



Midpeninsula Regional
Open Space District

R-22-03
Meeting No. 22-02
January 12, 2022

AGENDA ITEM 5

AGENDA ITEM

Annual Findings on the number of Compensated Board Meetings

GENERAL MANAGER'S RECOMMENDATIONS

1. Adopt a Resolution making annual findings that more than five Board meetings per month are necessary for the effective operation of the Midpeninsula Regional Open Space District.
2. Direct the General Manager and General Counsel to agendize a future Board item to consider increasing Board compensation by up to a maximum of 5% (or \$5.25 per meeting) pursuant to state law.

SUMMARY

In January 2019, the Board of Directors (Board) increased the total number of compensable meetings in a month from five to six pursuant to new legislation (AB 2329). This legislation enables the board of directors of various special districts, including regional park and open space districts, to increase the number of compensable meetings in a month from five to six upon annually adopting written findings that more than five meetings are necessary for the effective operation of the District. In January 2020 and January 2021, the Board made annual findings that more than five meetings per month are necessary for the effective operation of the District. The proposed maximum of six compensable Board meetings per month is included in the Board-approved Fiscal Year 2021-22 budget. The Board may also direct staff to return with an item to consider a potential minor increase in the per-meeting compensation as allowed under state law.

DISCUSSION

Findings supporting the need for more than five monthly Board meetings, supporting an increase in Board compensable meetings from five to six per month.

Due to the increase in projects requiring Board committee consideration, including review of Vision Plan/Measure AA projects and policy updates, the number of meetings requiring Board member attendance increased approximately 40% from 2017 to 2018. Since 2019, Board members typically attended between five (5) and eleven (11) meetings per month, with numerous months posting six or more meetings for individual Board members. Moreover, the demands on the Board in overseeing the needs of the District and the community it serves have been greater than ever since the March 2020 onset of the COVID-19 pandemic emergency, when state and local authorities deemed outdoor recreation to be an essential activity that is safe when practiced responsibly. District staff and the Board are doing everything in their power to keep preserves open amidst large increases in visitorship, while safely continuing District operations. Findings

supporting the need for more than five Board meetings a month are included in Attachment 1, which explains the substantial growth in District operations and Board activities as of 1984 when the number of compensable Board meetings was previously set at no more than five. These findings support a minor increase in the number of Board compensable meetings from five to six per month pursuant to state law.

Ordinance to increase the per-meeting compensation

State law also allows the Board to consider increasing the per-meeting compensation by up to 5% for each calendar year following the operative date of the last adjustment, by ordinance. The Board adopted an ordinance on December 9, 2020 to increase the per-meeting compensation by 5%, from \$100 to \$105, which became operative on February 8, 2021. Prior to this increase, the amount of \$100 per meeting had not changed since 1980. Thus, while the size and complexity of the District and the responsibilities of Board members has significantly grown over the last thirty (30) years, Board member compensation has increased by only \$5.00 in that time.

The procedure for increasing the amount of Board compensation is:

1. Publish notice of a hearing in the newspaper once per week for two weeks.
2. Hold a public hearing and decide whether to adopt an ordinance increasing the compensation.
3. If adopted, the ordinance will become effective sixty (60) days after adoption.

The Board may direct the General Manager and General Counsel to publish a notice for an upcoming 2022 Board meeting at which the Board would consider a new up to 5% increase to the per-meeting compensation (from \$105 per meeting to \$110.25 per meeting). Alternatively, the Board may direct the General Manager and General Counsel to defer this item to 2023, at which time the Board could consider two (2) annual 5% increases to the per-meeting compensation, or an increase from \$105 per meeting to \$115.50 per meeting. (Note that East Bay Regional Park District's Board of Directors recently considered a two-year increase in late 2021, after two years had elapsed from 2019 when it adopted its first and prior annual increase).

FISCAL IMPACT

The adopted FY21-22 Budget provides up to \$47,000 for Board meeting compensation. This amount is contingent upon the number of compensable meetings held per month. If it is later determined that additional funds are required, a budget adjustment may be requested.

COMMITTEE REVIEW

No Committee review occurred with respect to this subject.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Board compensation is addressed by the Board annually to allow the Board to make the findings required by law to receive compensation for up to six meetings per month. Additionally, if directed by the Board, the General Manager and General Counsel will agendaize an item for the Board to consider a 5% increase to the per-meeting compensation, which has been \$105 since February 8, 2021.

Attachments:

1. Resolution making annual findings for up to six compensable Board meetings per month
2. Board Policy 6.06

Responsible Department Head:

Ana Ruiz, General Manager

Prepared by:

Hilary Stevenson, General Counsel

RESOLUTION NO. 22-__**RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT MAKING FINDINGS SUPPORTING THE NEED FOR MORE THAN FIVE MEETINGS PER MONTH FOR THE EFFECTIVE OPERATION OF THE DISTRICT**

WHEREAS, California Public Resources Code section 5536 provides that Board members may be compensated for up to six meetings in a calendar month, provided that the Board makes annual written findings that more than five meetings per month are necessary for the effective operation of the District; and

WHEREAS, the Board of Directors (Board) hereby makes the following findings to support the need for up to six compensable meetings per calendar month; and

WHEREAS, the Board directs that Board compensation be reflected in the District's Classification and Compensation Policy.

NOW THEREFORE, the Board of Directors of the Midpeninsula Regional Open Space District does resolve as follows:

SECTION ONE. FINDINGS:

1. The number of compensable Board meetings established pursuant to Public Resources Code section 5536 was five (5) starting in 1984. Although the monthly limit of five compensable meetings did not change between 1984 and 2019, the scope of Board member responsibilities and the complexity of policy oversight substantially increased.
2. Since 1984, the District's budget grew from \$13.9 million to \$89.6 million.
3. Since 1984, District protected lands have grown from 18,300 acres to over 65,000 acres.
4. In 1984, the District operated in two counties and the District boundary was limited to the southern bayside area of San Mateo County. Now, the District operates in three counties, including an additional 144,000 acres of the San Mateo County Coast that was annexed into District boundaries in 2004.
5. Since 1984, the District's constituent population has grown from 570,000 to 770,000.
6. The District secured a substantial funding source for capital projects with the passage of a \$300 million general obligation bond approved by voters in 2014.
7. There are currently at least two Regular Meetings of the Board every calendar month.
8. Currently, there is an average of at least one standing committee meeting held every calendar month in order to effectively advise the Board in the following areas: Real Property acquisitions, Planning and Natural Resources issues, the Legislative and Public Affairs program, the annual Action Plan and Budget, and performance evaluations of Board appointees.
9. Currently, the Board typically holds numerous other special meetings during the course of the year, which may include but are not limited to: community workshops, study sessions, site visits, committees established by other organizations, and other similar meetings.

10. During the COVID-19 pandemic emergency, the demands on the Board of Directors have been greater than ever, requiring additional Board meetings to set policy and give direction regarding the District's pandemic response.
11. The number of annual compensable meetings per month has increased consistently since 2015, to as many as 9 in one month:
 - a. In every year since 2015, Board members attended an average of 3.5 compensable meetings per month.
 - b. In 2017, Board members attended an average of 3.4 compensable meetings per month, and as many as 6 per month.
 - c. In 2018, Board members attended an average of 4.4 compensable meetings per month, and as many as 9 per month.
 - d. Since 2019, Board members typically attended between 5 and 11 compensable meetings per month, and in numerous months, individual Board members attended 6 or more meetings.

SECTION TWO. More than five compensable meetings per month are necessary for the effective operation of the District. Therefore, the Board hereby reaffirms that Board members may be compensated for up to six (6) meetings per month as reflected in Board Policy 6.06.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2022, at a Regular Meeting thereof, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

Hilary Stevenson, General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Jennifer Woodworth, District Clerk