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BOARD EXECUTIVE COMMITTEE

Thursday, May 2, 2019

12:30 p.m.

**EBRPD - Administrative Headquarters
2950 Peralta Oaks Court
Oakland, California 94605**

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee's purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

A copy of the background materials concerning these agenda items, including any material that may have been submitted less than 72 hours before the meeting, is available for inspection on the District's website (www.ebparks.org), the Headquarters reception desk, and at the meeting.

Public Comment on Agenda Items

If you wish to testify on an item on the agenda, please complete a speaker's form and submit it to the recording secretary. Your name will be called when the item is announced for discussion.

Accommodations and Access

District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed for you to participate, please contact the Clerk of the Board at 510-544-2020 as soon as possible, but preferably at least three working days prior to the meeting.

AGENDA

<u>TIME</u>	<u>ITEM</u>	<u>STATUS</u>	<u>STAFF</u>
12:30 pm	1. Rules and Provisions for Board Member Compensation and Recommendation for Adoption of Findings to Comply with AB 2329	R	Carol Victor
1:15 pm	2. East Contra Costa County Delta Atlas	I	Brian Holt, Neoma Lavalle
1:45 pm	3. Open Forum for Public Comments <i>Individuals wishing to address the Committee on a topic not on the agenda may do so by completing a speaker's form and submitting it to the recording secretary.</i>		
2:15 pm	4. Board Comments		

Board Executive Committee Members

Ayn Wieskamp (Chair), Ellen Corbett, Dennis Waespi
Dee Rosario, Alternate
Robert E. Doyle, Staff Coordinator

R - Recommendation for Future Board Consideration
I - Information
D - Discussion

2019 Meeting Dates

January 10	July 11
February 7	August 1
March 7	September 5
April 4	October 3
May 2	November 7
June 6	December 5

Board of Directors

Ayn Wieskamp President Ward 5	Ellen Corbett Vice-President Ward 4	Dee Rosario Treasurer Ward 2	Colin Coffey Secretary Ward 7	Whitney Dotson Ward 1	Dennis Waespi Ward 3	Beverly Lane Ward 6	Robert E. Doyle General Manager
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EAST BAY REGIONAL PARK DISTRICT

BOARD EXECUTIVE COMMITTEE

Meeting of May 2, 2019

TO: Board Executive Committee

FROM: Robert E. Doyle, General Manager

STAFF REPORT
PREPARED BY: Carol Victor, District Counsel

SUBJECT: Rules and Provisions for Board Member Compensation and
Recommendation for Adoption of Findings to Comply with AB 2329

Carol Victor, District Counsel, will make a presentation on this agenda item.

BACKGROUND

In 2018, the State Legislature passed, and the Governor signed, AB 2329 (Oberholte), which makes certain changes to the laws governing compensation for Boards of Directors for certain public agencies, including the East Bay Regional Park District ("Park District"). There are two key changes as they affect Park District authority, one is mandatory and the other is optional.

I. Mandatory Findings to Support Ten (10) Compensable Meetings per Month

The first change is a requirement that, effective January 1, 2019, if a "district compensates its members for more than five (5) meetings in a calendar month, it must annually adopt a written policy describing, based on a finding supported by substantial evidence, why more than five (5) meetings per calendar month are necessary for the effective operation of the district." (Pub. Resources Code section 5536(b), as amended.) The proposed Resolution adopting the changes to the Board Operating Guidelines ("BOG") compensation rules is offered to the Board as a means of compliance with this new requirement.

AB 2329 increased the number of compensable meetings for certain districts from five (5) to six (6). Prior to AB 2329, however, this Park District already had specific authority for ten (10) compensable meetings. AB 2329 does not change that. The only change regarding the number of compensable meetings as it affects the Park District is the new requirement for annual findings as described above.

The proposed Resolution, if adopted by the Board, would make the required findings, describing why more than five (5) meetings per calendar month are necessary for the effective operation of the Park District. The proposed BOG amendment would reflect the findings laid out in the Resolution and provide that the Board shall annually revisit, revise as necessary, and readopt via Resolution the findings regarding why more than five (5) meetings continue to be necessary, as required by AB 2329.

In this way, the required annual findings can be made in subsequent years by Resolution, unless there is a substantial change in circumstances warranting a change in the BOG.

2. Optional Authority to Consider Increases to Board Member Compensation

The second change made by AB 2329 is an optional one, allowing the Board to increase the amount of compensation received for attending meetings of the Board by up to five percent (5%) annually. This optional authority is not before the Board for action. Discussion by, and direction from the Board for staff, however, would be in order at this time.

Should the Board wish to pursue a compensation increase as authorized, that would need to come back to the Board in the form and procedure of an ordinance.

RECOMMENDATION

Staff requests that the Board Executive Committee review the proposed Resolution and changes to the Board Operating Guidelines as shown in Exhibit A; provide staff with comments; and forward this item to the full Board of Directors for discussion and consideration.

ATTACHMENT

Exhibit A – Proposed Resolution and Revisions to Board Operating Guidelines

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2019 - xx - xx

_____, 2019

RESOLUTION ADOPTING AMENDMENTS TO THE BOARD OF DIRECTORS' OPERATING GUIDELINES AT SECTION IX(A): "RULES AND PROVISIONS FOR BOARD MEMBER COMPENSATION AND REIMBURSEMENT FOR EXPENSES WHILE PERFORMING OFFICIAL DISTRICT BUSINESS: COMPENSATION OF BOARD MEMBERS," WITH RELATED FINDINGS, TO COMPLY WITH AB 2329 (OBERNOLTE, 2018)

WHEREAS, effective January 1, 2019, California Public Resources Code section 5536(b) requires the Board of Directors of the East Bay Regional Park District ("Park District") to make initial, and then annual findings, supported by substantial evidence, as to why more than five (5) compensable Board meetings per month are necessary for the effective operation of the Park District; and

WHEREAS, Board member compensation is administered in the Park District through its Board Operating Guidelines, specifically Section IX "Rules and Provisions for Board Member Compensation and Reimbursement for Expenses While Performing Official District Business," subsection "A: Compensation of Board Members"; and

WHEREAS, the Board of Directors finds, based on substantial evidence in the record, that the following represents a non-exhaustive cross-section of the extraordinarily broad scope of responsibilities held by the Board of Directors, administered and managed through a process requiring more than five (5) and up to ten (10) compensable Board meetings per calendar month:

- The Board of Directors is responsible for an annual budget of over \$216 million in taxpayer dollars;
- 820-plus public employees;
- Over 122,000 acres of public lands;
- 73 regional parks;
- Over 25 million public user visits per year;
- Recreation areas, shorelines, preserves, wilderness and land bank areas;
- Over 1,250 miles of trails;
- 6 freshwater lake swim beaches, 3 large swim lagoons, 2 San Francisco Bay beaches, and 3 disabled accessible swimming pools;
- 40 lake fishing docks, 3 bay fishing piers;
- Over 300 campsites;
- 2 golf courses;
- 10 interpretive and education centers;
- 18 children's play areas;
- Wedding, meeting, and banquet facilities;
- 40 lake fishing docks, 3 bay fishing piers;
- Over 300 campsites;

- The Park District's jurisdiction comprises all of Alameda and Contra Costa Counties and includes, 30 cities and 10 unincorporated areas, 6 Congressional Districts, 7 Assembly Districts, and 4 Senate Districts;
- There are normally 2 regular Board meetings each month;
- There are on average 6 Board Tours and 6 special Board workshops annually;
- There are 5 Board standing committees (4 of which typically meet monthly), 15 liaison committees and 3 Joint Power Authorities; and
- The average Board member attends between 5 to 9 compensable meetings monthly and spends 25-35 hours on Park District business.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby amends its Board Operating Guidelines, Section IX "Rules and Provisions for Board member Compensation and Reimbursement for Expenses While Performing Official District Business," Subsection A: Compensation of Board Members," as attached hereto, adding new subsections: "IX.A.2" to reflect the findings detailed in this Resolution regarding the necessity for more than five (5) and up to ten (10) compensable meetings per month; and "IX.A.3" providing that the Board of Directors shall revisit and readopt annually, if appropriate, findings supporting the ongoing necessity of having more than five (5) meetings per month, both as required by AB 2329; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed on behalf of the District and its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and approved this ____ day of _____, 2019 by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

Attachment to Resolution 2019 -- xx - xx

Amendment to East Bay Regional Park District's Board Operating Guidelines, "IX. Rules and Provisions for board Member Compensation and Reimbursement for Expenses While Performing Official District Business -- Subsection A: Compensation of Board Members."

Adding new subsection IX.A.2:

2. As required by Public Resources Code section 5536(b), as amended by AB 2329 (2018: Obernolte), the Board of Directors of the East Bay Regional Park District finds that more than five (5) and up to ten (10) calendar meetings in a calendar month are necessary for the effective operation of the Park District, based on the scope and weight of the workload involved in the Board's responsibilities, including but not limited to:

- The Board of Directors is responsible for an annual budget of over \$216 million in taxpayer dollars;
- 820-plus public employees;
- Over 122,000 acres of public lands;
- 73 regional parks;
- Over 25 million public user visits per year;
- Recreation areas, shorelines, preserves, wilderness and land bank areas;
- Over 1,250 miles of trails;
- 6 freshwater lake swim beaches, 3 large swim lagoons, 2 San Francisco Bay beaches, and 3 disabled accessible swimming pools;
- 40 lake fishing docks, 3 bay fishing piers;
- Over 300 campsites;
- 2 golf courses
- 10 interpretive and education centers;
- 18 children's play areas;
- Wedding, meeting, and banquet facilities;
- 40 lake fishing docks, 3 bay fishing piers;
- Over 300 campsites;
- The Park District's jurisdiction comprises all of Alameda and Contra Costa Counties and includes, 30 cities and 10 unincorporated areas, 6 Congressional Districts, 7 Assembly Districts, and 4 Senate Districts;
- There are normally 2 regular Board meetings each month;
- There are on average 6 Board Tours and 6 special Board workshops annually
- There are 5 Board standing committees (4 of which typically meet monthly), 15 liaison committees and 3 Joint Power Authorities; and
- On average Board member attends between 5 to 9 compensable meetings monthly and spends 25-35 hours on Park District business.

And adding new subsection IX.A.3:

3. The Board of Directors shall annually review the findings set out in section IX.A.2 above, and affirm or revise via Resolution of the Board, as required by Public Resources Code section 5536(b), as amended by AB 2329 (2018: Obernolte). If there are substantial changes to

the findings, or fewer meetings are supported by the findings, these Board Member Compensation Guidelines shall be amended accordingly.

EAST BAY REGIONAL PARK DISTRICT

BOARD EXECUTIVE COMMITTEE

Meeting of May 2, 2019

TO: Board Executive Committee

FROM: Robert E. Doyle, General Manager

STAFF REPORT
PREPARED BY: Brian Holt, Chief of Planning and GIS, and Neoma Lavalley, Acting Principal Planner

SUBJECT: East Contra Costa County Delta Atlas

Brian Holt, Chief of Planning and GIS and Neoma Lavalley, Acting Principal Planner, will make a presentation on this agenda item.

BACKGROUND

The East Contra Costa County Delta Atlas (Delta Atlas) is a collaborative effort within the Planning and GIS Department. Its main objective is to provide a comprehensive understanding of existing conditions, potential opportunities, and constraints within the Delta region of the East Contra Costa County area. Staff intends to use the Delta Atlas as an informational tool to guide Park District decision making that pertains to recreation and open space preservation opportunities, in accordance with its mission to preserve a rich heritage of natural and cultural resources, and provide open space, parks, trails, environmental education, and safe and healthful recreation.

The Delta Atlas includes the shoreline lands roughly east of the Antioch Bridge to Bethany Reservoir and does not propose specific projects or actions for the Park District to undertake. Data on existing and proposed recreation and development projects and priorities was gathered as part of a collaborative stakeholder process with internal Park District staff and external partner agency staff.

Staff will provide an overview of the East Contra Costa County Delta Atlas.

RECOMMENDATION

None. This is an informational item.

