



BOARD MEMBER

Orientation

**Navigating Your New Role:
A Guide to Effective
Board Service**



PRESENTED BY:

MATTHEW DUARTE, ESQ.

**CARPD & CAPRI
EXECUTIVE DIRECTOR**

Housekeeping

- Please mute your microphones during the presentation.
- Don't be shy! You are encouraged to keep your camera on.
- Please rename your display name to reflect your name and District. (i.e. John Smith, CARPD)
- Powerpoint will be provided as a PDF to attendees later this week.
- Q&A and/or open discussion at the end of the presentation
 - Put your questions in the chat or save them for the end



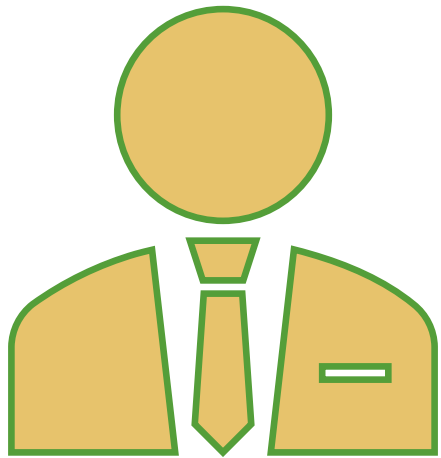
Objectives

TRANSITIONING INTO THE ROLE

YOUR MISSION

SETTING THE COURSE AS POLICYMAKER

LEARNING THE RULES OF THE ROAD

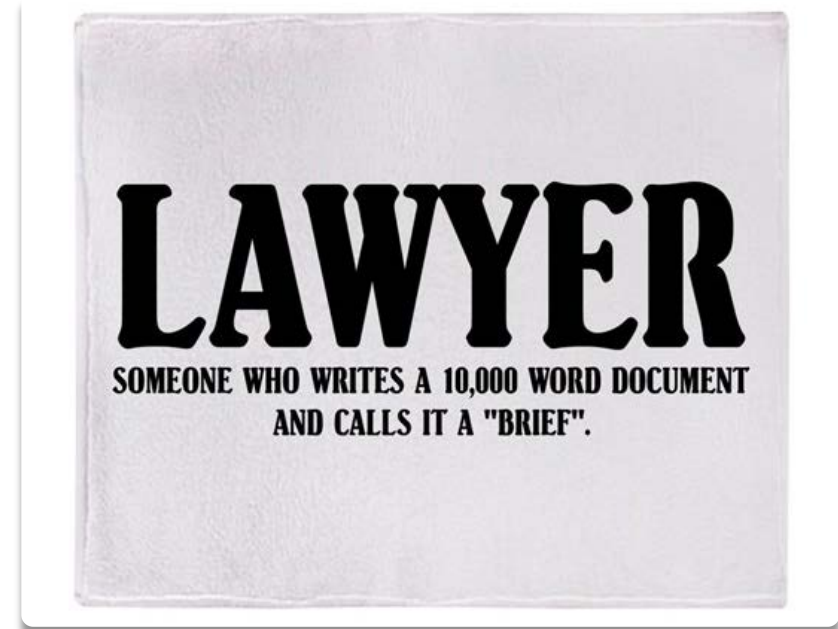


**Who is
this guy?**

Introduction

Matthew Duarte

- Licensed CA Attorney
- Board/Commission Experience
 - Former Recreation & Park District Board Member
 - Former School Board Member
 - Current City of Rocklin Parks and Recreation Commissioner
- Executive Director for CAPRI
- Executive Director for CARPD
- Every side of the dais!





So...what does that mean?

What is CAPRI?

“CAPRI” = California Association for Park & Recreation Indemnity

Joint Powers Authority

- JPA = Partnership of at least two public entities for some specific enterprise
- In the 1980s, public entities struggled to find private insurance options. Not an attractive customer given our unique risks.
- Self-Insurance is the answer. Member-owned, member driven.

CAPRI administers two self-insurance pools

- General Liability & Property
- Workers’ Compensation



What is CARPD?



“CARPD” = California Association of Recreation & Park Districts

11 Board Members from across the State

501(c)(6) not-for-profit

- Recognize and support the needs of member districts
- Promote and support new and established partnerships amongst district community groups, state and local governments.
- Monitor, promote, and support legislation that positively affects recreation and park districts.
- Advocate and support stable service funding sources for park and recreation districts.
- Hosts Annual CARPD Conference
- Association is managed by CAPRI

Transitioning into the Role



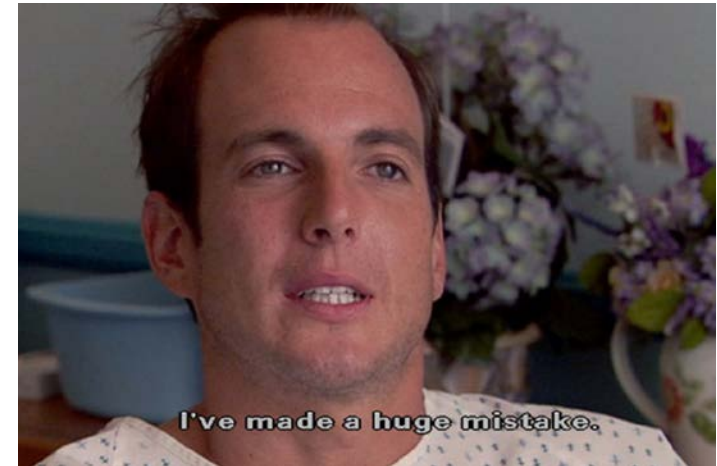
Ch-Ch-Changes!

New Boards Members

- First and foremost → Congrats & welcome!
- No matter how informed you were about your District, taking your spot on the dais is a new and different experience.
- “New kid in school”

Typical reactions at first few Board Meetings

- Confusion
- Frustration
- Intimidation
- Excitement!



Ch-Ch-Changes!

Tips for New Board Members

- Meet with your General Manager/Administrator
 - Introduction (District tour, overview of operations, overview of organizational structure)
 - Opportunity to communicate your goals and what you are passionate about
- Review your District's facilities and website
 - Familiarize yourself with District's parks and programs
- Become cognizant of your District's Budget process
 - Fiscal Year runs from July-June for nearly all Districts (means that budgets for 24-25 have already been set)
 - Revenues for Districts vary and most come with legal restrictions
- Start from a place of service
 - Approach your Board service as just that...service. Everything else will follow naturally.
- Remember -- You represent the entire District!
- Find a mentor
 - Parks and Rec is full of "lifers" who have committed themselves to serving their communities and "seen it all"

Ch-Ch-Changes!

Experienced Board Members

- Remember what it was like when you first started
 - We have all been there!
- Empathize & educate (lead by example, model behavior)
- Patience, patience, patience
- Help new Board Members find their niche and develop a role



Leaders lead...

Why is the transition such a challenge? Let's look closer at our officials....

Characteristics that made people successful in their personal life, work life, & their campaign:

- Independent Thinker
- Not afraid to speak their mind
- Decisive & Takes Charge
- Energetic & Passionate
- Creative & Innovative

These qualities, in nearly every field and industry, are a recipe for success.

- Apply the same “recipe” to this new role...



Here's where it gets tricky...

The confines of the law that define this form of governance can make it difficult for these special qualities and management styles to shine through!

- ~~Independent Thinker~~ – Board action requires majority vote; build consensus
- ~~Not afraid to speak their mind~~ – Limitations on when you can speak
- ~~Decisive & Takes Charge~~ – Limitations on what topics you can address
- ~~Energetic & Passionate~~ – Welcome to the Deliberative process (emphasis on deliberate)
- ~~Creative & innovative~~ – Limitations as to how & when you approach problems

Transitioning into the Role

Characteristics that made people successful in their work life, personal life, & their campaigns:

- Independent Thinker
- Not afraid to speak their mind
- Decisive/Takes Charge
- Energetic/Passionate
- Creative & innovative

These traits have a place in the public process. The key is learning the governance system so that you can successfully deploy them.

Your Mission



Public Resources Code - RPD Law

- PRC §§ 5780 -5790.17 – Chapter known as “Recreation and Park District Law”
- **PRC § 5780 (b)** The Legislature finds and declares that recreation, park, and open–space facilities and services are important to improving and protecting the quality of life for all Californians. The Legislature further finds and declares that the provision of recreation, park, and open–space facilities and services are essential services which are important to the public peace, health, and welfare of California residents. Among the ways in which local communities have provided these facilities and services has been the creation and operation of recreation and park districts. For at least seven decades, state laws have authorized recreation and park districts to provide recreation programs, local parks, and open spaces. Local officials have used this statutory authority to serve the diversity of California’s communities and residents. In enacting this chapter, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts that provides community recreation, park, and open–space facilities and recreation services within specified boundaries and under local control. It is also the intent of the Legislature that recreation and park districts cooperate with other public agencies and private organizations to deliver those facilities and services. Further, the Legislature encourages local communities and local officials to adapt the powers and procedures provided by this chapter to meet the diversity of their own local circumstances and responsibilities.

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Your Mission

- While PRC § 5780 describes the legislative intent behind establishing your District, your District likely has developed its own organizational Mission Statement.
- Mission - Guiding purpose of your organization
 - Defines the scope of services & relationship to your community
 - Check with your GM

District General Powers

- **How do you accomplish your mission?**
- **PRC § 5786** - A district may:
 - **(a)** Organize, promote, conduct, and advertise programs of community recreation, including, but not limited to, parks and open space, parking, transportation, and other related 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.

District Specific Powers

- **PRC § 5786.1** - A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including, but not limited to, the following 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, pursuant to Section 5786.5.
 - **(d)** To appoint 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 pursuant to Article 53.5 (commencing with Section 20815) of Chapter 1 of Part 3 of the Public Contract Code.

District Specific Powers - Continued

- **PRC § 5786.1** - A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including, but not limited to, the following powers:
- **(g)** To borrow money, give security therefor, and purchase on contract, as provided in this chapter.
- **(h)** To adopt a seal and alter it at pleasure.
- **(i)** To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.
- **(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 joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.
- **(l)** To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.
- **(m)** To perform any acts necessary to carry out the provisions of this chapter.

Setting the Course as Policymaker



Your Duties as a Board Member

- **PRC § 5784**
- **(a)** A legislative body known as the board of directors shall govern every district. The board of directors shall establish policies for the operation of the district. **The board of directors shall provide for the faithful implementation of those policies which is the responsibility of the employees of the district.**
- **(b)** Except as provided in this article, the board of directors consists of five members.
- **(c)** No person shall be a candidate for or be appointed to the board of directors unless he or she is a voter of the district or the proposed district.

Council-Manager Form of Governance

Most common form of local government in the United States

Best of both worlds – Combines:

- Strong political leadership of elected officials with
- Strong managerial experience of a professional administrator.

Designed for electeds to set policy direction as the direct representatives of the community with the General Manager/Administrator providing professional expertise to manage the organization and carry out the Board's direction.

Council-Manager Form of Governance – The Board’s Role

Board’s role → Public Resources Code 5784(a)

- “A legislative body known as the board of directors shall govern every district. The board of directors shall establish policies for the operation of the district. **The board of directors shall provide for the faithful implementation of those policies which is the responsibility of the employees of the district.**”

Policymaker → Sets budget, focuses on community goals, reviews long-term considerations of the organization, develops strategic plans, etc.

- Manage the manager.
- Identify the “Ends”, not the “Means”

Important legal considerations/protections

- Board’s Role is established by law. You are the checks and balances on your GM’s performance.

Important to develop and maintain a strong working relationship with your GM

Council-Manager Form of Governance – The GM’s Role

GM/Administrator’s Role → efficiently manage day to day operations, oversee (hire, fire, discipline) staff, fulfilling the vision and policy direction of the Board

This governmental structure puts professionals in the position to utilize their expertise for the benefit of your organization.

GM has the wheel. Board is an active and engaged passenger.

- Old attorney friend → “You tell me where you want to go. I will do my best to get you there.”
- As policymaker, you are setting the direction and the destination. The GM’s job is to get you there (or as close as possible given the circumstances).

Rec & Park District Summary

- Your District's mission is to provide essential recreation and park services to your community. (See PRC § 5780 (b))
- Your District has been vested with certain governmental powers to accomplish this mission. (See PRC §§ 5786 and 5786.1)
- Your Board is charged with developing policies to be implemented by District Staff that utilize the prescribed governmental powers to accomplish the District's mission. (See PRC § 5784)
 - Matt's Car analogy -- You are one of five passengers responsible for setting the course.
 - Active & engaged passenger
 - Ultimately, your hand is not on the wheel.
 - You oversee and direct the driver (your District's GM)

Learning the Rules of the Road





Learning the Rules of the Road



Understand the laws and the system within which you must work.

The Brown Act

What is the purpose of the Brown Act?

Who is subject to the Brown Act?

What is a meeting?

What are the notice and agenda requirements for meetings?

What are the public's rights?

When can we hold a closed session?

What are the penalties & remedies for violating the Act?

What is the purpose of the Brown Act?

The Brown Act

Government Code § 54950 et seq.

“...the Legislature finds and declares that public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. **It is the intent of the law that their actions be taken openly.**”

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created...”

What is the purpose of the Brown Act?

Bagley-Keene Act - Government Code § 11120 et seq.

“It is the public policy of this state that public agencies exist to aid in the conduct of the people’s business and the proceedings of public agencies be **conducted openly so that the public may remain informed.**”

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. **The people insist on remaining informed so that they may retain control over the instruments they have created...**”

Who is subject to the Brown Act?

“Legislative bodies” of all “local agencies”

- Very broad

“Legislative bodies”

- Governing Bodies
- Subsidiary bodies (any board, commission, committee, or other created by charter, ordinance, resolution or formal action)
- Board, commission or committee

“Local Agencies”

- All cities, counties, school districts, **special districts** and all other local public entities.

What is a meeting?

Gov Code § 54952.2

- “Meeting includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains...”
 - Majority
 - Same time and place
 - Hear, discuss, or deliberate
 - Subject matter jurisdiction

What is a meeting?

Six Exceptions

Individual
contacts (not
majority)

Conferences
& Seminars

Other
Community
Meetings

Other
Legislative
Body Meetings

Social or
Ceremonial
Gatherings

Standing
Committee
Exception

What is a meeting?

Writings as meetings

Be careful with emails

- Serial meetings → communications engaged for the purpose of developing consensus on a district issue. When viewed together, the communications add up to a majority of the Board.

GMs/Administrators often blind copy (BCC) Board Members to avoid reply all mistakes.

Social Media Rules – Gov Code section 54952.2(b)(3)

Facebook, X, Instagram, etc. have created unique problems for public meetings. New law tries to balance communication with public officials and prevent serial meetings.

Does not prohibit engaging in separate conversations or communications on an internet-based social media platform to

- Answer questions,
- Provide information to the public,
- or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body

*A member of the legislative body **shall not** respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.*

Running Your Meetings



Parliamentary Procedures

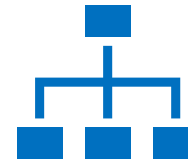
Robert's Rules of Order are used to ensure order, efficiency, and fairness



Tip→ Be mindful of the impact of your words and actions during the meeting.

Your meetings are a reflection of your organization.

- A well-run meeting communicates a well-run district to the public and to staff.
- Staff is watching. Public is watching. Words and actions carry weight. Use it to build up, not tear down.



Common Situations

Typo in the Agenda or Board Packet?

- Address beforehand with GM/Administrator.

Question about action item?

- Ask your GM/Administrator so they can research and be prepared to address before whole Board.

What are the notice and agenda requirements for meetings?

Regular meeting: 72 hr advance notice

Special meeting: 24 hr advance notice

Emergency meeting: 1 hr advance notice

Posted at the place of the meeting(s) AND web site

Notice must:

- Indicate type of meeting
- Include location, date, time
- Be accessible 24 hours a day for the required advance period prior to the meeting
- Include Agenda containing:
 - Brief general description of each item to be discussed or transacted (usually no more than 20 words in length)
 - Items to be discussed in closed session

Remote Attendance

Due to the posting requirements of the Brown Act, remote participation was historically a rare occurrence. See Government Code section 54953.

- To attend remotely, agenda had to list address of attendee and be publicly accessible.
- This remains an option for remote attendance – but rarely utilized for obvious reasons.

Post-Pandemic

- Brown Act rules for notice/posting were suspended via Executive Order N-29-20
- Brown Act rules further amended (AB 2449)
 - One or more members (but less than a quorum) have “just cause” for not attending in person OR experience an emergency circumstance.
 - Must provide general description of just cause and Member limited to two remote meetings per calendar year.

What are the public's rights?

Attend

- Non-discriminatory facilities
- No requirement to register or give any info as condition of attendance

Testify

- Broad constitutional right to speak
- Board may establish reasonable time limitations for public comment
- Public may comment on agendized items prior to or during Board's consideration of the item.
- Public may comment on Non-agenda items as well.
 - Board not authorized to comment on non-agenda items.

Records (Documents)

- Public entitled to copies of all materials given to Board Members

The Public Commenter

Public comments on non-agenda items

- Be careful addressing non-agendized items
- Suggestion → Direct to Staff, acknowledge need for more research/review, acknowledge limitations of Brown Act.

Public comment time limits

- Be Consistent

Disruptive speech

- Easier to do now with “Zoom bombing”
- SB 1000 (Gov. Code section 54957.95) – process for removal of disruptive individuals
 - “Disrupting”: engaging in behavior during a meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting

When can we hold a Closed Session?

Each item in closed session must be briefly described on agenda.

Once closed session is concluded, must report to open session and report votes and actions taken, if any.

Technically 17 exceptions for closed session, but we typically group them into 5 categories

- Litigation
- Real Estate Negotiations
- Labor Negotiations
- Public Safety
- Personnel Exception

When can we hold a closed session?

Personnel Exception

Avoid undue publicity or embarrassment

Allow full and candid discussion on sensitive matters

Re: employment, evaluation of performance, discipline, dismissal of an employee

- Only allowed for decisions that rest with Board
- Must involve a particular employee – no staff-wide decisions
- Shall not include direction or action on proposed compensation except from reduction as a result of discipline

Can be very confusing – Board should consult with legal counsel if faced with this situation to consider how best to meet legal obligations.

What are the penalties & remedies for violating the Act?

Criminal Penalties (DA)

- Misdemeanor

Civil Remedies (DA or “interested persons”)

- Injunctive relief, mandamus, declaratory relief
- Void

Notice & Demand for cure

Attorney Fees (award against agency, not the individual members who violated the Act)

Void Actions



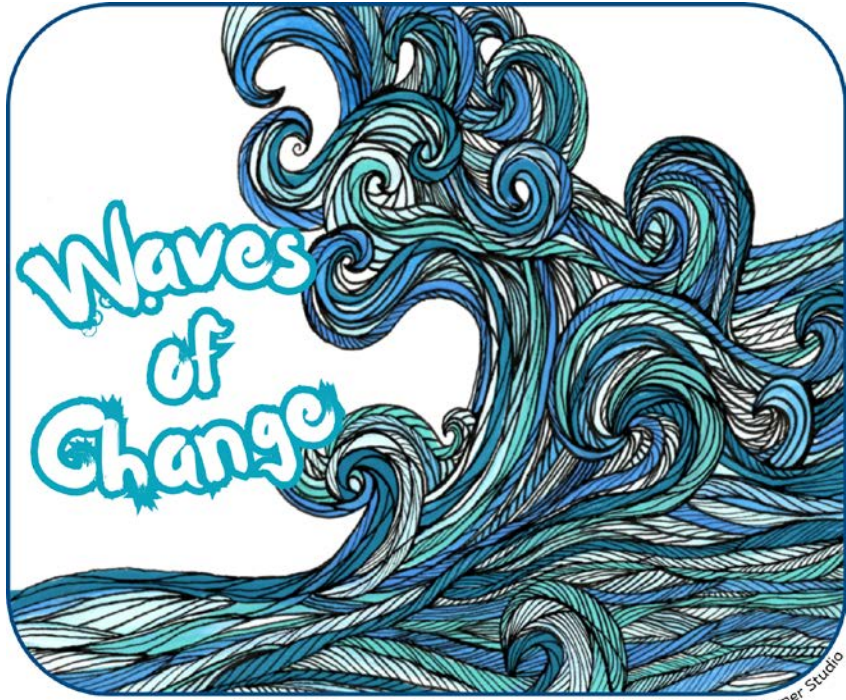
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LEARNING THE RULES OF THE ROAD



2025 CARPD Conference



Paradise Point, San Diego
May 21, 2025 - May 24, 2025



CARPD Conference 2025

- Registration now open at caparkdistricts.org
- Scholarships available!!!!
- Awards of Distinction Nominations due by 4/4
- Legislative Luncheon – get involved!



BOARD MEMBER

Orientation

**Navigating Your New Role:
A Guide to Effective
Board Service**



THAT'S IT!

QUESTIONS?