


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

DATE	November 21, 2023
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.

BACKGROUND

Prior to January 1, 2019, California Public Resources Code section 5536 set the compensation for Board members at \$100 per meeting. This level of Board compensation could only be changed by the legislature and had not changed since 1980. In 2019, AB 2329 (Obernolte) became law, which made certain changes to Public Resources Code section 5536 governing compensation for the East Bay Regional Park District ("Park District") Board of Directors. Now, Public Resources Code section 5536, among other things, 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.

Currently, Directors receive \$121.26 for each compensable meeting per day up to a maximum of ten (10) days per calendar month. The last time that the Board of Directors increased compensation was in December 2022 (Ordinance No. 2022-12-329). Should the Board decide to increase the amount of compensation by five percent (5%) received per meeting, the amount would increase from \$121.26 to \$127.32 per day.

The procedures for increasing the amount of Board compensation received for attending meetings are set forth in the California Water Code section 20200 et seq., and outlined below:

- Publish a notice of the hearing in the newspaper once per week for two (2) consecutive weeks.
- Hold a public hearing.
- The ordinance will become effective sixty (60) days after adoption.

Board Member compensation for local agencies vary, as not all local agencies are subject to the same statutory scheme for compensation. For example, AC Transit and BART both have their own statute

in the Public Utilities Code regarding how their compensation is set and increased. Midpeninsula Regional Open Space District's current Board compensation is \$115.50 per day.

In compliance with Water Code section 20200, staff published a notice of the November 21, 2023 public hearing in the newspaper once per week for two (2) consecutive weeks.

FISCAL IMPACT

Funding is available in the proposed 2024 budget.

ALTERNATIVE

The Board could keep the current compensation at \$121.26 per day and defer this item to 2024.

ATTACHMENTS

None.



**EAST BAY REGIONAL PARK DISTRICT
ORDINANCE NO. 2023-11-
NOVEMBER 21, 2023**

**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 December 2022 (Ordinance No. 2022-12-329); and

WHEREAS, Directors currently receive \$121.26 for each compensable meeting per day up to a maximum of ten (10) days per calendar month; and

WHEREAS, a five percent (5%) increase would result in an increase in compensation from \$121.26 to \$127.32 per day; and

WHEREAS, on November 21, 2023, the Board of Directors held a public hearing on the proposed five percent (5%) 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 meetings of the Board shall be increased by five percent (5%) from \$121.26 to \$127.32 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 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 21, 2023, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: