




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

DATE	December 17, 2024
TITLE	Authorization to Approve an Employment Agreement for a Term of Three Years for General Counsel Lynne Bourgault and Adopt a Salary Schedule for the General Counsel Classification
DIVISION	Human Resources
FROM	Allyson E. Cook, Deputy General Manager/AGM of Human Resources Elizabeth Echols, Board President
APPROVED	Sabrina Landreth, General Manager 

RECOMMENDATION

It is recommended that the East Bay Regional Park District (Park District) Board of Directors authorize the approval of an employment agreement for a term of three years between the Park District and Lynne Bourgault, General Counsel. (Attachment 1 and referred to herein as “Employment Agreement.”) Contemporaneously with the approval of the Employment Agreement, the Park District seeks authorization from the Board of Directors to adopt the Salary Schedule with an adjusted salary range for the General Counsel classification consistent with the Employment Agreement. (Attachment 2.)

BACKGROUND

The Board of Directors appointed Lynne Bourgault as General Counsel of the Park District effective January 26, 2022. Contemporaneously with the appointment, the Board of Directors also authorized entering into an employment agreement with Bourgault for a term of three years. The Board of Directors intends to continue to employ Bourgault as the General Counsel and the parties have agreed to tentative terms. Therefore, the Park District seeks authorization from the Board of Directors to approve an Employment Agreement for a term of three years with certain provisions as set forth more thoroughly below, in addition to adoption of the operable Salary Schedule. (Attachment 1-2.)

ANALYSIS

The Board of Directors’ Board Operating Guidelines, Section III (4) states that “[t]he Board is responsible for establishing...salary levels” of Park District employees. Additionally, the Board of Directors is responsible for appointing the General Counsel. In 2022, after a nationwide recruitment, the Board of Directors appointed Bourgault as General Counsel and authorized the Park District to enter into an employment contract for a term of three-years. The initial agreement included several terms, including but not limited to: 1) wage; 2) retirement benefits covered by the Park District’s CalPERS plan during her employment as a “Classic Member;” 3) vacation, sick, and administrative leave entitlements; and 4) severance.

Prior to the expiration of the initial employment contract with Bourgault, the Board of Directors worked with the Human Resources Division and General Manager's Office to negotiate a new employment contract with Bourgault. After good faith negotiations, the parties agree, if approved by the Board of Directors, to the following terms which are memorialized in the Employment Agreement:

- Effective date: January 27, 2025 – January 26, 2028;
- Salary: \$265,678.40 with the following increases- 3% effective the first full pay period in March 2024; 2% effective the pay period that includes November 1, 2024; and 5% effective the pay period that includes January 26, 2025;
- Severance: 1 year (unchanged from the 2022 contract);
- Alignment with unrepresented Executive Management starting in March 2025 for purposes of wage increases with discretionary merit increases within the sole discretion of the Board of Directors;
- Guidelines for a yearly performance evaluation process; and
- Administrative Leave of 80 hours (unchanged).

(Attachment I.)

The Board of Directors and Bourgault believe these terms are fair, comparable and equitable based on Bourgault's experience, performance as a General Counsel over the past three years, and following an analysis of comparable, neighboring agencies' compensation package for their lead attorney. Prior to joining the Park District, Bourgault served as Senior Deputy General Counsel for the San Francisco Unified School District. She is a graduate of UC Berkeley and completed graduate studies in Communications at Stanford University. She earned her law degree from UCLA School of Law. Previous legal positions held by Bourgault include Deputy City Attorney for the City of Berkeley for twelve years and a law partner at Folger, Levin, Kahn LLP from 1996 until 2008. Additionally and after surveying the employment contracts of several Bay Area legal counsel, including without limitation to, City of Hayward, Midpeninsula Regional Open Space, City of Concord, City of Walnut Creek, City of Oakland, and Contra Costa County, Alameda County, East Bay Municipal Utilities District (EBMUD); City of Berkeley, and City of Fremont, the wage increases afforded to Bourgault in 2024 and 2025 are within market and aligned with comparator agencies' wage increases as well as the salary afforded to the lead attorney in these agencies. Moreover, the terms of the Employment Agreement are similar to comparable agencies with respect to severance, notice, alignment with the unrepresented executive management group for purposes of yearly salary increases plus Board of Director discretionary salary increases, and vacation/administrative leave/sick leave. The Employment Agreement terms are in the best interest of the Park District, its employees, and the public. As a result, the Park District seeks authorization to enter into the Employment Agreement and the adoption of the corresponding Salary Schedule. (Attachment I-2.)

FISCAL IMPACT

The incremental cost of this Employment Agreement through the entire term, inclusive of anticipated benefit costs, is as follows:

2024	2025	2026	2027	2028	TOTAL
\$20,250	\$38,710	\$13,780	\$ 0	\$0	\$72,740

Funding for the Employment Agreement is not expected to require a budget adjustment in 2024 or 2025. Salary increases for years beyond 2026 are unknown, as are benefit rate increases beyond 2025, so these calculations do not include any increases beyond 2026.

ATTACHMENTS

- 1) Employment Agreement Between the Park District and Lynne Bourgault
- 2) Salary Schedule for the General Counsel



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 12 -
DECEMBER 17, 2024**

**AUTHORIZATION TO APPROVE AN EMPLOYMENT AGREEMENT FOR A TERM
OF THREE YEARS FOR GENERAL COUNSEL LYNNE BOURGAULT AND ADOPT
A SALARY SCHEDULE FOR THE GENERAL COUNSEL CLASSIFICATION**

WHEREAS, the East Bay Regional Park District (Park District) Board of Directors appoints the General Counsel and establishes wages and benefits for employees of the Park District; and

WHEREAS, the initial employment contract of Lynne Bourgault who serves as the current General Counsel was for a term of three years; and

WHEREAS, Lynne Bourgault desires to continue to serve as General Counsel of the Park District; and

WHEREAS, the Board of Directors desires to continue to employ Lynne Bourgault as General Counsel of the Park District and to establish the terms and conditions for such employment, including salary, by approving the Employment Agreement (Attachment 1); and

WHEREAS, the salary range set forth in the Salary Schedule (Attachment 2) shall reflect salary increases for Lynne Bourgault as follows: 3% effective the first full pay period in March 2024, 2% effective the pay period that includes November 1, 2024, and 5% effective the pay period that includes January 26, 2025; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Park District hereby appoints Lynne Bourgault as General Counsel to serve at the direction and pleasure of the Board of Directors through January 26, 2028; and

BE IT FURTHER RESOLVED, that the Employment Agreement between the Park District and Lynne Bourgault attached hereto as Attachment 1 is hereby approved; and

BE IT FURTHER RESOLVED, the Board of Directors hereby authorizes the Board President to execute the Employment Agreement (Attachment 1) on behalf of the Park District; and

BE IT FURTHER RESOLVED, the Board of Directors hereby adopts the Salary Schedule for the General Counsel classification (Attachment 2).

Moved by Director _____, and seconded by Director _____, and adopted **December 17, 2024**, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: