

Alameda County Mayors' Conference

EXECUTIVE COMMITTEE MEETING AGENDA

December 8, 2021

6:10 p.m.

Teleconference Meeting

Access the meeting remotely by using this URL:

<https://zoom.us/j/9152161630> Meeting ID: 915 216 1630

1. Roll Call
3. Agenda Amendments
4. Public Comments
5. Consideration and Action for the Executive Director's 2022 Contractor Service Agreement
6. Review and Recommendation for Adoption of the CY 2022 Budget and the Membership Dues Schedule
7. Adjournment

Executive Director's Report

Agenda Item 5. Consideration and Action for the Executive Director's 2022 Contractor Agreement

Section 10 (e) of the APMC 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 contractor service agreement with the Executive Director states that it will automatically terminate on December 31, 2021, 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, 2022, and have a term of one year. The agreement includes all of the services expected of the Executive Director. A copy of the proposed agreement is included as Attachment 1.

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There are no text, service, or Executive Director compensation changes proposed to the agreement. A history of the Executive Directors compensation is detailed in the table below.

A Summary of Executive Director Compensation Since 2017

Year	Monthly Compensation	Monthly Auto Allowance	Annual Total Compensation	Adjustments
2017	\$2,833.00	\$119.00	\$35,424.00	N/A
2018	\$2,833.00	\$119.00	\$35,424.00	0.00%
2019	\$2,917.99	\$122.57	\$36,486.72	3.00%
2020	\$2,917.99	\$122.57	\$36,486.72	0.00%
2021	\$2,918.00	\$123.00	\$36,492.00	0.00%
2022*	\$2,918.00	\$123.00	\$36,492.00	0.00%

*Proposed

RECOMMENDATION – Consider a recommendation to the entire membership regarding approval, rejection, or amendment to the attached Executive Director’s 2022 contractor agreement for professional services.

Agenda Item 6. Review and Recommendation for Adoption of the CY 2022 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 entire membership for approval.

The proposed annual Operating Budget is set on a calendar year basis. Revenues come primarily from membership dues comprised of two components, an Annual Membership Fee of \$3,422, per city* which covers annual administrative costs (estimated in CY 2022 at \$41,092), and an annual Dinner Expense Fee of \$840, which roughly covers the cost of monthly meetings and dinners.

This budget assumes that the Mayors’ Conference will hold eight in-person meetings and dinners in 2022 at an estimated cost of \$12,000. Should the COVID-19 pandemic continue to make in-person meetings and dinners impractical, or should the membership decide to have fewer in-person meetings, this number will be reduced by approximately \$1,500 per meeting. Note that some of this amount is offset by meeting attendees from non-Mayors’ Conference public agencies.

As a result of the transition to Zoom meetings, the Conference did not spend the Dinner Expense Fee revenue collected previously for in-person meetings and dinner expenses. As such, for the second year in a row, it is recommended that the Dinner Expense Fee be temporarily waived for CY 2022 and that the cost of in-person meetings a dinner be absorbed by using existing unencumbered funds. There is no change proposed to the Membership Fee. Assuming this approach, the CY 2022 will have an estimated ending balance of \$26,679.

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RECOMMENDATION – Consider the attached CY 2022 annual budget and membership dues Schedule and make a recommendation regarding its adoption, including the temporary suspension of the CY 2022 Dinner Expense Fee.

Attachments

1. Executive Director Service Agreement
2. Proposed CY 2020 Operating Budget with the schedule of membership dues

*The annual Membership Fee for cities with a population less than 50,000 is \$2,565.

Executive Committee Members

Chair – Marilyn Ezzy Ashcraft

Vice-Chair – Lily Mei

Immediate Past President – Al Nagy

Member – Melissa Hernandez

Member – (Elected from City Council) – Ge'Nell Gary

Alternate – Carol Dutra-Vernaci

ALAMEDA COUNTY MAYORS' CONFERENCE

This agreement is entered into this 1st day of January 2022, 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 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. 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. Continue to maintain and regularly update the Alameda County Mayors' Conference website.
 - 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 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 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, 2022, through December 31, 2022, and will automatically terminate on December 31, 2022, 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:

To Conference: President
 Mayor Marilyn Ezzy Ashcraft
 City of Alameda
 2266 Santa Clara Avenue
 Alameda, CA 94501

To Contractor: Steven Bocian
 4887 Merganser Court
 Pleasanton, CA 94566

IN WITNESS WHEREOF, the parties have caused this agreement to be executed.

CONTRACTOR

ALAMEDA COUNTY MAYORS'
CONFERENCE

Steven Bocian ,
a sole proprietor

Marilyn Ezzy Ashcraft,
President

Dated: _____

ALAMEDA COUNTY MAYORS CONFERENCE
ACTUAL AND ESTIMATED BUDGET FOR 2020 THROUGH 2022
(Assumes \$0 CY 2022 Assessment for Dinner Fee Eight In-Person Dinners)

	ACTUAL CY 2020	ESTIMATED CY 2021	PROPOSED CY 2022
CASH RECEIPTS (INCOME)			
MEMBERSHIP FEE - (Administration)*	\$ 44,480.00	\$ 44,480.00	\$ 44,480.00
DINNER EXPENSE FEE - (Meetings and Dinner)*	11,760.00	0.00	0.00 **
INTEREST INCOME	-	0.00	0.00
DINNER REIMBURSEMENTS	550.00	0.00	2,000.00
TOTAL CASH RECEIPTS	<u>\$ 56,790.00</u>	<u>\$ 44,480.00</u>	<u>\$ 46,480.00</u>
CASH DISBURSEMENTS (EXPENSES)			
EXECUTIVE DIRECTOR CONTRACT	\$35,015.00	\$35,016.00	\$35,016.00
ACCOUNTING SERVICES	3,000.00	3,000.00	3,000.00
OFFICE SUPPLIES/POSTAGE	0.00	0.00	250.00
CAR ALLOWANCE (CONSULTANT)	1,471.00	1,476.00	1,476.00
DINNER EXPENSE	5,250.00	0.00	12,000.00
BANK SERVICE CHARGES	505.00	475.00	550.00
WEBPAGE MODIFICATIONS AND REPAIR	0.00	0.00	500.00
MISCELLANEOUS	0.00	231.00	300.00
TOTAL CASH DISBURSEMENTS	<u>\$ 45,241.00</u>	<u>\$ 40,198.00</u>	<u>\$ 53,092.00</u>
EXCESS (DEFICIT) OF RECEIPTS			
DISBURSEMENTS OVER/ UNDER RECEIPTS	11,549.00	4,282.00	(6,612.00)
PREVIOUS YEAR ENDING BALANCE	<u>17,460.00</u>	<u>29,009.00</u>	<u>33,291.00</u>
ENDING BALANCE	<u>\$ 29,009.00</u>	<u>\$ 33,291.00</u>	<u>\$ 26,679.00</u>

* The membership fee and dinner expense fee comprise the membership dues.

** Dinner expense fee set at \$0 for 2022 Only

**ALAMEDA COUNTY MAYORS CONFERENCE
MEMBERSHIP DUES / ASSESSMENT SCHEDULE
2022**

<u>AGENCY</u>	<u>2020 Membership Dues</u>	:	<u>Membership Fee</u>	:	<u>Dinner Expense Fee</u>	:	<u>2022 Membership Dues</u>	:	<u>% Change*</u>
Alameda	\$ 4,262.00	:	\$ 3,422.00	:	\$ -	:	\$ 3,422.00	:	-20%
Albany	3,405.00	:	2,565.00	:	\$ -	:	2,565.00	:	-25%
Berkeley	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
Dublin	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
Emeryville	3,405.00	:	2,565.00	:	\$ -	:	2,565.00	:	-25%
Fremont	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
Hayward	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
Livermore	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
Newark	3,405.00	:	2,565.00	:	\$ -	:	2,565.00	:	-25%
Oakland	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
Piedmont	3,405.00	:	2,565.00	:	\$ -	:	2,565.00	:	-25%
Pleasanton	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
San Leandro	4,262.00	:	3,422.00	:	\$ -	:	3,422.00	:	-20%
Union City	<u>4,262.00</u>	:	<u>3,422.00</u>	:	<u>\$ -</u>	:	<u>3,422.00</u>	:	<u>-20%</u>
Total	<u>\$ 56,240.00</u>		<u>\$ 44,480.00</u>		<u>\$ -</u>		<u>\$ 44,480.00</u>		-21%

Notes:

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

*Change is the full membership dues last collected in 2020 that includes the \$840 Dinner Expense Fee