

**ORDINANCE NO. --**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EAST BAY REGIONAL PARK DISTRICT PROVIDING FOR A FIVE PERCENT INCREASE IN BOARD MEMBER COMPENSATION FROM \$100 TO \$105 FOR EACH DAY'S ATTENDANCE AT A COMPENSABLE MEETING OF THE BOARD**

WHEREAS, the East Bay Regional Park District is a special district duly organized and existing under and pursuant to California Public Resources Code section 5500 et seq.; and

WHEREAS, California Public Resources Code section 5536 sets forth the authority for establishing compensation for members of the Board of Directors of the East Bay Regional Park District; and

WHEREAS, current Board member compensation is one hundred dollars (\$100) per day for each attendance at a compensable meeting of the Board, up to a maximum of ten (10) days per calendar month; and

WHEREAS, the one hundred dollars (\$100) per day amount has not been increased since 1980; and

WHEREAS, in 1990, section 5536 was amended to increase the number of compensable meeting days from five (5) to ten (10) days per calendar month for Directors of the East Bay Regional Park District; and

WHEREAS, on June 4, 2019 by Resolution No. 2019-06-122, as required by recently enacted legislative changes (AB 2329, Obernolte), the Board of Directors made findings of the extraordinarily broad scope of responsibilities of the Board of Directors, which findings are incorporated herein as though set forth in full; and

WHEREAS, section 5536 was amended in 2018 to allow the Board of Directors, by ordinance pursuant to the procedures set forth in California Water Code section 20200 et seq. to increase the amount of compensation received for attending meetings of the Board; and

WHEREAS, California Water Code section 20202 provides that an increase in compensation may not exceed an amount equal to five percent (5%) for each calendar year following the operative date of the last adjustment; and

WHEREAS, the Board desires to establish the amount of compensation by way of this Ordinance in accordance with the provisions of the California Water Code; and

WHEREAS, in accordance with section 20203 of the California Water Code and section 6066 of the California Government Code, a public hearing was held on July 16, 2019, at 1:00 pm, at the Board Room at 2950 Peralta Oaks Court, Oakland, California, and a notice of said hearing was physically posted at the Park District headquarters and the Park District's website and duly published in the Contra Costa Times, Valley Times, and Oakland Tribune for two weeks as follows: on June 26, 2019 and July 3, 2019; 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 five percent (5%) from one hundred dollars (\$100) to one hundred five dollars (\$105) 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 the 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. The General Manager of the East Bay Regional Park District is authorized to make conforming changes to the Board Operating Guidelines to reflect this compensation increase.

Section 8. All other previously enacted Ordinances and Resolutions providing for Board member per diem compensation shall be rescinded in its entirety and superseded by this Ordinance.

Moved by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and adopted this 16<sup>th</sup> day of July, 2019 by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT