

East Bay Regional Park District – Legislative Proposal

Public Resources Code Article 3 Modernization Legislation

Last updated: Friday, February 7, 2025

Proposal: The proposed amendments to Public Resources Code Article 3 aim to modernize and streamline governance, compensation, operational structure and land management practices for regional park districts. By doing so, it will support agencies formed under this article in addressing contemporary challenges such as climate change, extreme weather, equity and sustainable open space management.

Introduction

The Public Resources Code Sections 5500 through 5595 govern regional park districts in California, and provide a framework for land management, governance and administrative processes. As the needs of California's communities evolve, the governance and operational structures of these districts must also adapt to stay responsive, efficient and sustainable. This proposal seeks to modernize the Public Resources Code Sections 5500 through 5595, enhancing the functionality of regional park districts in meeting contemporary environmental, social and operational challenges.

Background

The East Bay Regional Park District and Midpeninsula Regional Open Space District, along with similar agencies, play a critical role in preserving California's natural spaces while also providing valuable recreational opportunities for their residents. However, existing applicable provisions in the Public Resources Code are increasingly outdated and do not fully address the current demands of land management, governance or sustainable environmental practices. Over time, challenges such as climate change, equity in access to open space and the need for more efficient administrative processes have become more pronounced. The proposed amendments aim to address these issues through a comprehensive update of Article 3 of the Public Resources Code (PRC).

Legislative Challenges

The proposed amendments to the PRC Sections 5500-5595 highlight several challenges facing regional park districts which require attention. Several administrative and governance practices under this section are outdated, creating barriers to inclusivity, efficiency and responsiveness. In addition, the PRC governance framework does not contemplate contemporary issues like climate change, extreme weather events and the need for equitable, sustainable management of open space. The current code lacks gender-inclusive language, and board member compensation structures are limiting, while administrative purchasing processes do not reflect today's ongoing costs and cost increases. Additionally, outdated provisions regarding land management, including restrictive property lease terms and acreage limits for land exchanges, hinder flexibility in responding to evolving opportunities. These challenges underscore the need for comprehensive updates to enhance governance, ensure adaptability to environmental and social changes, and safeguard the long-term sustainability of regional park resources.

Legislative Recommendation

In response to the identified challenges and the evolving needs of regional park districts, the following legislative recommendations are proposed:

Section 1: Section 5500

Updates the definition of "district" to include broader inclusivity in pronoun usage by interpreting all pronouns as they/them/theirs.

Purpose of Amendment: Promotes inclusivity and aligns with modern language practices to ensure equitable representation and avoid gendered assumptions in statute.

Section 2: Section 5536

Changes board member compensation from a per-meeting basis (currently \$100 per meeting, up to six meetings per month for Districts with the exception of EBRPD which receives a per meeting rate of \$133.69 for up to 10 meetings per month) to a flat \$1,000 monthly amount. Allows members to waive monthly compensation. Introduces a provision for annual automatic adjustments to board member compensation beginning in 2026, up to a 5% increase per year unless otherwise decided.

Purpose of Amendment: Updates the compensation structure to more accurately reflect the time and effort required for board responsibilities. This change aims to promote equity by ensuring fair compensation for individuals in the role, which can also support efforts to diversify board representations. Adjustments account for inflation and changing economic conditions. Additionally, this amendment will facilitate a more efficient allocation of staff time and resources by reducing administrative workload. It enables a reallocation of staff time and resources away from the time-consuming and costly process of meeting-by-meeting accounting.

Section 3: Section 5538

Clarifies roles and compensation for appointed officers (general manager, controller, etc.). Allows consolidation of certain administrative roles and outlines flexibility for additional appointments.

Purpose of Amendment: Updates and clarifies the responsibilities and expectations for appointed roles, ensuring the code provides clear guidance on administrative accountability and operational oversight. These changes help to delineate authority and responsibilities within the district, reducing ambiguity and promoting efficient governance.

Section 4: Section 5540

Increases allowable lease periods for district property without requiring voter consent from 25 years to 50 years.

Purpose of Amendment: Refines the leasing and conveyance process to better align with long-term planning needs while still ensuring that other actions are still subject to clear accountability through legislative oversight and voter protections.

Section 5: Section 5540.5

Expands the maximum allowable acreage for property exchanges for East Bay, Midpeninsula, and Sonoma County districts from 40 to 80 acres per year. Introduces provisions for monetary compensation with another public agency in lieu of direct property exchanges when not feasible and subject to strict appraiser review and documentation for the East Bay Regional Park District.

Purpose of Amendment: Updates the code to address the increasing demand for more efficient exchanges of land to support park and open-space objectives, including achieving the state's 30x30 goals. Introducing monetary compensation with other public agencies for the East Bay Regional Park

District will help to ensure public projects can efficiently proceed while ensuring that land acquisition decisions are accountable, evidence-based and supported by professional appraisals.

Section 6: Section 5541

This amendment codifies recent caselaw from the 2021 California Court of Appeal case of *Save Lafayette Trees v. East Bay Regional Park District*, 66 Cal. App. 5th 21 (2021) which established that a city could not require a park and open space districts to obtain certain local permits where such requirement interfered with the park agency's independent authority to manage its own lands and resources.

Purpose of Amendment: Clarifies that a park and open space districts' authority to manage its lands, natural and cultural resources, is not separately regulated by local ordinances that conflict with Section 5541, which would result in an inconsistent patchwork of local regulations that would prevent a park district from delivering its mission throughout its jurisdiction.

This codification of *Save Lafayette Trees* reflects the court's holding that Section 5541 "grants extremely broad and all-inclusive powers over the lands that a district has acquire[d] and own[ed] and for which it holds title and is essential to each [d]istrict's ability to fulfill its mission and to manage its resources." This Amendment will reduce redundant public agency review, saves costs, and improve the efficiency of planning and project delivery for regional park districts, which aligns with the goals of the state's *Cutting the Green Tape* initiative.

Section 7: Section 5545.5

Removes provisions authorizing special tax levies by the East Bay Regional Park District for specific fiscal years and purposes that are no longer needed.

Purpose of Amendment: Modernizes the code by eliminating outdated provisions tied to historical fiscal years, ensuring tax policies align with current needs and practices.

Section 8: Section 5549

The proposed amendment increases the general manager's spending limit in districts with a population of 200,000 or more, with board approval, to align with the amount set in Government Code Section 25502.5. This currently allows for services where the annual aggregate cost does not exceed \$200,000. Districts are still required to publicly bid projects costing \$50,000 or more.

Purpose of Amendment: Refines purchasing policies to ensure they are aligned with current economic thresholds while maintaining accountability through board-approved limits and required reporting.

Section 9: Section 5558.1

Removes a section related to vehicular recreational trails managed by the East Bay Regional Park District.

Purpose of Amendment: Aligns with evolving district priorities which emphasize open-space preservation and non-vehicular recreation, reducing potential conflicts with modern park management goals.

Section 10: Section 5563.5

Increases maximum lease terms from 50 years to 99 years for property leases related to park, open space, historic preservation, or similar purposes. Expands allowable lease purposes to include climate resilience and social equity considerations.

Purpose of Amendment: Removes an unnecessary project specific reference and allows for longer lease terms with expanded purposes to address contemporary challenges with responsible property management, including climate change and equity.

Section 11: Section 5563.7

Removes an outdated provision authorizing a lease for the San Leandro Bay Restaurant Project.

Purpose of Amendment: Removes project-specific provisions that are no longer relevant, ensuring the code reflects broader district objectives rather than singular projects.

Section 12: Section 5564

Adds explicit authority for the district to construct nature-based and built structures for flood and stormwater protection.

Purpose of Amendment: Addresses increasing risks from climate change by emphasizing adaptive nature-based infrastructure which protects district property and surrounding communities.

Section 13: Section 5594

Updates bidding requirements for contracts, shifting publication of notices from newspapers to the district's website.

Purpose of Amendment: Reduces costs and improves accessibility by leveraging digital platforms.