

Livermore Area Recreation and Park District

Staff Report

TO: Chair Pierpont and Board of Directors

FROM: Mathew Fuzie, General Manager

PREPARED BY: Mathew Fuzie, General Manager

DATE: January 13, 2021

SUBJECT: Adoption of Board Policy 4025, Term of Office: Member, Board of Directors

COMMITTEE: N/A

RECOMMENDATION: That the Board of Directors adopt Resolution No. _____, approving new Board Policy 4025, Term of Office: Member, Board of Directors to affirm strict compliance with statute, specifically, California Public Resources Code §5784.3.

BACKGROUND: As we transitioned during the last election, staff attempted to identify a specific Board Policy that would determine the exact term of office for an outgoing board member and an incoming board member. Staff was unable to find anything specific except for a reference to PRC 5784.3 in Board Policy 4020 Attendance at Meetings. The board discussed this and directed staff to write a specific board policy. Because language in statute often goes through review and revision, staff recommends simply referencing the statute to avoid having to change our policy every time the statute may go through a minor revision. Attached is staff recommended language in a new board policy titled Board Policy 4025 – Term of Office: Member, Board of Directors.

PRC 5784.3 reads:

PUBLIC RESOURCES CODE - PRC

DIVISION 5. PARKS AND MONUMENTS [5001 - 5873] (Division 5 added by Stats. 1939, Ch. 94.)

CHAPTER 4. Recreation and Park Districts [5780 - 5796.20] (Chapter 4 repealed and added by Stats. 2001, Ch. 15, Sec. 4.)

ARTICLE 5. Boards of Directors and Officers [5784 - 5784.15] (Article 5 added by Stats. 2001, Ch. 15, Sec. 4.)

5784.3.

(a) The term of office of each member of a board of directors who has been elected or appointed to a fixed term is four years. Directors shall take office at noon on the first Friday in December following their election or their appointment to a fixed term.

(b) Notwithstanding subdivision (a), in the case of a district formed on or after January 1, 2002, the directors shall serve the terms determined pursuant to Section 5783.11.

(c) Any vacancy in the office of a member appointed to a board of directors shall be filled pursuant to Section 1779 of the Government Code.

(d) Any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Section 1780 of the Government Code.

(Repealed and added by Stats. 2001, Ch. 15, Sec. 4. Effective January 1, 2002.)

LIVERMORE AREA RECREATION AND PARK DISTRICT BOARD POLICY MANUAL

POLICY TITLE: Term of Office: Member, Board of Directors
POLICY NUMBER: 4025

1. The term of office for Board Members is determined by strict adherence to Public Resources Code Section 5784.3(a).