



Livermore Area
Recreation and Park District
An independent special district

**LIVERMORE AREA RECREATION AND PARK DISTRICT
REGULAR MEETING of the BOARD OF DIRECTORS**

DRAFT MINUTES

WEDNESDAY, MARCH 31, 2021

2:00 P.M.

NOTICE: Coronavirus COVID-19

In accordance with Governor Newsom's Executive Orders, members of the Livermore Area Recreation and Park District Board of Directors and staff participated in this meeting via teleconference. In the interest of maintaining appropriate social distancing, members of the public also participated in this meeting electronically.

DIRECTORS PRESENT: Directors Boswell, Faltings, Furst, Palajac, and Chair Pierpont

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Mathew Fuzie, Alexandra Ikeda, Fred Haldeman, Jeffrey Schneider, David Weisgerber, Jessie Masingale, Joseph Benjamin, Julie Dreher, Linda VanBuskirk, Lynn Loucks, Megan Shannon, Michelle Newbould, Nancy Blair, Patrick Lucky, Robert Sanchez, Vicki Wiedenfeld

COUNSEL: Rod Attebery, Allison Felkins, Neumiller & Beardslee

OTHERS PRESENT: Dawnmarie Fehr, Melinda Chinn, Paula Orrell

1. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE:

Chair Pierpont called the meeting to order at 2:03 p.m. All Directors were present, via Zoom. Chair Pierpont led the Pledge of Allegiance.

2. PUBLIC COMMENT: Ms. Paula Orrell addressed the Board regarding the resurfacing and repainting of the tennis courts and pickleball courts at May Nissen Park. She expressed concern that by painting eight pickleball courts on top of four tennis courts, an equity issue may arise; the dual lines on these courts may be confusing to new pickleball players and a disservice to tennis players. She also expressed concern over the netting issue. She suggested replicating the blueprint of courts at Livermore Downs, and installing a small fence between the two sports. She further suggested that the pickleball community itself

may be able to fundraise for a dual purpose dedicated area for the two sports, with a small fence in between and permanent nets, which would be ideal and most advantageous to the population that comes to that park.

Director Furst asked if this item could be referred for discussion at the Facilities Committee. General Manager Fuzie reminded the Directors that this topic was decided upon last year. Director Faltings addressed Director Furst's comment by stating that she had already been in contact with Ms. Orrell and she has been invited to speak under Public Comment at the Facilities Committee meeting scheduled for tomorrow, April 1st.

3. CONSENT ITEMS: (Roll Call Vote)

- 3.1** Approval of the Minutes of the Special Meeting: Budget Workshop of March 10, 2011
- 3.2** Approval of the Minutes of the Regular Board Meeting of March 10, 2021
- 3.3** Resolution No. 2711, approving District Notice 0006, Flag Policy

Moved by Director Faltings, seconded by Director Palajac, approved the Consent Agenda items, by the following roll call vote:

AYES: *Directors Boswell, Furst, Palajac, Faltings, and Chair Pierpont*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

4. DISCUSSION AND ACTION ITEMS

4.1 VACANCIES ON THE PERSONNEL COMMISSION

Chair Pierpont stated the Board would review and discuss the vacancies on the Personnel Commission and the procedures for determining candidates to serve on that Commission. GM Fuzie reported that due to two commissioners' terms expiring in January 2021, the District sought applications from the public to fill the two vacancies. Five letters of interest were received. He stated that it is within the Board's authority to appoint members to the Personnel Commission for four-year terms. General Counsel affirmed that, pursuant to Board Policy No. 2000, the Board of Directors shall establish the procedure for determining candidates to serve on the Personnel Commission. The Board's standing Personnel Committee shall develop a recommendation to the Board for appointment of candidates to the Personnel Commission. Appointment to the Personnel Commission will be by a majority vote of the Board.

Discussion ensued and from that discussion the Board gave staff direction on two separate areas:

- Board consensus was to remand this item to the Personnel Committee for the purpose of making a recommendation to be brought back to the full Board.
- At a later time when board policy revisions are addressed, Director Furst suggested that this process, as outlined in Board Policy 2000, is cumbersome as written and could be simplified by stating that applications go directly to the Personnel Committee for its recommendation first.

4.2 BOARD SUCCESSION POLICY

Chair Pierpont stated the Board would review Board Policy No. 4040 “Board Chair and Vice Chair” and discuss whether it wishes to make any revisions to the policy. GM Fuzie introduced the item and reported that there appeared to be some confusion in the reading of this policy. After a discussion with General Counsel Rod Attebery, it was recommended that a clarification be made to state that “this is a procedure to be taken in order, until you have a solution for succession.” Mr. Attebery referred to Policy No. 4040 at paragraph 5 “The Board of Directors establishes Board Officer rotation procedures. . . .” and suggested at the end of that sentence it say, “. . . **to be applied in order as follows:**” When you get to Item “i.” “The Vice Chair is the Chair-elect under normal rotation.” If that is in place, there is no need to move on to item “ii.” and therefore no need to move on to item “iii.” However, if you take them in order, and “i” isn’t met, then you’d have to move to “ii”. By adding the words “in order” it will make it clear that this is a procedure that we are to follow step-by-step.

In response to Director Furst’s question on page 15 at paragraph 6h. “. . . coordinates **periodic** Board assessment with the General Manager.” The group discussed using the term “**annual**” instead of “**periodic**”, especially if the employment contract states the position will be evaluated **annually**. Chair Pierpont does not object to either term.

- The Board directed staff to add both clarifying comments as discussed above, and then bring the revised policy back before the full Board.

4.3 BOARD LETTER IN SUPPORT OF CURRENT LEGISLATION FOR TESLA PARK

Chair Pierpont stated that the Board would consider authorizing the Board Chair to sign a letter on behalf of the District to the state assembly and state senate in support of current legislation for Tesla Park. Director Palajac stated she received an email just prior to the Board meeting, which Executive Assistant Linda VanBuskirk then sent out to the rest of the Board members, that outlines SB 799 and AB 1512. Director Palajac then summarized the procedure she followed as Board Chair in 2020 when the District provided a letter in support of Tesla Park at that time and referenced prior letters of support.

Chair Pierpont stated that although this is mentioned in the goals section of the most current Master Plan, the District now has a new board member, so it is important to raise the issue again. Discussion ensued regarding the District’s continuing support for the preservation of the Alameda-Tesla expansion area as a non-motorized vehicle regional park, but also included concern that the Governor, the Director of State Parks, and a local judge have already made decisions on the process, and that it would be inappropriate to intercede in those decisions made related to the land and this property.

Chair Pierpont opened public comment. No public comments were received. Public comment was closed.

MOTION:

Moved by Director Furst, seconded by Director Palajac, that the LARPD send letters in support to the state senate and state assembly to preserve the Alameda-Tesla expansion area as a non-motorized vehicle park, by the following roll call vote:

AYES: *Directors Palajac, Furst, and Chair Pierpont*
NOES: *None*
ABSTENTIONS: *Directors Faltings, Boswell*
ABSENT: *None*

5. INFORMATIONAL ITEMS (No Action Required)

5.1 BOARD OF DIRECTORS' ROLE IN PUBLIC COMPLAINT PROCESS

The Board reviewed and discussed Board Policy No. 1020 Public Complaints. GM Fuzie reported that generally the District receives complaints from many directions, i.e. social media, phone calls, emails directed to staff and emails directed to the Board as a whole or individually. It is the desire of the GM to make certain that the District is consistent in the way it handles public complaints and what is being expected of the operational side vs. Board level. The Board policy says we've received your complaint – we are sending you to the appropriate people for resolution – but we are always here if you need to raise it to a higher level if you do not get resolution. However, it does not require a reporting back from the operational arm if it is resolved.

Board consensus was that no change to the policy is needed at this time. General Counsel discussed how Board members may handle emails received from the public without violating the Brown Act. He suggested to Board members that when receiving complaints via email, forward the email to the General Manager with a blind cc to other members, with no commentary on the item. A simple note that you've received the email and are forwarding it to the GM to resolve the matter will suffice.

5.2 GENERAL FINANCIAL UPDATE

Youth Services Administrator Nancy Blair gave a brief report regarding the loss of Kidango subsidy funding, and a new partnership with Hively (previously known as Child Care Links). Hively is a resource and referral agency that supports families in Alameda County, and they have agreed to support LARPD's subsidy families. GM Fuzie added that this is important because the District planned to support those families through the General Fund, so this will positively impact the District by approximately \$600,000.

Administrative Services Manager Jeffrey Schneider gave a brief report regarding financial results through February. He summarized that February results came in \$63k better than anticipated and year-to-date figures show \$122k better than anticipated through February, largely due to the conservative estimate in the plan for election fees.

- ASM Schneider will send Board members the revised report figures for February for a comparison of actual results vs. the mid-year budget, along with the monthly PowerPoint presentation.

Director Furst pointed out that this agenda item states “This is a standing item while the District operates under an emergency declaration.” He inquired about when the District’s emergency declaration will end. GM Fuzie advised that the county and state emergency declarations are still in place. The Governor shall proclaim the termination of a state of emergency at the earliest possible date that conditions warrant. (Government Code Section 8629). Concurrently, the District will retain its emergency declaration until such time that the Board believes we no longer have a need for it.

5.3 COVID-19 PROGRAM UPDATES

GM Fuzie shared his screen to show Board members California’s County Risk Levels and where each county is at on the current tier system <https://covid19.ca.gov/safer-economy/#county-status>. As of yesterday (March 30th) Alameda County has moved into the Orange Tier; however San Joaquin County to the east and Merced County to the south are still both in the Purple Tier, with Stanislaus County in the middle substantially in Red. Moving through the tiers has an implication on whether programming will be indoors or outdoors and the numbers of participants that we are allowed to have. We are prepared to go either way with common-sense risk reduction measures such as masking and vaccinations. School did start this week. Our recreation, open space, and outdoor camps remain dependent upon the current tier system.

Director Faltings announced that Heritage Estates has now eased their rules so that residents may now have company inside their apartments.

6. COMMITTEE REPORTS

- a) Director Palajac reported her attendance at the March 18, 2021 Program Committee meeting; and the March 16, 2021 Livermore Downtown, Inc. meeting.
- b) Director Palajac reported her attendance, along with Director Furst, at the March 11, 2021 LAFCo meeting (both as members of the public).

7. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Director Boswell asked if a Board Retreat could be scheduled in order to have a strategic discussion at a Board level. Chair Pierpont concurred.
- b) Director Faltings shared an idea about having face masks made with the LARPD name and/or logo on them as the District begins to reopen its programs and the Community Center. Since the public may be required to wear masks for a long time into the future, this could potentially be a good service to provide to the community and also an excellent public relations effort. Chair Pierpont concurred. Director Furst stated this dovetails with his request during the January 13, 2021 Regular Board meeting: “Director Furst wondered if the District or the LARPD Foundation would be interested in selling clothing or merchandise with the LARPD logo, i.e. hats, vests, t-shirts, once the Robert Livermore Community Center opens up again. He suggested that either the Finance Committee and/or the LARPD Foundation might discuss this to consider if it is worthwhile to do.”

8. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

The GM Fuzie made the following announcement:

- a) LARPD, in partnership with the school district (LVJUSD), the City of Livermore, and Safeway Pharmacy, will open the Cresta Blanca Ballroom as a Point of Distribution (POD) in order to hold a vaccination clinic on April 2nd, April 3rd, and April 9th with corresponding dates on April 23rd, April 24th and April 30th for the second shot.

9. ADJOURNMENT: The meeting was adjourned at 3:16 p.m.

APPROVED,

Philip Pierpont
Chair, Board of Directors

ATTEST:

Mathew L. Fuzie
General Manager and
Ex-officio Clerk to the Board of Directors