

**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	November 5, 2024
TITLE	Adoption of an Ordinance Providing for Five Percent Increase in Board Member Compensation for Each Day's Attendance at a Compensable Meeting of the Board Public Hearing
DIVISION	General Counsel's Office
FROM	Lynne Bourgault, General Counsel
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

The General Manager recommends that the Board of Directors hold a public hearing and adopt an ordinance providing for a five percent increase (5%) in Board member compensation for each day's attendance at a compensable meeting of the board, up to a maximum of ten days per month.

BACKGROUND

Between 1980 and 2018, compensation for East Bay Regional Park District ("Park District") Board of Directors was set at \$100 for each day's attendance at one or more compensable meetings. Effective January 1, 2019, Public Resources Code section 5536 was amended to allow the daily rate of pay to be increased by up to a five percent annually.

Currently, Directors receive \$127.32 for each day's attendance of one or more compensable meetings, up to a maximum of ten days per month. The rate of compensation was last increased by 5 percent in November 2023 (Ordinance No. 2023-11-250). A five percent increase would increase the daily rate for 2025 from \$127.32 to \$133.69 per day.

The procedures for increasing the amount of Board compensation are set forth in the California Water Code section 20200 et seq., and require the following:

Publication of a notice in the newspaper once per week for two (2) consecutive weeks advising the public of the date of the public hearing where an increase in Board compensation will be considered. A public hearing.

The ordinance establishing a new rate of compensation becomes effective sixty (60) days after adoption.

By way of comparison, rate of pay for members of the Midpeninsula Regional Open Space District Board of Directors is currently set at \$121.28 per day but is also subject to an annual increase. Compensation for members of governing boards of local agencies varies, as not all local agencies are

subject to the same statutory scheme setting compensation. Compensation for AC Transit and Bay Area Rapid Transit (BART) directors is governed by the Public Utilities Code, not the Public Resources Code.

In compliance with Water Code section 20200, staff published a notice of the November 5, 2024 public hearing in the newspaper once per week for two (2) consecutive weeks.

FISCAL IMPACT

Funding is available in the proposed 2025 budget.

ALTERNATIVE

The Board could keep the current compensation at \$127.32 per day (up to a maximum of 10 meetings per month) or could consider an increase less than the allowable five percent. Staff does not recommend either of these alternatives.



**EAST BAY REGIONAL PARK DISTRICT
ORDINANCE NO. 2024 – 11 -
NOVEMBER 5, 2024**

**ADOPTION OF AN ORDINANCE PROVIDING FOR FIVE PERCENT INCREASE IN
BOARD MEMBER COMPENSATION FOR EACH DAY'S ATTENDANCE AT A
COMPENSABLE MEETING OF THE BOARD**

WHEREAS, Public Resources Code section 5536 allows the Board of Directors to increase the amount of compensation received for attending meetings of the Board by up to five percent (5%) annually; and

WHEREAS, the Board of Directors last increased Board member compensation in November 2023 (Ordinance 2023-11-250); and

WHEREAS, Directors currently receive \$127.32 for each day's attendance at one or more compensable meetings, up to a maximum of ten (10) days per calendar month; and

WHEREAS, a five percent increase would result in an increase in compensation from \$127.32 to \$133.69 per day, up to a maximum of ten days per month; and

WHEREAS, on November 5, 2024, the Board of Directors held a public hearing on the proposed five percent increase in compensation; and

NOW, THEREFORE BE IT ORDAINED, by the Board of Directors of the East Bay Regional Park District as follows:

Section 1: The amount of compensation to be received by the Board of Directors for each day's attendance at one or more compensable meetings of the Board shall be increased by five percent from \$127.32 to \$133.69 per day.

Section 2: The determination of whether a Director's activities on any specific day are compensable shall be made pursuant to Government Code section 53232 et seq. and as set forth in the Board Operating Guidelines.

Section 3: No Director shall receive compensation set forth in Section 1 of this Ordinance for more than ten (10) days in any calendar month.

Section 4: This Ordinance shall be published once within thirty (30) days after adoption in a newspaper of general circulation printed, published, and circulated in the East Bay Regional Park District.

Section 5: Pursuant to California Water Code section 20204, this Ordinance shall take effect sixty (60) days from the date of adoption.

Section 6: If any section, subsection, clause, or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof be held invalid.

Section 7: All other previously enacted Ordinances and Resolutions providing for Board member per diem compensation shall be rescinded in their entirety and superseded by this Ordinance.

Moved by Director _____, and seconded by Director _____, and adopted November 5, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: