposed to remain at their current levels.

A compensation rate comparison is shown in the table below:

	Compensation Rate	
	Current	Proposed
Hearing Board Member	\$5,686.58/month	\$7,500.00/month
Hearing Board Chair	\$7,393.01/month	\$9,750.00/month
Hearing Board Medical Doctor	\$5,686.58/month	\$12,500.00/month
Hearing Board Alternate	\$443.57/day	\$585.07/day
Hearing Board Alternate Medical Doctor	\$443.57/day	\$974.97/day
New Hearing Board Member Orientation	\$150.00/day	\$198.00/day
New Hearing Board Medical Doctor or Alternate Medical Doctor Orientation	\$150.00/day	\$330.00/day
Acting Hearing Board Chair	\$100.00/day	\$132.00/day

Additionally, this proposal includes incorporating these items into the Administrative Code to provide more transparency and to codify this information in a single location.

Resource Impacts

The current total annual compensation, not including expense reimbursements, is approximately \$362,000. The proposal includes total annual compensation in the amount of \$537,000, or an increase of \$175,000. The additional compensation is included in the adopted fiscal year 2017-18 SCAQMD General Fund budget, therefore no additional appropriations are required.

Attachments

Resolution

Draft Administrative Code Section 113 – Hearing Board Compensation and Availability

ATTACHMENT

RESOLUTION NO. 17-_____

A Resolution of the South Coast Air Quality Management District (SCAQMD) Governing Board modifying the compensation for members and alternate members of the SCAQMD Hearing Board.

WHEREAS the SCAQMD Governing Board finds it appropriate to modify the compensation of the members and alternate members of the SCAQMD Hearing Board to ensure the ability to attract and retain qualified members.

THEREFORE, BE IT RESOLVED by the SCAQMD Governing Board, State of California, in regular session assembled on July 7, 2017, that, effective July 1, 2017, members of the SCAQMD Hearing Board shall be compensated at a rate of \$7,500.00 per month, the member-elected Chair of the Hearing Board shall be compensated at a rate of \$9,750 per month, and the SCAQMD Hearing Board Medical Doctor shall be compensated at a rate of \$12,500 per month for (i) attending and preparing for meetings of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board, and (ii) participating in conferences on behalf of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board.

BE IT FURTHER RESOLVED that effective July 1, 2017, alternate members of the SCAQMD Hearing Board shall be compensated at a rate of \$585.07 per day and the alternate Medical Doctor shall be compensated at a rate of \$974.97 per day for days spent doing the work of a regular member of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board, and for participating in conferences on behalf of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board.

BE IT FURTHER RESOLVED that, for each daily absence, as recorded by the Clerk of the Boards, of a member of the SCAQMD Hearing Board, that the member's monthly compensation shall, effective July 1, 2017, be reduced by \$585.07, and the Medical Doctor member be reduced by \$974.97.

BE IT FURTHER RESOLVED that the member-elected Vice Chair of the Hearing Board shall be compensated an additional \$132 per day when presiding for the day over the daily calendar in the absence of the Chair, as recorded by the Clerk of the Board, in which case, the absent Chair's daily pay shall be reduced by \$132.

BE IT FURTHER RESOLVED that, in addition to such compensation, each member or alternate member shall receive reimbursement for travel, meals, and lodging as prescribed by SCAQMD's *Administrative Code* when performing their official functions or attending approved conferences, in an amount not to exceed \$8,000 per year.

BE IT FURTHER RESOLVED that any newly appointed regular member or alternate member who has not had prior experience as either a regular or alternate member of the SCAQMD Hearing Board shall be permitted to serve an orientation period not to exceed 15 days or until the alternate sits in the place of a regular member, whichever occurs first, at a compensation of \$198 per day, or \$330 per day for the regular or alternate Hearing Board Medical Doctor, for actual days spent for the purpose of developing familiarity with SCAQMD Hearing Board methods and procedures.

BE IT FURTHER RESOLVED that compensation for Hearing Board Member, Chair of the Hearing Board, Hearing Board Medical Doctor, and Hearing Board alternate and Hearing Board Medical Doctor alternate shall be adjusted at the rate and on the effective date approved by the Board for Board Consultants and Assistants.

BE IT FURTHER RESOLVED that, unless approved by the Chair of the SCAQMD Hearing Board, no alternate member may be compensated for attending any meeting that the regular member for whom he or she is an alternate is compensated, except that an alternate may be compensated for attendance at a meeting for such time as the alternate's participation is required because of (i) the disqualification of the regular member because of the provisions of state law or SCAQMD's Conflict of Interest Code or (ii) the regular member is attending a meeting of a committee to which he or she has been appointed by the full Hearing Board.

BE IT FURTHER RESOLVED that the members are required to be available Tuesday through Thursday; and the member-elected Chair is required to be available Tuesday through Friday to handle *ex parte* variances, pre-hearing conferences, and single-member hearings.

BE IT FURTHER RESOLVED that, in addition to the requirements set forth in the preceding paragraph; the members, with reasonable notice, shall be available evenings and weekends so that hearings may be scheduled on days and at times that are more convenient for public participation for issues which generate strong community interest.

BE IT FURTHER RESOLVED that the Hearing Board is authorized to hold single-member hearings in accordance with the conditions set forth in Health and Safety Code Section 40501.3.

BE IT FURTHER RESOLVED that Resolution No. 07-23, adopted November 2, 2007, and Resolution No. 07-27, adopted December 7, 2007 are hereby repealed.

Date

Clerk of the Boards

Section 113 - Hearing Board Compensation and Availability

1. **INTRODUCTION.** Health & Safety Code Section 40501 provides that: “The South Coast District Board shall appoint a Hearing Board...” in accordance with certain membership and qualification requirements. SCAQMD’s Board finds it appropriate to compensate members and alternate members of the SCAQMD Hearing Board to ensure the ability to attract and retain qualified members.
2. **COMPENSATION.** Effective July 1, 2017, SCAQMD Hearing Board members and alternate members shall be compensated as follows:
 - a. SCAQMD Hearing Board members shall be compensated at a rate of \$7,500.00 per month, the member-elected Chair of the SCAQMD Hearing Board shall be compensated at a rate of \$9,750 per month, and the SCAQMD Hearing Board Medical Doctor shall be compensated at a rate of \$12,500 per month for (i) attending and preparing for meetings of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board, and (ii) participating in conferences on behalf of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board.
 - b. Alternate members of the SCAQMD Hearing Board shall be compensated at a rate of \$585.07 per day and the alternate SCAQMD Hearing Board Medical Doctor shall be compensated at a rate of \$974.97 per day for days spent doing the work of a regular member of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board, and for participating in conferences on behalf of the SCAQMD Hearing Board, as approved by the Chair of the SCAQMD Hearing Board.
 - c. For each daily absence, as recorded by the Clerk of the Boards, of a member of the SCAQMD Hearing Board, that the member’s monthly compensation shall be reduced by \$585.07, and the SCAQMD Hearing Board Medical Doctor member be reduced by \$974.97.
 - d. The member-elected Vice Chair of the SCAQMD Hearing Board shall be compensated an additional \$132 per day when presiding for the day over the daily calendar in the absence of the Chair, as recorded by the Clerk of the Board, in which case, the absent Chair’s daily pay shall be reduced by \$132.
 - e. Any newly appointed regular member or alternate member who has not had prior experience as either a regular or alternate member of the SCAQMD Hearing Board shall be permitted to serve an orientation period not to exceed 15 days or until the alternate sits in the place of a regular member, whichever occurs first, at a compensation of \$198 per day, or \$330 per day for the regular or alternate Hearing Board medical Doctor, for actual days spent for the purpose of developing familiarity with SCAQMD Hearing Board methods and procedures.

- f. The compensation described above shall be adjusted at the rate and on the effective date approved by the SCAQMD Board for Board Consultants and Assistants.
- g. Unless approved by the Chair of the SCAQMD Hearing Board, no alternate member may be compensated for attending any meeting that the regular member for whom he or she is an alternate is compensated, except that an alternate may be compensated for attendance at a meeting for such time as the alternate's participation is required because of (i) the disqualification of the regular member because of the provisions of state law or SCAQMD's Conflict of Interest Code or (ii) the regular member is attending a meeting of a committee to which he or she has been appointed by the full SCAQMD Hearing Board.
- 3. EXPENSES.** Each member or alternate member of SCAQMD's Hearing Board shall receive reimbursement for travel, meals, and lodging as prescribed by Section 120 of this Code when performing their official functions or attending approved conferences, in an amount not to exceed \$8,000 per year.
- 4. AVAILABILITY.** Each member is required to be available Tuesday through Thursday; and the member-elected Chair is required to be available Tuesday through Friday to handle ex parte variances, pre-hearing conferences, and single-member hearings. In addition, with reasonable notice, members shall be available evenings and weekends so that hearings may be scheduled on days and at times that are more convenient for public participation for issues which generate strong community interest.
- 5. SINGLE-MEMBER HEARINGS.** The SCAQMD Hearing Board is authorized to hold single-member hearings in accordance with the conditions set forth in health and Safety Code Section 40501.3.