

WILLIAM MERRY, P.E., BCEE
GENERAL MANAGER/
DISTRICT ENGINEER

TIMOTHY S. FLANAGAN
ASST. GENERAL MANAGER

RICHARD SHEDDEN, P.E.
SENIOR ENGINEER

RICHARD NORTON
ADMIN. SERVICES MGR.

ROBERT WELLINGTON
COUNSEL



MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

December 2, 2009

Via Email (benjamin.feldman@asm.ca.gov) and Regular Mail

The Honorable Bill Monning
27th District, State Assembly
PO Box 942849
Sacramento, CA 94249-0027

Attn: Benjamin Feldman

Re: Request for Legislation - Boardmember Per Diem

Dear Assemblyman Monning:

The Monterey Regional Waste Management District (hereafter, "MRWMD") is requesting that your office assist us by carrying legislation to correct what MRWMD considers an inequitable and anachronistic level of compensation for district board member service.

MRWMD is one of the very few waste disposal districts organized under the Garbage and Refuse Disposal District ("GRDD") law, found at Public Resources Code 49100, et seq. Section 49123 covers compensation and per diem pay for members of the board. 49123(a) first provides for reimbursement for actual and necessary expenses incurred by board members in the performance of official business. The subsection at issue here, 49123(b), reads: "Members of the district board may also receive not more than fifty dollars (\$50) per diem for each day of actual attendance at the meetings of the board, with the per diem to be established by order of the board and entered upon its minutes. No member of the district board shall, however, receive more than one hundred dollars (\$100) per diem in any calendar month." Section 49123 was enacted twenty years ago.

To our knowledge, nearly all other waste disposal districts are organized under either the County Sanitation District Act (see Section 4733, California Health and Safety Code, the compensation provision), or the Community Services District Law (see Section 61047, California Government Code), or the California Sanitary District Act of 1923 (see Section 6489, California Health and Safety Code). In so many words, each of the three has a member compensation provision for \$100 for each day's service, with a limit of six such payments in any calendar month.

Assemblyman Bill Monning

December 2, 2009

Page 2

Our board members have taken on considerable responsibilities, including attendance at multiple meetings (board, committee, representation at other public agency meetings, participation in training, to name a few), very often exceeding two in a calendar month. Our position is that if the Legislature has determined that members of virtually all public waste disposal districts in California are fairly compensated at the rates noted in the paragraph just above, then our board members, performing at a similar level and shouldering the same responsibilities, should be afforded the same compensation.

We suggest and request that you assist us by carrying legislation that mirrors both Health and Safety Code Section 4733 and Health and Safety Code Section 6489, cited previously. The suggested text to amend subsection (b) of Section 49123 of the Public Resources Code is as follows:

“Each of the members of the board shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day’s attendance at meetings of the board or for each day’s service rendered as a director by request of the board, not exceeding a total of six days in any calendar month.”

Each of the two sections mentioned also provides a method for increasing the amount above \$100; we are not asking for that ability.

Along with the reimbursement allowed per subsection (a) of Section 49100 of the Public Resources Code, we believe the requested amendment will bring our members to a fair degree of equity with their counterparts on most of the state’s waste disposal district boards.

We look forward to hearing from you regarding our request. You may contact me at 831-384-5313 or at wmerry@mrwmd.org.

Sincerely,



William M. Merry, P.E.
General Manager

cc: Board of Directors
Rob Wellington, Esq.