

## Livermore Area Recreation and Park District

### Staff Report

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TO: Chair Faltings and Board of Directors

FROM: Mathew Fuzie, General Manager 

PREPARED BY: Linda VanBuskirk, Assistant to the General Manager

DATE: December 12, 2018

SUBJECT: Annual Board Policy Manual Review

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RECOMMENDATION: That the Board of Directors review the “Policy Manual of the Board of Directors” and discuss any revisions it may wish to implement. Staff will incorporate any revisions directed by the Board, to be formally adopted at a future meeting.

BACKGROUND: Board Policy No. 5010-Board Meetings, paragraph 4d states:

“At this meeting the Board shall conduct a review of the Board Policy Manual.”

ATTACHMENTS:

- Policy Manual of the Board of Directors



**Livermore Area  
Recreation & Park District**  
*An independent special district*

# **POLICY MANUAL**

## **OF THE**

### **BOARD OF DIRECTORS**

Adopted: Resolution No. 1773 April 24, 2002  
Revised: Resolution No. 1805 January 29, 2003  
Revised: Resolution No. 1948 February 9, 2005  
Revised: Resolution No. 2015 June 14, 2006  
Revised: Resolution No. 2057 June 13, 2007  
Revised: Resolution No. 2068 July 11, 2007  
Revised: Resolution No. 2156 January 14, 2009  
Revised: Board Motion January 13, 2010  
Revised: Resolution No. 2271 January 12, 2011  
Revised: Resolution No. 2363 December 12, 2012  
Revised: Resolution No. 2370 February 13, 2013  
Revised: Board Motion January 14, 2015  
Revised: Board Motion January 13, 2016  
Revised: Resolution No. 2601 January 17, 2018  
Revised: Resolution No. 2611 March 14, 2018

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# **Livermore Area Recreation and Park District Board Policy Manual**

## **INTRODUCTION**

### **PURPOSE**

It is the intent of the Board of Directors of the Livermore Area Recreation and Park District to maintain a Board Policy Manual. The manual is comprised of the Board's current policies, being the rules and regulations enacted by the Board describing how the Board of Directors shall govern itself as a legislative body and conduct the business of the District.

The Board Policy Manual has been developed in order to provide information and guidance to Board members, employees, and members of the public on Board processes and procedures.

Establishment of these policies is intended to assist in the efficient and effective operation of the District. By following consistent Board operational policies, the Board is better able to focus on the business of the District.

If any policy or portion of a policy contained within the Board Policy Manual is in conflict with rules, regulations, State law or legislation having authority over the Livermore Area Recreation and Park District, said rules, regulations, State law or legislation shall prevail.

### **LEGAL AUTHORITY, HISTORY AND ORGANIZATION OF THE DISTRICT**

The Livermore Area Recreation and Park District is an independent special district organized under the provision of Chapter 4, Division 5, Public Resources Code, State of California (5700 series). As such, it is a political subdivision of the State of California – a completely independent governmental agency.

The District was originally organized as the Livermore Area Park, Recreation and Parkway District. In a special election on Tuesday, June 10, 1947, Livermore voters ratified a resolution of the Alameda County Board of Supervisors to form the Livermore Area Park, Recreation and Parkway District. This vote expressed a desire of the local citizens for an adequate park and recreation system within the District for the purposes of 1) organizing, promoting and conducting community recreation programs; 2) establishing an operational system of recreation and facilities; and 3) acquiring land and facilities for recreation usage.

By January 12, 1948, the District was authorized to levy and collect taxes based on assessed property values within the District. For nearly 10 years thereafter, the affairs of

the District were administered by a nine-member recreation board acting in an advisory capacity to the governing body of the District – the Alameda County Board of Supervisors.

County resolution No. 85820 provided for a special election to be held in the Livermore Area Park, Recreation and Parkway District in Alameda County on Tuesday, January 21, 1958 for the purpose of submitting to the electorate of the District the question of whether or not the District should be governed by its own Board of Directors and providing for the first Board of Directors of the District. In this election, five Directors were elected: William A. Clark, John S. Foster, Jr., Lester J. Knott, Leonard G. Lind, and M.W. "Tex" Spruiell.

On December 8, 1959, by Resolution No. 41, the Board of Directors changed the name of the District to the Livermore Area Recreation and Park District.

### **POWERS AND DUTIES**

The District continues to be governed by an elected five-member Board of Directors directly responsible to the electorate. The Board of Directors is the legislative body of the District and establishes policy and provides broad guidance and general direction for District operation. The state statutes, California Public Resources Code, Division 5, Chapter 4, give the Board wide power and latitude in District operation.

Under the statutes (Article 7, Section 5786), the District is authorized to:

- (a) Organize, promote, conduct, and advertise programs of community recreation, including but not limited to parks and open space, parking, transportation, and other services that improve the community's quality of life.
- (b) Establish systems of recreation and recreation facilities, including but not limited to parks and open space.
- (c) Acquire, construct, improve, maintain, and operate recreation facilities, including but not limited to parks and open space, both inside and beyond the District's boundaries.

In order to carry out the functions of the District, the statutes (Article 7, Section 5786.1) give the District the following rights and powers:

- (a) To sue and be sued.
- (b) To acquire any real or personal property within or outside the District, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the District.

- (c) To acquire any real or personal property by eminent domain within the boundaries of the District.
- (d) To hire necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.
- (e) To engage counsel and other professional services.
- (f) To enter into and perform all necessary contracts.
- (g) To borrow money, give security therefore, and purchase on contract.
- (h) To adopt a seal and alter it at pleasure.
- (i) To adopt ordinances.
- (j) To adopt and enforce rules and regulations for the administration, operation, use and maintenance of the recreation facilities, programs and services listed in Section 5786.
- (k) To enter into joint powers agreements.
- (l) To provide insurance.
- (m) To perform any acts necessary to carry out the provisions of this chapter.

# **Livermore Area Recreation and Park District Board Policy Manual**

## **STATEMENT OF BOARD STANDARDS**

It is recognized that:

1. The Board of Directors is the unit of authority within the District. Apart from their normal function as part of this entity, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.
2. Each member of the Board of Directors is vested with an equal sharing of authority.
3. The responsibility of the Board of Directors is to govern the Livermore Area Recreation and Park District. In doing so, the Board of Directors formulates and evaluates policy for the District. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District. Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission. The Board commits itself and its members to ethical, businesslike and lawful conduct. This includes proper use of authority and appropriate decorum when acting as Board members.
4. Members of the Board of Directors come from diverse backgrounds and bring different experiences, perspectives and skill sets to the deliberations they undertake in exercising their responsibilities as Directors of the Livermore Area Recreation and Park District. It is expected that Board debate and decision making will be conducted with respect for differences of opinion and in a constructive fashion. Every Board member has a responsibility to voice his or her viewpoint and to contribute to the debate on issues that come before the Board. In any decision taken, a member of the Board has the responsibility to vote on the matter according to what he or she believes is in the best interests of the District as a whole. Directors do not represent any fractional segment of the community, but are, rather, a part of the body which represents and acts for the community as a whole.
5. Once action is taken by the Board of Directors, that action becomes the position of the District.
6. Board members must avoid conflicts of interest and the appearance of conflicts of interest with respect to their responsibilities.
7. Board members will respect the confidentiality appropriate to issues of a sensitive nature, act honestly and openly at all times, and keep the confidentiality of privileged and closed session information.

8. The work of the Board is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.



# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Adoption/Amendment of Policies  
**POLICY NUMBER:** 1010

1. Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director, or by the General Manager. The proposed adoption or amendment is initiated by submitting a written draft of the proposed adoption or amendment to each Director and the General Manager through the District office, and requesting that the item be included for consideration on the agenda of the appropriate noticed meeting of the Board of Directors.
2. Adoption of a new policy or amendment of an existing policy shall be accomplished at a noticed meeting of the Board of Directors and shall require a majority affirmative vote of the entire Board of Directors.
3. Before considering whether to adopt or amend any policy, Directors shall have the opportunity to review the proposed adoption or amendment. Copies of the proposed policy adoption or amendment shall be included in the agenda information packet for any meeting of consideration. The agenda information packets with said copies shall be made available to each Director for review at least three (3) days prior to any meeting of consideration.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Public Complaints  
**POLICY NUMBER:** 1020

1. The Board of Directors desires that public complaints be resolved at the appropriate administrative level, and that the method for resolution of complaints be logical and systematic.
2. The method of resolving complaints shall be as follows:
  - a. The individual with a complaint shall first discuss the matter with the appropriate responsible employee with the objective of resolving the matter informally.
  - b. If the individual registering the complaint is not satisfied with the disposition of the complaint by the responsible employee, the complaint may be filed with the General Manager. Within a reasonable time, the General Manager shall contact the person filing the complaint to resolve the matter. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. A written decision from the General Manager may be requested by the individual filing the complaint.
  - c. If the individual filing the complaint is not satisfied with the disposition of the matter by the General Manager, a written complaint may be filed with the Chair of the Board of Directors within ten (10) days of receiving the General Manager's decision. The Chair may direct consideration of the matter at the next regular meeting, or call a special meeting, or refer the matter to a committee for review and recommendation. The Board will expeditiously resolve the matter. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. A written decision from the Chair may be requested by the individual filing the complaint.
3. This policy in no way prohibits or is intended to deter a member of the community or staff member from appearing before the Board to present verbally a testimony, complaint, or statement in regard to actions of the Board, District programs or services, or impending considerations of the Board.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Personnel  
**POLICY NUMBER:** 2000

1. The Board of Directors shall establish a uniform policy for personnel matters through adoption of a Personnel Ordinance and Personnel Rules and Regulations.
2. The Board of Directors shall establish a Personnel Commission to advise the Board of Directors on the District's personnel system and policies.
  - a. The Board of Directors shall establish the procedure for determining candidates to serve on the Personnel Commission.
  - b. The Board's standing Personnel Committee shall develop a recommendation to the Board of Directors for appointment of candidates to the Personnel Commission.
  - c. Appointment to the Personnel Commission will be by a majority vote of the Board of Directors.
3. With the exception of the hiring of the General Manager and Legal Counsel, members of the Board of Directors shall not participate in the selection process for any District employee. However, a representative of the Board shall participate in the final interviews to fill the position of Assistant General Manager, which reports to the General Manager. The Board of Directors shall recognize that the General Manager is the ex-officio Personnel Officer and appointing authority for all positions in the competitive service, the Assistant General Manager position, persons employed under contract to supply expert professional or technical service, volunteers, and part time, temporary and seasonal positions.
4. The General Manager shall be the Executive Officer and ex-officio Clerk to the Board of Directors of the Livermore Area Recreation and Park District.
5. The terms and conditions of the employment of the General Manager and Legal Counsel may be specified in an Agreement of Employment established between them and the Board of Directors. The Agreement of Employment shall be for the period of time as specified therein.
  - a. Performance reviews for employees of the Board of Directors shall be conducted on an annual basis, as specified in an Agreement of Employment, or as needed for cause.

- b. Whenever the Agreement of Employment established between the General Manager or Legal Counsel and the Board of Directors is in conflict with any District policy, said Agreement of Employment shall prevail.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Ethics  
**POLICY NUMBER:** 4010

1. The Board of Directors is committed to providing excellence in legislative leadership and the highest quality of services to its constituents. In addition to the State's Ralph M. Brown Act, Assembly Bill 1234 (Ethics Training), Assembly Bill 1661 (Sexual Harassment Prevention Training and Education), LARPD's Conflict of Interest Code (incorporating the California Political Reform Act, CA Government Code § 81000, et. seq.) and LARPD's Personnel Rules and Regulations, this policy is intended to provide guidance on ethical issues and questions. The core of this policy is to support the Board's commitment to create public trust, respect and accountability and to demonstrate transparency as a local government agency. To that end, Board members should endeavor at all times to:
  - a. Comply with both the letter and intent of the laws and policies affecting the operations of government;
  - b. Be independent, impartial and fair in their judgment and actions and avoid any actions that create undue influence on District staff;
  - c. Use the office of Director and resources of the District solely for the benefit of the District and not for personal gain;
  - d. Avoid conflicts of interest and abide by the District's Conflict of Interest Code;
  - e. Maintain the confidentiality of information by neither disclosing confidential information without proper legal authorization, nor disclosing the content of any Closed Session.
2. **PROCESS**

This policy is intended to be self-enforcing and, as such, Board members should point out to other Board members their infractions of the Ethics Policy. If the infractions continue, then the matter should be referred to the Chair in private. If the Chair is the individual whose actions are being challenged, then the matter should be referred to the Vice Chair. It is the responsibility of the Chair to initiate action if a Board member's behavior may warrant sanction. If no action is taken by the Chair or Vice Chair, the alleged violation(s) can be brought up with the full Board in a public meeting.

### 3. REMEDIES

Board members who repeatedly do not follow proper conduct may be reprimanded or formally censured by the Board, lose seniority or committee assignments or have official travel restricted. Serious infractions of the Ethics Policy could lead to other remedies as prescribed by law.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Attendance at Meetings  
**POLICY NUMBER:** 4020

1. Members of the Board of Directors are expected to attend all regular and special meetings of the Board.
  - a. Members of the Board of Directors are expected to notify the Chair of the Board and the General Manager in advance of any absences at meetings of the Board.
  - b. Following the absence of a Board member from three consecutive meetings of the Board of Directors, the Chair of the Board will contact the absent member requesting his or her attendance at the next meeting or notification of special circumstances which prevent the member from attending.
  - c. When a vacancy has occurred on the Board of Directors, such vacancy shall be filled only in accordance with the Public Resources Code Section 5784.3.
2. Members of the Board of Directors are expected to attend all meetings of committees to which they are appointed and any other meeting or event when appointed as representative of the Board or District.
  - a. When a committee member cannot attend a scheduled committee meeting, that member is expected to notify the General Manager in advance, in which case the appointed committee alternate shall attend.
  - b. If a committee member is absent from three consecutive meetings of any committee to which appointed, the Chair of the Board will contact that member requesting attendance at the next meeting or notification of special circumstances which prevent the member from attending. Once four consecutive meetings have been missed, the Chair of the Board may remove that committee member from the committee and appoint a new committee member and/or alternate member.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:                   Remuneration and Reimbursement**  
**POLICY NUMBER:           4030**

1. Members of the Board of Directors may receive monthly compensation, the amount of which shall be established by the Board in the Annual Salary Resolution.
  - a. Any monthly compensation shall be established in accordance with the limits and conditions set forth in Section 5784.15 of the Public Resources Code.
  - b. Compensation guidelines for the members of the Board of Directors are set forth in Appendix A.
2. Members of the Board of Directors shall be reimbursed for all legitimate expenses incurred in attending any meetings or in making any trips on official business of the Board when so authorized in accordance with Policy #4090.
  - a. Reimbursement for the cost of the use of a Director's vehicle shall be on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of the vehicle usage.
3. The Board of Directors may, at its discretion, establish health and welfare benefits for members of the Board.



# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Board Chair and Vice Chair  
**POLICY NUMBER:** 4040

1. The officers of the Board of Directors shall be the Chair of the Board and the Vice Chair of the Board.
2. Officers of the Board of Directors shall be elected at the annual December organizational meeting, according to section No. 5, below. (see also Policy No. 5010-4-a).
3. Terms of office for the Chair and Vice Chair shall be for one year and on a calendar year basis.
4. Eligibility for the office of Chair and Vice Chair occurs twelve (12) months following first election/appointment to the Board of Directors (assuming continuous service since first election).
5. The Board of Directors establishes Board Officer rotation procedures, as follows:
  - a. Chair
    - i. The Vice Chair is the Chair-elect under normal rotation.
    - ii. The Director who has served the longest on the Board (in continuous service) without ever serving as Chair, and who meets the criteria of section No. 4, above, shall rotate to the position of Chair.
    - iii. If all Directors of the Board have been Chair, the Director who has served the longest on the Board (in continuous service) since last being Chair, and who meets the criteria of section No. 4, above, shall rotate to the position of Chair.
  - b. Vice Chair
    - i. When the position of the Chair is filled, the Director next in line shall rotate to the position of Vice Chair in accordance with the criteria of sections 5(ii) and 5(iii).

- ii. The Director who has served longest on the Board (in continuous service) without ever serving as Chair, and who meets the criteria of section No. 4, above, shall rotate to the position of Vice Chair.
    - iii. If all Directors of the Board have been Chair, the Director who has served the longest on the Board (in continuous service) since last being Chair, and who meets the criteria of section No. 4, above, shall rotate to the position of Vice Chair.
  - c. If no Director meets the criteria of section Nos. 4 or 5, above, or if there are Directors whose eligibility criteria are the same, then succession shall be determined by which Director has served longest on the Board (in continuous service). If a tie still exists, the Director who received the greatest number of votes at their last election shall be given preference in the rotation,
6. The Chair of the Board shall have the duties and responsibilities, powers and authority as hereinafter outlined.
- a. Presides and provides leadership at meetings of the Board in a way which: encourages openness, participation and motivation of members; maintains order and respects appropriate rules of procedures; ensures that Board activities/deliberations are effective and properly focused on policy, planning and accountability issues; advances the Board's annual and longer-term objectives.
  - b. Calls special meetings if necessary.
  - c. Determines committees outside of standing committees and appoints all committee chairs, members and alternates.
  - d. Assists the General Manager in preparing agendas for Board meetings and has final approval of the agenda.
  - e. Works in partnership with the General Manager to make sure Board policy is carried out and that the organization's mission is achieved.
  - f. Represents and acts as a spokesperson for the Board; serves as advocate and ambassador for the District.
  - g. May assist the General Manager in conducting new Board member orientations.
  - h. Oversees searches for a new General Manager; coordinates the General Manager's and other Board employees' performance evaluations; coordinates periodic Board assessment with the General Manager.

7. The Chair shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
8. The Vice Chair of the Board shall have the duties and responsibilities, powers and authority as hereinafter outlined.
  - a. In the absence of the Chair, the Vice Chair of the Board of Directors shall serve as Chair over all meetings of the Board. If the Chair and Vice Chair of the Board are both absent, the remaining members present shall select one of themselves to act as Chair of the meeting.
  - b. Carry out special assignments as requested by the Board Chair.
  - c. Understand the responsibilities of the Board Chair and be able to perform these duties in the Chair's absence.
  - d. Participate as a vital part of the Board leadership.
  - e. Participates with the Chair to develop and implement officer transition plans.
  - f. In the event of a vacancy in the office of Chair, the Vice Chair will automatically assume the office of Chair for the remainder of the term.
  - g. In the event of a vacancy in the office of Vice Chair, the rotation procedure established by Policy Nos. 4040-5-b and 4040-5-c shall be followed, and the new Vice Chair will serve for the remainder of the term.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE: Members of the Board of Directors**  
**POLICY NUMBER: 4050**

## **DUTY STATEMENT**

### **BOARD OF DIRECTORS**

The Board of Directors acts as the legislative body of the District and determines all questions of policy. The Board may organize, promote, conduct, and advertise programs of community recreation; establish systems of recreation and recreation centers, including parks and parkways; acquire, construct, improve, maintain and operate recreation centers within and without the territorial limits of the District. The Board may enter into joint agreements and take cooperative action with other governmental units. The Board exercises all rights and powers needed to carry out the purpose and intent of a recreation and park district to include the powers:

1. To sue and be sued;
2. To take or acquire real or personal property within and without the District, by grant, purchase, gift, device or lease, and to hold, manage, occupy, dispose of, convey and encumber and create leasehold interests for benefit of the District;
3. To exercise the right of eminent domain within District boundaries;
4. To appoint and employ persons necessary for operation of the District and to establish a merit system, retirement privileges and other employment practices;
5. To employ counsel;
6. To enter into and perform all necessary contracts;
7. To borrow money, purchase on contract and to perform all acts necessary to carry out the provisions of the statutes under which the District is organized;
8. To contract with any public entity or persons for the construction, financing, maintenance or operation of recreational facilities and activities within the District.

## **LIVERMORE AREA RECREATION AND PARK DISTRICT**

### **JOB DESCRIPTION**

#### **JOB TITLE: MEMBER, BOARD OF DIRECTORS**

#### **CLASSIFICATION CODE: 0005**

#### **DESCRIPTION**

Serves as a member on a five-person, non-partisan, legislative body known collectively as the LARPD Board of Directors. Works cooperatively with other Board Members in determining Board policy for the District and in implementing policy by insuring that appropriate Board direction and guidance is given to the General Manager. Attends and participates in public meetings of the Board. Studies issues outside of Board meetings so as to be able to address them in a knowledgeable manner during meetings. Works with staff and others in Committee to develop policy recommendations for consideration by the full Board (See also Policy 4060). Participates in Board action designed to ensure the smooth, efficient operation of the District within legal guidelines. Attends conferences, seminars, and other meetings away from the District, as a representative of the District. Keeps abreast of pending legislation that would affect District policies and operation. Makes verbal presentations to other legislative bodies and committees.

#### **EXAMPLES OF DUTIES**

1. Attends regular Board meetings, and special Board meetings when called, to conduct District business.
2. Assists in setting compensation for, and participates in hiring of the General Manager and District Legal Counsel.
3. Serves as a Committee member when so appointed by the Chair of the Board.
4. Attends Committee meetings as required.
5. Participates in Board activities and meetings, discusses the issues under consideration and assists in making Board decisions.
6. Prepares for Board meetings by studying informational material provided by staff prior to meeting.
7. Outside of meetings, receives calls from and listens to opinions voiced by District residents.
8. Renders verbal and written reports and recommendations to the Board.
9. Discusses issues in Committee and formulates recommendations for Board consideration.
10. Votes on issues during meetings.
11. May be required to address other legislative bodies such as City Council, School Board Trustees, County Board of Supervisors and State Legislative Committees while presenting the District's position and recommendation on issues.

12. Discusses and explains District policies with District residents, as required.
13. Attends the annual conferences conducted by State and National professional associations as a District representative.
14. Analyzes budget proposals, salary survey, rules and regulations, personnel policies, staff reports and other materials in preparation for discussion during Board meetings.
15. Other duties as required.

#### **MANDATORY REQUIREMENTS**

- Be a qualified voter of the District (registered to vote in the District election); and
- be elected by the voters of the District during a duly called District election to fill a vacancy on the Board created by the routine termination of a four year term; or
- under certain conditions as specified by State Statutes, be appointed or elected to fill a vacancy created by other than routine termination of a four year term.

#### **DESIRABLE QUALIFICATIONS**

- Possess an interest in, a desire, and time to serve on a park and recreation district board of directors.
- Prior involvement in community activities on a volunteer basis, preferably in the area of recreation.
- Ability to comprehend complex social, cultural and economic issues at the local community level.
- Ability to express ideas and concepts in a clear, concise manner, both orally and in writing during public meetings.
- Possess a sound understanding of the relationship between various governmental levels.
- Knowledge of the operation and function of a park and recreation district.
- Knowledge of critical issues at the local community level.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Committees of the Board of Directors  
**POLICY NUMBER:** 4060

1. The Board may establish committees to help carry out its responsibilities.
  - a. Committees will assist the Board chiefly by conducting a more intensive and thorough analysis of items, preparing policy alternatives and developing recommendations for Board deliberation.
  - b. All matters requiring further study will be assigned to the appropriate committee for review, report and recommendation to the Board as a whole. Any determination resulting from committee review should be submitted to the Board via oral or written report.
2. Board committees are not to be created by the Board to advise staff and cannot exercise authority over staff. Further, the Board will not impede its direct delegation to the General Manager by requiring the approval of a Board committee before an executive action. The General Manager works for the Board, never for a Board committee.
3. Board committees may not speak or act for the Board, except when formally given such authority for specific and time-limited purposes. Such authority will be carefully stated so as not to conflict with the authority delegated to the General Manager.
  - a. Upon approval from the Board of Directors, specific Board committees may be granted authority to authorize expenditures related to that committee's function.
4. Authority to create ad hoc committees shall rest with the Chair of the Board. The Board Chair shall appoint all members to ad hoc committees of the Board of Directors. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.
  - a. Any ad hoc committee of the Board of Directors shall contain at least one Board member.

- b. Authority for creation and appointment to advisory committees formed with the intention of providing scientific or technical knowledge and expertise to staff shall rest with the General Manager.
- 5. The following shall be standing committees of the Board:
  - a. Facilities
  - b. Finance
  - c. Intergovernmental
  - d. Personnel
  - e. Program
- 6. The Board Chair shall appoint and publicly announce the members of the standing committees and any ad hoc committees deemed necessary for the ensuing year at the January meeting.
- 7. The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignments may be made by the Board Chair, a majority vote of the Board, or General Manager.
  - a. All meetings of standing committees shall conform to all open meeting laws (e.g., Brown Act) that pertain to regular meetings of the Board of Directors.
  - b. The Board's standing Facilities Committee shall be concerned with the acquisition, development, maintenance, and operation of District facilities, including review and recommendation for fee schedules, policies and regulations governing District facility use, and naming of facilities.
  - c. The Board's standing Finance Committee shall be concerned with reviewing and recommending to the Board policy items relating to the following areas: budget process; review audit; fiscal policies; financial performance review/financial reporting; financial leadership; and fiscal goals and planning.
  - d. The primary function of the Board's standing Intergovernmental Committee shall be to provide a forum in which the leaders of the community's local government agencies can share information on various matters of common interest and concern.



- e. The Board's standing Personnel Committee shall be concerned with: hiring direct employees of the Board of Directors; recommendations for appointment of candidates to the Personnel Commission; recommendations by the Personnel Commission to the Board of Directors; personnel actions in the areas of employee programs, benefits, and wage/salary adjustments; rules, regulations and policies governing District personnel.
  - f. The functions of the Board's standing Program Committee shall be to review proposals for new programs, evaluate and monitor the status of existing programs, review fees and charges, and consider operational policies. Some of the areas of concern for the Program Committee shall be grants, volunteers, special events, public information, and recreation classes and activities.
8. In the event the District desires to hire a contracted consultant to work directly with the Board of Directors on development of a work product, facilitate meetings involving the Board of Directors, Board training, or project specifically involving Directors, the Board shall direct the Personnel Committee of the Board to join the General Manager in interviewing and selecting a consultant for consideration (as a recommendation) for the Board's approval. The process will be that the General Manager will meet with the Committee, determine desirable attributes and background of potential candidates, be responsible for soliciting potential consultants, and facilitate the selection process. By contrast, the General Manager is responsible to select consultants, without Board participation, to carry out the District's day to day business in executing the Board-authorized annual budget and projects.
9. Should the Board find it necessary to create an advisory committee to develop recommendations on issues affecting District policy, the Board of Directors shall determine the number of committee members, the qualifications of committee members, the method of candidate screening, and shall ratify, by majority vote, the individuals appointed to the advisory committee.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:**                   **Communications To or From the Board**  
**POLICY NUMBER:**           **4065**

1. Written communications to the Board shall be routed through the General Manager, who will ensure dissemination of the information to all Board members.
2. Communications from the Board to the press and the public should, whenever possible, be transmitted by and through the Chair of the Board. Inquiries in regard to matters upon which the Board has taken, or probably will take a position, should be referred to the General Manager.
3. There will be cases when an individual member of the Board will feel obligated to answer inquiries. In the case where a Board member is expressing an opinion on a topic where there is no official position taken by the Board of Directors, or is contrary to the position taken by the Board, the Board member should make it clear that he or she is expressing an individual opinion which is not the position of the District.
4. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel
5. In handling complaints from residents and property owners of the District, said complaints should be referred to the General Manager. (see also Policy 1020)
6. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
7. Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
8. In seeking clarification for policy related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred to the General Manager.
9. In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade or enhance their knowledge to improve legislative decision making.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT**

## **BOARD POLICY MANUAL**

**POLICY TITLE: Training, Education, Conferences, Association Memberships**  
**POLICY NUMBER: 4090**

1. Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.
2. Members of the Board of Directors may hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training and as an opportunity to promote the goals and objectives of the District.
3. It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for registration, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. (Public Resources Code 5786.29)
  - a. An amount to cover Board training, education and conference expenses, shall be designated for the Board each Fiscal Year in the District's annual budget.
  - b. Members of the Board shall not make any expenditures for training, education and/or conference expenses in excess of the amount designated in the Fiscal Year Budget.
  - c. Expenditure for training, education and/or conference expenses in excess of the budgeted amount may occur only if approved by majority action of the Board of Directors.
  - d. When away from the District while attending conferences, conventions, and meetings on official business, members of the Board shall receive per diem or reimbursement for actual expenses, as established by the Board of Directors in the District's Personnel Rules and Regulations. When reimbursement for expenses is made to a Director by another organization because of the Director's participation with that organization, the District will compensate the Director at the same rate as for a special meeting, for each day spent at the meeting or

activity, provided that the organization/activity is associated with the interests of the District.

- e. The General Manager is responsible for making arrangements for Directors for conference and registration expenses, and for per diem. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the General Manager, together with validated receipts.
  - f. Directors are encouraged and expected to practice economy for expenditures related to training, education and conferences.
- 4. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.
  - 5. Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors are required to provide a brief report to other Board members and/or staff at a Regular Meeting of the Board of Directors.
  - 6. All Directors and any Board-designated employees are required (AB1234) to take at least two hours of ethics training at least every two years and receive a certificate of completion. New Directors must complete the training within one year of taking office. The District must keep records for five years indicating when Directors completed the training and who provided the training. (Policy 4010)
  - 7. All Directors and any Board-designated employees are required (AB1661) to take at least two hours of sexual harassment prevention training and education at least every two years and receive a certificate of completion. New Directors must complete the training within six months of taking office. The District must keep records for five years indicating when Directors completed the training and who provided the training. (Policy 4010)

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Board Meetings  
**POLICY NUMBER:** 5010

1. All meetings of the Board of Directors shall be held in compliance with the Ralph M. Brown Act, California Government Code §54950 through §54963. (Appendix C)
2. Regular meetings of the Board of Directors will be held twice monthly.
3. Special meetings of the Board of Directors will be held as necessary and may be called by the Board Chair, by a majority of the members of the Board of Directors, or by the General Manager.
4. Annual Organizational Meeting. The Board of Directors shall hold an annual organizational meeting at the first regular meeting in December.
  - a. At this meeting the Board will elect a Chair and Vice Chair from among its members (according to Policy No. 4040-5) to serve during the coming calendar year.
  - b. At this meeting the day, time and place of regular Board meetings shall be set by the Board.
  - c. The meeting calendar for the Board of Directors for the upcoming year shall be adopted at the annual December organizational meeting.
  - d. At this meeting the Board shall conduct a review of the Board Policy Manual.
5. The Chair of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.
6. The Chair and the General Manager shall ensure that adequate and appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

- a. Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity (based on normal audience attendance) of such documents shall be copied in advance of each meeting and made available to the public in attendance at no charge. Individuals requesting copies of such documents prior to the Board meeting will be charged an administrative fee as determined by the General Manager.
7. Directors are expected to thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged among Directors before meetings, by routing such requests and information through the General Manager to ensure that all Directors receive the same information.
8. Directors shall defer to the Chair for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
9. During a meeting, Directors may request for inclusion into minutes brief comments pertinent to an agenda item, only at the meeting at which that item is discussed (including, if desired, a position on abstention or dissenting vote).
10. Unless a conflict of interest exists, Directors should not abstain from the Board's decision- making responsibilities.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Board Meeting Agenda  
**POLICY NUMBER:** 5020

1. The General Manager shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request any item to be placed on the agenda no later than 5:00 P.M. one week prior to the meeting date. The agenda will be reviewed by the Board Chair prior to circulation.
  - a. The agenda information packets shall be made available to each Director for review at least three (3) days prior to any meeting of consideration.
2. Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:
  - a. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least one week prior to the date of the meeting.
  - b. The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."
  - c. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.
  - d. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.
3. This policy does not prevent the Board from taking testimony at regular meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
4. At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review within the District office.

- a. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting within the District Office.



# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Board Meeting Procedure  
**POLICY NUMBER:** 5030

1. Meetings of the Board of Directors shall be conducted by the Chair in a manner consistent with the policies of the District. Robert's Rules of Order as contained in Policy 5070 shall be used as a general guideline for meeting protocol, in accordance with the Brown Act.
2. All Board meetings shall commence at the time stated on the agenda and shall be guided by same.
  - a. At the discretion of the Chair of the Board, the order in which agenda items are addressed by the Board of Directors during a meeting may be rearranged.
3. Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:
  - a. The Chair of the Board may set the amount of time to be allotted to each speaker and for any subject matter.
  - b. No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chair, of that person's privilege of address.
4. Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chair finds that there is in fact willful disruption of any meeting of the Board, he/she may order the room cleared and subsequently conduct the Board's business without the audience present.
  - a. In such an event, only matters appearing on the agenda may be considered in such a session.
  - b. After clearing the room, the Chair may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.

- c. Duly accredited representatives of the news media, whom the Chair finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Board Actions and Decisions  
**POLICY NUMBER:** 5040

1. Actions by the Board of Directors include but are not limited to the following:
  - a. Adoption or rejection of regulations or policies
  - b. Adoption or rejection of a resolution
  - c. Adoption or rejection of an ordinance
  - d. Approval or rejection of any contract or expenditure
  - e. Approval or rejection of any proposal which commits District funds or facilities
  - f. Approval or disapproval of matters which require or may require the District or its employees to take action and/or provide services.
2. Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three (3) votes to be effective (unless a 4/5 vote is required by policy or other law).
  - a. A member abstaining in a vote is considered as absent for that vote.
    - 1) Example: If 3 of 5 Directors are present at a meeting, a quorum exists and business can be conducted. However, if 1 Director abstains on a particular action and the other 2 cast "aye" votes, the action is not approved because a "majority of the Board" did not vote in favor of the action.
    - 2) Example: If an action is proposed requiring a two-thirds vote and 2 Directors abstain, the proposed action is not approved because 4 of the 5 Directors need to vote in favor of the action.

3. The Board may give directions which are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.
  - a. The Chair shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the Chair, a voice vote may be requested.
  - b. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

# **LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL**

**POLICY TITLE:** Review of Administrative Decisions  
**POLICY NUMBER:** 5050

1. The provisions of §1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.
2. This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.
3. The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

# **LIVERMORE AREA RECREATION AND PARK DISTRICT ASSOCIATION BOARD POLICY MANUAL**

**POLICY TITLE: Minutes of Board Meetings**  
**POLICY NUMBER: 5060**

1. The Clerk of the Board of Directors shall keep summary minutes of all regular and special meetings of the Board.
  - a. Copies of said minutes shall be distributed to Directors with the agenda for the next regular Board meeting.
  - b. The official minutes of the regular and special meetings of the Board shall be kept in a fire-proof vault or in fire-resistant, locked cabinets.
2. A video and/or audio tape recording of any meeting of the Board of Directors may be made at the request of the General Manager or any Director when such request is approved by a majority of the whole Board. Although recordings or videos of meetings may be made, the written, approved minutes of meetings of the Board of Directors are to be considered the official records of said meetings.
3. Motions, resolutions or ordinances shall be recorded as having passed or failed, and individual votes will be recorded unless the action was unanimous.
  - a. All resolutions and ordinances adopted by the Board shall be numbered consecutively.
4. The minutes of Board meetings shall be maintained as hereinafter outlined.
  - a. Procedure:
    - 1) Date, place and type of each meeting
    - 2) Directors present and absent by name
    - 3) Call to order
    - 4) Arrival of tardy Directors by name
    - 5) Pre-adjournment departure of Directors by name, or if absence takes place when any agenda items are acted upon

- 6) Adjournment of the meeting
- 7) Record of written notice of special meetings
- 8) Record of items to be considered at special meetings

b. Board Actions:

- 1) Approval or amended approval of the minutes of preceding meetings
- 2) Complete information as to each subject of the Board's deliberation
- 3) Complete information as to each subject including the roll call record of the vote on a motion if not unanimous
- 4) All Board resolutions and ordinances in complete context, numbered serially
- 5) A record of all contracts entered into
- 6) A record of all bid procedures, including calls for bids authorized, bids received, and other action taken
- 7) A record by number of all warrants approved for payment
- 8) Adoption of the annual budget
- 9) Financial reports, including collections received and deposited and sales of District property, shall be presented to the Board every month
- 10) A record of correspondence addressed to the Board of Directors
- 11) A record of the General Manager's report to the Board
- 12) Approval of all policies and Board-adopted regulations
- 13) A record of all visitors and delegations appearing before the Board

# **LIVERMORE AREA RECREATION AND PARK DISTRICT ASSOCIATION BOARD POLICY MANUAL**

**POLICY TITLE:** Rules of Order for Board and Committee Meetings  
**POLICY NUMBER:** 5070

## **1. General.**

- a. Action items shall be brought before and considered by the Board in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting; therefore, deviations from the formalized Robert's Rules of Order may occur.
- b. If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order – not requiring a second – to the Chair. If the ruling of the Chair is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

## **2. Sequence When Considering An Agenda Item. The following sequence will be observed when considering an agenda item during meetings of the Board of Directors:**

Introduction of topic by Chair.  
Staff and/or consultant presentation.  
Directors question staff and/or consultant.  
Public Comment taken on agenda item.  
Chair calls for a motion.  
Motion is made and seconded.  
Chair clarifies motion if necessary.  
Board discussion and debate.  
Chair restates motion, calls for a vote, and announces outcome.

## **3. Obtaining the Floor.**

- a. Any Director desiring to speak should first address the Chair and, upon recognition by the Chair, may address the subject under discussion.
- b. Once a Director has been recognized, he/she has been granted the floor and another Director may not interrupt him or her.



#### 4. Motions.

a. Any Director, including the Chair, may make or second a motion.

1) A Director is required to obtain the floor before making motions.

2) No motion is in order that does not directly relate to the question under consideration.

3) The maker of a motion has the first right to speak to it, and may speak again only after other speakers are finished, unless called upon by the Chair.

4) Debate must be directed to motions and not motives, principles or personalities. Personal remarks will be ruled out of order by the Chair of the Board.

5. Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

a. Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

b. Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

c. Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

d. Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

e. Motion to Close Debate and Vote Immediately. Any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

- f. Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.
- 6. Decorum.
  - a. The Chair shall maintain the orderly conduct of Board meetings, taking such action as allowed under the Brown Act.
- 7. Amendment of Rules of Order.
  - a. By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

## **APPENDIX A**

**APPENDIX A**  
**COMPENSATION GUIDELINES**  
**FOR THE**  
**BOARD OF DIRECTORS**  
**OF THE**  
**LIVERMORE AREA RECREATION AND PARK DISTRICT**

**QUALIFIES:**

1. Board meetings.
2. Board committee meetings.
3. Attendance at meetings and events at which the Directors are officially representing LARPD.
4. Participation in meetings/activities associated with Directors representing the District and serving on the Board/Commission of other organizations associated with the interests of the District (e.g., CARPD, CAPRI, CSDA, etc.).

**DOES NOT QUALIFY:**

1. Attendance at conferences (when receiving District per diem).
2. Individual meetings with staff members.
3. Meetings with individuals or groups that want to talk over something with which they are concerned, prior to it being assigned to a Board committee.
4. Unofficial attendance at groundbreaking/dedications other than LARPD's.

## **APPENDIX B**

## **APPENDIX B**

### **LIVERMORE AREA RECREATION AND PARK DISTRICT**

#### **POLICY FOR COLLECTION OF COSTS OF HANDLING CANDIDATE STATEMENTS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTIONS 13307 AND 13309**

1. As a condition of having their statements included in the voters' pamphlet, upon filing nomination papers, candidates shall pay to the Livermore Area Recreation and Park District (District) \$500, to help defray the costs of printing, handling, translating and mailing their statements (California Elections Code Section 13307).

The maximum amount that a candidate shall be required to pay is \$500. Upon receipt of the final invoice from the Registrar of Voters, should the cost of handling candidate statements be more than \$500 per candidate statement, the District will pay the balance. Should the cost be less than \$500 per candidate statement, the District will refund any overpaid amount on a pro rata basis.

At the time candidates pick up their nomination papers, the Registrar of Voters shall distribute a copy of this policy to all candidates.

If a candidate alleges to be indigent or unable to pay in advance the requisite fee for submitting a candidate statement, the District shall determine indigence according to the procedures outlined in California Elections Code Section 13309.