EXECUTIVE COMMITTEE MEETING AGENDA

December 9, 2020 6:00 p.m. Teleconference Meeting

Access the meeting remotely by using this URL: https://zoom.us/i/9152161630 Meeting ID: 915 216 1630

- 1. Roll Call
- 3. Agenda Amendments
- 4. Public Comments
- 5. Consideration and Action for the Executive Director's 2021 Employment Agreement
- 6. Review and Recommendation for Adoption of the CY 2021 Budget and Membership Dues
- 7. Recommendation for Appointment for the Office of Treasurer
- 8. Adjournment

Executive Director's Report

Agenda Item 5. Consideration and Action for the Executive Director's 2021 Employment Agreement

Section 10 (e) of the ACMC Bylaws provides that the Executive Committee shall recommend the appointment of the Executive Director, subject to the approval of the majority of the Conference's membership.

Section 3 of the current service agreement with the Executive Director states that it will automatically terminate on December 31, 2020 unless extended by mutual agreement of the parties in conjunction with the term of the annual budget. As such, it is appropriate to consider the attached new service agreement that, if approved by the membership, would become effective January 1, 2021, and have a term of one year. A marked copy of the proposed employment agreement is included as Attachment 1.

There are no substantive changes proposed to the agreement, except for minor edits to reflect current responsibilities more accurately and a language change to correct an error in the agreement related to the Executive Director's compensation.

Regarding the Executive Director's compensation as detailed in Section 1 (k) or the agreement, in reviewing the agreement with the City of San Leandro's Finance staff, it was identified that the Executive Director's total compensation is set at \$3,046.56 monthly plus an auto allowance of \$119.00/month for a total monthly compensation amount of \$3,165.56. However, the \$3,046.56 monthly amount already includes the auto allowance and thus, the auto allowance was factored into the monthly compensation twice. In addition, the automobile allowance should be \$122.57, resulting in total compensation of \$3,040.56 not \$3,046.56 as stated in the agreement. Fortunately, the City of San Leandro has been paying the correct amount of \$3,040.56 monthly and therefore, no financial adjustments are necessary. However, it is necessary to correct the agreement to reflect the correct amount as reflected in the table below.

No adjustments are requested for the Executive Director's Compensation in 2021. However, as indicated in the table and amended language below, a slight adjustment for rounding the dollar amounts is included in the new agreement.

A Summary of Executive Director Compensation Since 2017

Year	Monthly	Auto	Monthly Total	Annual	Adjustments
	Compensation	Allowance	Compensation	Compensation	
2017	\$2,833.00	\$119.00	\$2,952.00	\$35,424.00	N/A
2018	\$2,833.00	\$119.00	\$2,952.00	\$35,424.00	0.00%
2019	\$2,917.99	\$122.57	\$3,040.56	\$36,486.72	3.00%
2020	\$2,917.99	\$122.57	\$3,040.56	\$36,486.72	0.00%
2021*	\$2,918.00	\$123.00	\$3,041.00	\$36,492.00	0.00%

^{*}Proposed

To reflect the information above, Section K of the amended service agreement includes the language for the Executive Director's compensation as follows:

k. In consideration for providing the Conference specified professional services the Contractor shall be compensated at the rate of Two Thousand Nine Hundred Dollars and 00 cents (\$2,918.00) per month. The Contractor shall also receive an automobile allowance of One Hundred Twenty-Three Dollars (\$123.00) per month. Total compensation and auto allowance shall be \$3,041.00 per month. Contractor shall be reimbursed for out-of-pocket expenses incurred on behalf of the Conference.

<u>RECOMMENDATION</u> – Consider the amended and extended Executive Director's professional services agreement and make a recommendation regarding an appointment to the membership.

Agenda Item 6. Review and Recommendation for Adoption of the CY 2021 Budget

Section 10 (a) of the ACMC Bylaws provides that the Executive Committee shall review and may revise the proposed annual operating budget and assessment schedule (i.e. membership dues) as prepared by the Executive Director and that it be submitted to the full membership for approval.

The proposed annual Operating Budget is set on a calendar year basis. Revenues come primarily from membership dues that are comprised of two components, an annual membership fee (\$3,422) which covers administrative costs at \$40,742 and an annual dinner expense fee (\$840) roughly covering the cost of monthly busines meetings and dinners. The sum of these two components make up the total membership dues and most cities are assessed \$4,262* yielding a total of \$44,480 in membership dues.

Proposed changes to the budget include \$300 for webpage modifications if necessary, and \$100 for office supplies.

As a result of the transition to Zoom meetings, the Conference has not spent the revenue collected for in person meetings and dinner expenses. As such, the budget surplus (i.e. equity) is estimated to grow to \$29,451 at the end of this year. In 2016, the budget surplus was \$13,617.

To address this situation, three options are presented for consideration:

- Option1 Make no changes to the 2021 dinner expense fees (\$840)
- Option 2 Waive 50% of the 2021 dinner expense fee (\$840 *50% = \$420)
- Option 3 Waive 100% of the 2021 dinner expense fee (\$0)

All options assume that there will be six in person meetings with dinners held during the calendar year and additional meeting will alter the numbers. The table below outlines the three options.

Listing of Options for Amount of Dinner Fee

Category	Option 1	Option 2	Option 3
	100% Dinner Fee	50% Dinner Fee	No Dinner Fee
Revenue			
Membership Fee*	\$44,480	\$44,480	\$44,480
Dinner Expense Fee	\$11,760	\$5,880	\$0
Dinner Reimbursements	\$1,500	\$1,500	\$1,500
Total Revenue	\$57,740	\$51,860	\$45,980
Expenses			
Executive Director	\$36,492	\$36,492	\$36,492
Financial Accounting	\$3,550	\$3,550	\$3,550
General Admin Expenses	\$700	\$700	\$700
Dinner Expenses	\$9,000	\$9,000	\$9,000
Total	\$49,742	\$49,742	\$49,742
Year Ending Balance	\$7,998	\$2,118	(\$3,762)
Beginning Balance	\$29,451	\$29,451	\$29,451
Reserves	\$37,449	\$31,569	\$25,689

^{*}The cities of Albany, Emeryville, Newark, and Piedmont pay an annual membership dues of \$2,565. All other cities pay \$3,422. The annual diner expense fee is \$840 for all cities.

Based on the amount of estimated year ending reserves, waiving the full dinner fee for calendar year 2021 could be absorbed by existing budget reserves resulting in a year-end balance of \$25,689 and therefore, it is being recommended. If there are more than six in person meetings with dinners, the fee waiver can be revisited depending on need. Also, any changes, except for Option 1, will be in place for CY 2021 only and CY 2022 will revert to the full fee amount.

<u>RECOMMENDATION</u> – Consider the attached CY 2021 annual budget and make a recommendation regarding its adoption, including one of the three options presented for the 2021 membership dues assessment.

7. Consideration of Appointment for the Office of Treasurer

Section 10 (f) of the ACMC Bylaws provides that the Executive Committee shall recommend the appointment for the Office of Treasurer. The Treasurer responsibilities include assuring that all financial transactions of the Conference are maintained, to insure that all dues are revenues are properly recorded and reported, and to work with the Executive Director in preparation of the Budget.

Jeff Kay, City Manager, City of San Leandro, is the current Treasurer and he will be leaving San Leandro prior to our January 2021 meeting. As such, it is necessary to appoint a new Treasurer. The Executive Committee may set the term of the Treasure as needed.

The City of San Leandro provides financial services for the Mayors' Conference and as a result, historically, the Treasurer has been the City's city manager. However, because the City is currently conducting a recruitment for the city manager position, it is appropriate to consider an alternative until such time that a new city manager is on board with the city. As such, it is recommended to consider the appointment of Elizabeth Warmerdam, Assistant City Manager, City of San Leandro. Elizabeth is currently responsible for directing the departments of Finance, Engineering and Transportation, Public Works, Library, and the Office of the City Clerk. She would assume the role of Treasurer until such time as the City appoints a new City Manager at which time the Executive Committee would consider a new appointment.

<u>RECOMMENDATION</u> – Recommend the appointment of Elizabeth Warmerdam, Assistant City Manager, City of San Leandro for the office Treasurer until such time as the City of San Leandro has a new city manager that will be forwarded for consideration.

Attachments

- 1. Executive Director Service Agreement
- 2. Proposed 2020 Operating Budget with three options, including membership dues

Executive Committee Members

Chair – Dave Haubert Vice-Chair – Marilyn Ezzy Ashcraft Immediate Past President – Al Nagy Member – Vacant Member (Elected from City Council) – Vacant Alternate – Carol Dutra-Vernaci

ALAMEDA COUNTY MAYORS' CONFERENCE

This agreement is entered into this 1st day of January 2021, by and between the Alameda County Mayors' Conference, a voluntary organization of cities hereinafter called "Conference," and Steven Bocian, hereinafter called "Contractor."

WITNESSETH

WHEREAS, Conference is desirous of securing certain professional services in order to carry out the purposes of the organization; and

WHEREAS, the Contractor is organized and equipped for the purpose of providing such professional services.

NOW, THEREFORE, in consideration of the promises hereinafter set forth, the parties do hereby agree as follows:

- 1. The Contractor shall perform the following activities and services:
 - a. To serve as the Executive Director of the Conference, and as necessary, serve as liaison officer before State Legislative committees pertaining to issues affecting local government, particularly in Alameda County, and to the maintenance of information and communication with the State legislative delegation representing Alameda County.
 - b. To insure proper communication with and representation before all regional agencies and the Alameda County Board of Supervisors, including recording minutes and processing applications and appointments made by the Conference and for the Alameda County City Selection Committee to regional boards, as required.
 - c. To keep a good and sufficient record of the proceedings of the Conference.
 - d. To keep a record and ascertain the qualifications of each member and alternate member.
 - e. To maintain files for all reports, correspondence, and other business of the Conference.
 - f. Upon request, to attend meetings of the various committees of the Conference so as to lend any technical guidance, conduct of research, or the provision of whatever clerical assistance that may be needed.
 - g. Annually, with assistance from the Conference Treasurer, to prepare and present a proposed budget and assessment schedule to the Executive Committee, and to control the approved budget.

- h. Investigate digitizing permanent existing paper records and present findings to Conference members, summarizing cost and completion timeline. Obtain Conference approval, and digitize records if approval is granted Retain digital files of all matters related to the Conference and post meeting agenda, and related documents, and business meeting minutes on the Conference website for public access.
- i. <u>Continue to maintain and regularly update Research options for constructing anthe Alameda County Mayors' Conference website.</u> and present findings to Conference members. Obtain Conference approval, and create a website if approval is granted.
- j. To perform such other duties as the Conference may from time to time direct.
- k. In consideration for providing the Conference specified professional services the Contractor shall be compensated at the rate of Three Thousand Forty-Six Dollars and 56 cents (\$3,046.56) per month-, which includes The Contractor shall also receive an automobile allowance of One Hundred Nineteen Dollars (\$119.00) per month. Contractor and shall also be reimbursed for out-of-pocket expenses incurred on behalf of the Conference.
- 2. The Contractor and Conference understand Steven Bocian is not acting hereunder in any manner as an employee of the Conference, but solely under this agreement as an independent contractor. Contractor shall indemnify, defend, and hold harmless Conference, its boards and commissions, officers, and employees from and against any and all loss, damages, liability, claims, suits, costs, and expenses whatsoever, including reasonable attorneys' fees, regardless of the merits or outcome of any such claim or suit arising from or in any manner connected to Contractor's negligent performance of services or work conducted or performed pursuant to this Agreement.

Because Conference has relied on the specific background and capabilities of Contractor in awarding this agreement, any assignment of Contractor's interest in this agreement shall be null and void and shall confer no right, title, or interest in this agreement.

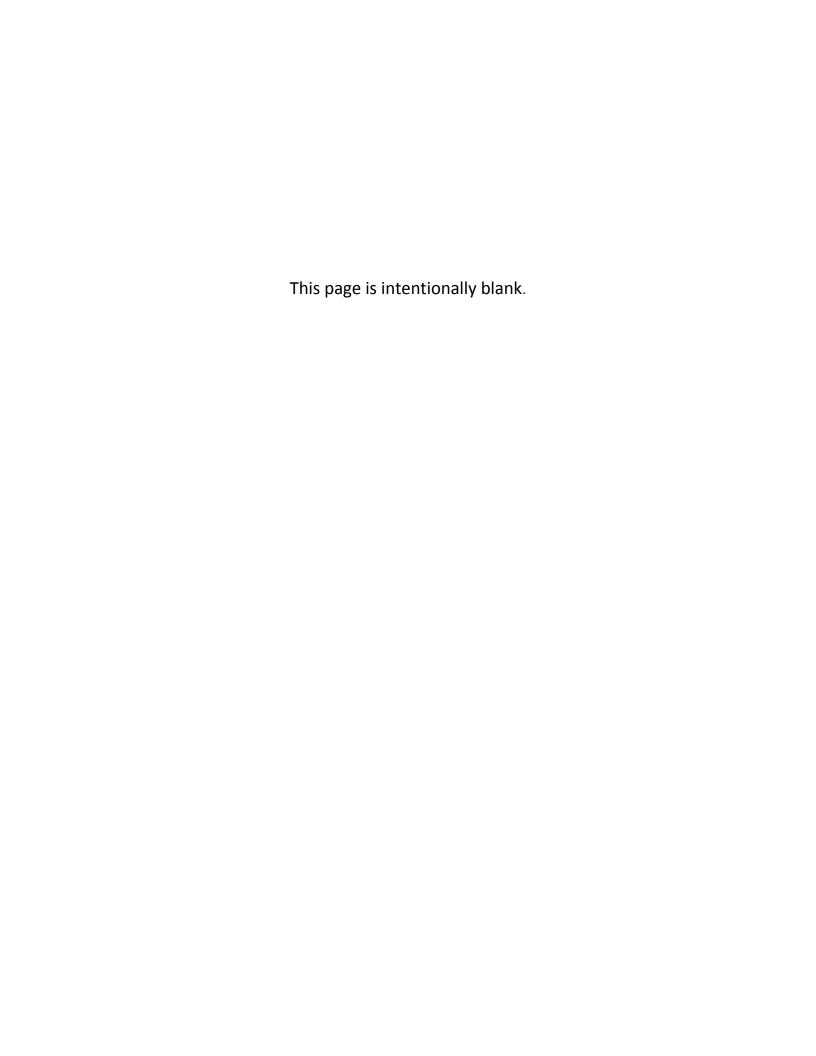
3. This agreement supersedes any existing contract for these services and shall be for the period from January 1, 2021, through December 31, 2021, and will automatically terminate on December 31, 2021, unless extended by mutual agreement of the parties in conjunction with the term of the annual budget. This agreement may be terminated by either party upon ninety (90) days written notice to the other party.

NOTICES: All notices or other communications required or permitted hereunder shall be in writing and shall be personally delivered, sent by courier, messenger services, or sent by registered or certified mail, postage paid, return receipt requested, and shall be deemed received upon the earlier of (1) the date of delivery to the address of the person to receive such notice at the following addresses, or (2) five (5) business days after the date of posting by the United States Post Office:

	Mayor David Haubert City of Dublin 100 Civic Plaza Dublin, CA 94568
To Contractor: Steven	a Bocian 4887 Merganser Court Pleasanton, CA 94566
IN WITNESS WHER	REOF, the parties have caused this agreement to be executed.
CONTRACTOR	ALAMEDA COUNTY MAYORS' CONFERENCE
Steven Bocian, a sole proprietor	David Haubert, President
Dated:	

To Conference:

President



ALAMEDA COUNTY MAYORS CONFERENCE ACTUAL AND ESTIMATED BUDGET FOR 2019 THROUGH 2021

(Option 1. Assumes 100% Assessment for Dinner Fee)

		ACTUAL C.Y. 2019			ESTIMATED C.Y. 2020		ROPOSED C.Y. 2021
CASH RECEIPTS (INCOME)							
MEMBERSHIP FEE - (Administration)	*	\$	44,480.00	\$	44,480.00	\$	44,480.00
DINNER EXPENSE FEE	*		11,760.00		11,760.00		11,760.00
INTEREST INCOME			-		0.00		0.00
DINNER REIMBURSEMENTS			3,400.00		1,000.00		1,500.00
TOTAL CASH RECEIPTS		\$	59,640.00	\$	57,240.00	\$	57,740.00
CASH DISBURSEMENTS (EXPENSES)							
CONTRACT (CONSULTANT)			\$35,015.88		\$35,015.88		\$35,016.00
ACCOUNTING SERVICES			3,000.00		3,000.00		3,000.00
OFFICE SUPPLIES/POSTAGE			0.00		0.00		100.00
CAR ALLOWANCE (CONSULTANT)			1,482.84		1,482.84		1,476.00
DINNER EXPENSE			17,250.00		5,250.00		9,000.00
BANK SERVICE CHARGES			491.93		500.00		550.00
WEBPAGE MODIFICATIONS AND REPAIR		0.00		0.00		300.0	
MISCELLANEOUS		325.00		0.00			300.00
TOTAL CASH DISBURSEMENTS		\$	57,565.65	\$	45,248.72	\$	49,742.00
EXCESS (DEFICIT) OF RECEIPTS							
OVER DISBURSEMENTS			2,074.35		11,991.28		7,998.00
EQUITY, BEGINNING			15,385.65		17,460.00		29,451.28
EQUITY, ENDING (DEFICIT)		\$	17,460.00	\$	29,451.28	\$	37,449.28

^{*} The membership fee and dinner expense fee comprise the membership dues.

^{**} Dinner expense fee set at \$840 for 2021

ALAMEDA COUNTY MAYORS CONFERENCE ACTUAL AND ESTIMATED BUDGET FOR 2019 THROUGH 2021

(Option2. Assumes 50% Assessment for Dinner Fee)

		ACTUAL C.Y. 2019			STIMATED C.Y. 2020	PROPOSED C.Y. 2021			OVER/ (UNDER) P.Y. ESTIMATED		
CASH RECEIPTS (INCOME)											
MEMBERSHIP FEE - (Administration)	*	\$	44,480.00	\$	44,480.00	\$	44,480.00		\$ -		
DINNER EXPENSE FEE	*		11,760.00		11,760.00		5,880.00	**	\$ (5,880.00)		
INTEREST INCOME			-		0.00		0.00		-		
DINNER REIMBURSEMENTS			3,400.00		1,000.00		1,500.00		500.00		
TOTAL CASH RECEIPTS		\$	59,640.00	\$	57,240.00	\$	51,860.00	_	\$ (5,380.00)		
CASH DISBURSEMENTS (EXPENSES)											
CONTRACT (CONSULTANT)			\$35,015.88		\$35,015.88		\$35,016.00		\$ 0.1		
ACCOUNTING SERVICES			3,000.00		3,000.00		3,000.00		-		
OFFICE SUPPLIES/POSTAGE			0.00		0.00		100.00		100.00		
CAR ALLOWANCE (CONSULTANT)			1,482.84	1,482.84		1,476.00			(6.84)		
DINNER EXPENSE		17,250.00			5,250.00	9,000.00			3,750.00		
BANK SERVICE CHARGES			491.93		500.00	550.00			50.00		
WEBPAGE MODIFICATIONS AND REPAIR			0.00		0.00	300.00			300.00		
MISCELLANEOUS			325.00		0.00	300.00		_	300.00		
TOTAL CASH DISBURSEMENTS		\$	57,565.65	\$	45,248.72	\$	49,742.00	_	\$ 4,493.28		
EXCESS (DEFICIT) OF RECEIPTS											
OVER DISBURSEMENTS			2,074.35		11,991.28		2,118.00		(9,873.28)		
EQUITY, BEGINNING			15,385.65		17,460.00		29,451.28	_	11,991.28		
EQUITY, ENDING (DEFICIT)		\$	17,460.00	\$	29,451.28	\$	31,569.28	· -	\$ 2,118.00		

 $[\]ensuremath{^*}$ The membership fee and dinner expense fee comprise the membership dues.

^{**}Dinner expense fee set at \$420 for 2021

ALAMEDA COUNTY MAYORS CONFERENCE

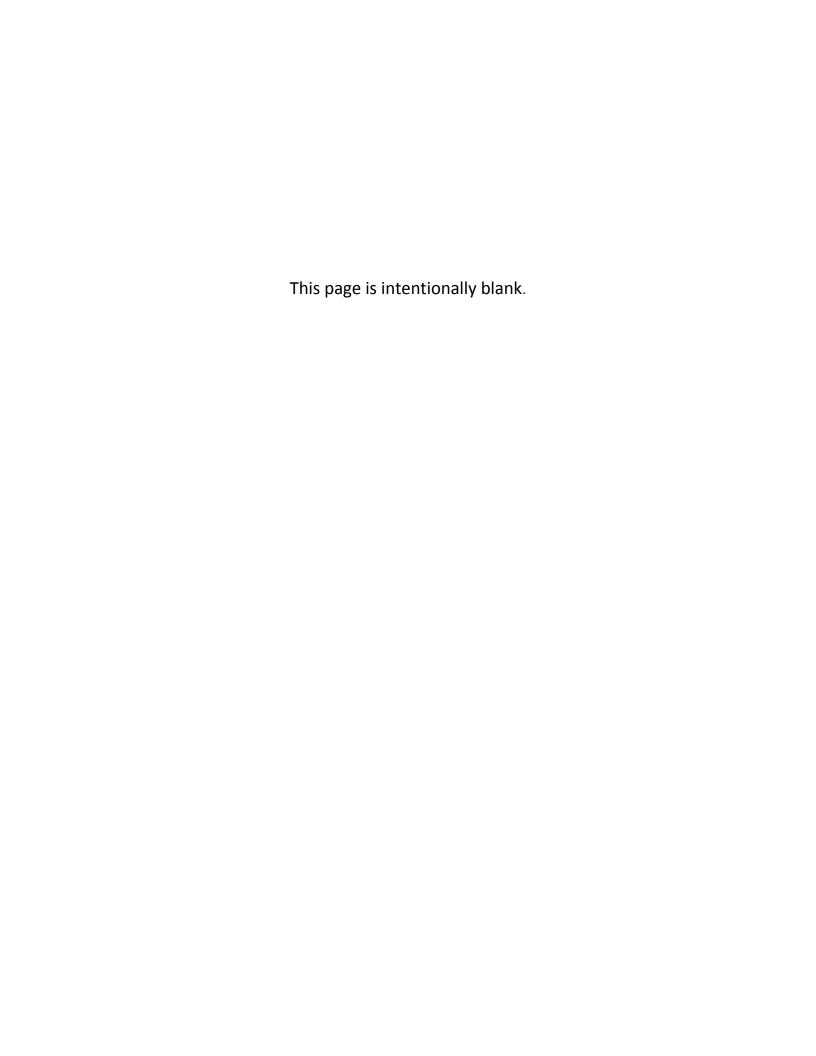
ACTUAL AND ESTIMATED BUDGET FOR 2019 THROUGH 2021

(Option 3. Assumes \$0 Assessment for Dinner Fee)

		ACTUAL C.Y. 2019		STIMATED C.Y. 2020	ROPOSED C.Y. 2021
CASH RECEIPTS (INCOME)					
MEMBERSHIP FEE - (Administration)	*	\$	44,480.00	\$ 44,480.00	\$ 44,480.00
DINNER EXPENSE FEE	*		11,760.00	11,760.00	_ **
INTEREST INCOME			-	0.00	0.00
DINNER REIMBURSEMENTS			3,400.00	1,000.00	1,500.00
TOTAL CASH RECEIPTS		\$	59,640.00	\$ 57,240.00	\$ 45,980.00
CASH DISBURSEMENTS (EXPENSES)					
CONTRACT (CONSULTANT)			\$35,015.88	\$35,015.88	\$35,016.00
ACCOUNTING SERVICES			3,000.00	3,000.00	3,000.00
OFFICE SUPPLIES/POSTAGE			0.00	0.00	100.00
CAR ALLOWANCE (CONSULTANT)			1,482.84	1,482.84	1,476.00
DINNER EXPENSE			17,250.00	5,250.00	9,000.00
BANK SERVICE CHARGES			491.93	500.00	550.00
WEBPAGE MODIFICATIONS AND REPAIR			0.00	0.00	300.00
MISCELLANEOUS			325.00	0.00	 300.00
TOTAL CASH DISBURSEMENTS		\$	57,565.65	\$ 45,248.72	\$ 49,742.00
EXCESS (DEFICIT) OF RECEIPTS					
OVER DISBURSEMENTS			2,074.35	11,991.28	(3,762.00)
EQUITY, BEGINNING			15,385.65	 17,460.00	 29,451.28
EQUITY, ENDING (DEFICIT)		\$	17,460.00	\$ 29,451.28	\$ 25,689.28

^{*} The membership fee and dinner expense fee comprise the membership dues.

^{**} Dinner expense fee set at \$0 for 2021



ALAMEDA COUNTY MAYORS' CONFERENCE 2021 MEMBERSHIP DUES/ ASSESSMENT SCHEDULE MEMBERSHIP FEE WITH ALL OPTIONS

AGENCY	2020 Current Dues		Option 2 50% Fee	Option 3 0% Fee		
		:				
Alameda Membership Fee Dinner Expense Fee Total Fee	\$ 3,422.00 \$ 840.00 \$ 4,262.00	\$ 3,422.0 \$ 840.0 \$ 4,262.0	00 \$ 420.00	\$ 3,422.00 \$0.00 \$ 3,422.00		
Albany						
Membership Fee Dinner Expense Fee Total Fee	\$ 2,565.00 \$ 840.00 \$ 3,405.00	\$ 2,565.0 \$ 840.0 \$ 3,405.0	00 \$ 420.00	\$ 2,565.00 \$0.00 \$ 2,565.00		
Berkeley						
Membership Fee Dinner Expense Fee Total Fee	\$ 3,422.00 \$ 840.00 \$ 4,262.00	\$ 3,422.0 \$ 840.0 \$ 4,262.0	00 \$ 420.00	\$ 3,422.00 \$0.00 \$ 3,422.00		
Dublin						
Membership Fee Dinner Expense Fee Total Fee	\$ 3,422.00 \$ 840.00 \$ 4,262.00	\$ 3,422.0 \$ 840.0 \$ 4,262.0	00 \$ 420.00	\$ 3,422.00 \$0.00 \$ 3,422.00		
Emeryville						
Membership Fee Dinner Expense Fee	\$ 2,565.00 \$ 840.00	\$ 2,565.0 \$ 840.0		\$ 2,565.00 \$0.00		
Total Fee	\$ 3,405.00	\$ 3,405.0		\$ 2,565.00		
Fremont						
Membership Fee	\$ 3,422.00	\$ 3,422.0		\$ 3,422.00		
Dinner Expense Fee Total Fee	\$ 840.00 \$ 4,262.00	\$ 840.0 \$ 4,262.0		\$0.00 \$ 3,422.00		
Hayward						
Membership Fee Dinner Expense Fee	\$ 3,422.00 \$ 840.00	\$ 3,422.0 \$ 840.0		\$ 3,422.00 \$0.00		
Total Fee	\$ 840.00 \$ 4,262.00	\$ 840.0 \$ 4,262.0		\$ 3,422.00		
Livermore		:				
Membership Fee	\$ 3,422.00	\$ 3,422.0		\$ 3,422.00		
Dinner Expense Fee Total Fee	\$ 840.00 \$ 4,262.00	\$ 840.0 \$ 4,262.0		\$0.00 \$ 3,422.00		
Newark		:				
Membership Fee	\$ 2,565.00	\$ 2,565.0		\$ 2,565.00		
Dinner Expense Fee Total Fee	\$ 840.00 \$ 3,405.00	\$ 840.0 \$ 3,405.0	•	\$0.00 \$ 2,565.00		
	φ 3,103.00	; 3,403.0	γ 2,303.00	φ 2,303.00		
Oakland Membership Fee	\$ 3,422.00	\$ 3,422.0	00 \$ 3,422.00	\$ 3,422.00		
Dinner Expense Fee	\$ 840.00	\$ 840.0	00 \$ 420.00	\$0.00		
Total Fee	\$ 4,262.00	\$ 4,262.0	00 \$ 3,842.00	\$ 3,422.00		
Piedmont		- 				
Membership Fee Dinner Expense Fee	\$ 2,565.00 \$ 840.00	\$ 2,565.0 \$ 840.0		\$ 2,565.00 \$0.00		

ALAMEDA COUNTY MAYORS' CONFERENCE 2021 MEMBERSHIP DUES/ ASSESSMENT SCHEDULE MEMBERSHIP FEE WITH ALL OPTIONS

<u>AGENCY</u>	<u>Cu</u>	2020 rrent Dues		Option 1 o Change		Option 2 50% Fee	_	-	Option 3 0% Fee
Total Fee	\$	3,405.00		\$ 3,405.00	\$	2,985.00		\$	2,565.00
Pleasanton			•						
Membership Fee	\$	3,422.00		\$ 3,422.00	\$	3,422.00		\$	3,422.00
Dinner Expense Fee	\$	840.00		\$ 840.00	\$	420.00			\$0.00
Total Fee	\$	4,262.00		\$ 4,262.00	\$	3,842.00		\$	3,422.00
			:						
San Leandro									
Membership Fee	\$	3,422.00		\$ 3,422.00	\$	3,422.00		\$	3,422.00
Dinner Expense Fee	\$	840.00		\$ 840.00	\$	420.00			\$0.00
Total Fee	\$	4,262.00		\$ 4,262.00	\$	3,842.00		\$	3,422.00
			:						
Union City			_				_		
Membership Fee	\$	3,422.00		\$ 3,422.00	\$	3,422.00		\$	3,422.00
Dinner Expense Fee	\$	840.00		\$ 840.00	\$	420.00			\$0.00
Total Fee	\$	4,262.00		\$ 4,262.00	\$	3,842.00		\$	3,422.00
Total	\$	56,240.00		\$ 56,240.00	\$	50,360.00		\$	44,480.00

Notes:

Membership Fees for small cities (population under 50,000) are 25% less than large cities.