



Livermore Area
Recreation and Park District
An independent special district

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

MINUTES

WEDNESDAY, APRIL 26, 2023

5:00 P.M.

DIRECTORS PRESENT: Directors Maryalice Summers Faltings, Jan Palajac, Philip Pierpont, Vice Chair David Furst, Chair James Boswell

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Mathew Fuzie, Fred Haldeman, Jill Kirk, Michelle Kleman, David Weisgerber, Linda VanBuskirk, Pamela Healy

DISTRICT COUNSEL: Tom Terpstra, Jr. with Neumiller & Beardslee

OTHERS PRESENT: Conni Naylor

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

Chair Boswell called the meeting to order at 5:03 p.m. All Directors were present, except Director Pierpont (who arrived at 5:05 p.m.) Chair Boswell led the Pledge of Allegiance.

2. PUBLIC COMMENT: None.

3. CONSENT ITEMS

- 3.1** Approval of the Minutes of the Regular Board Meeting on April 12, 2023;
- 3.2** Approval of the Letter to Caltrans District 4 regarding Arroyo Road at Dry Creek Bridge Replacement.

Director Palajac asked to pull Item 3.2 for discussion. She asked if the letter is being written as a part of Caltrans seeking environmental clearance and she wanted to know if there is a map showing where the bridge is going and where the properties are so the Board may figure out how this affects LARPD.

- *[General Manager Fuzie explained that this is a concurrence letter stating that LARPD concurs with the location and the fact that we will have a loss of property, and in exchange for that loss of property we will get a conveyance. He will provide a map to the Board for clarification. This project has been discussed at the Facilities Committee plus it has been on the CIP list and the Trail Connection List.]*

- Director Furst asked that before the letter is mailed out, that the first sentence be corrected to say “The Livermore Area Recreation **and** Park District” instead of “The Livermore Area Recreation **&** Park District.”

Chair Boswell opened public comment. No public comments were received. Chair Boswell closed the public comment period.

MOTION:

Moved by Director Palajac, seconded by Director Furst, approved the Consent Items, by the following roll call vote:

AYES: *Directors Pierpont, Faltings, Furst, Palajac, and Chair Boswell (5)*
NOES: *None (0)*
ABSTENTIONS: *None (0)*
ABSENT: *None (0)*

4. PRESENTATION

The Board received a presentation from Community Outreach Supervisor David Weisgerber regarding the California Park & Recreation Society (CPRS) Award to LARPD Volunteer Conni Naylor, who was present at the meeting. (His presentation slide is attached to these minutes.)

Ms. Naylor has been working with LARPD as a volunteer in several capacities, and this year she was presented with the CPRS District 3 Outstanding Volunteer in Parks and Recreation Award.

Director Questions/Comments:

The Board acknowledged and thanked Ms. Naylor for her excellent volunteer work.

This was information only and no Board action was taken.

5. DISCUSSION AND ACTION ITEMS

5.1 PROPOSED DISSOLUTION OF THE PERSONNEL COMMISSION

The Board reviewed and discussed the proposed dissolution of the Personnel Commission (PC) and utilization of a third party ombuds investigator.

General Manager (GM) Fuzie introduced the item. Last year we had the perfect storm: one commissioner left the area and staff had difficulty finding additional qualified candidates. At that same time, our existing HR staff left for positions at other locations. We were then fortunate to bring Human Resources Officer (HRO) Michelle Kleman and two additional professional HR staff on board. HRO Kleman quickly took on all standard cyclical HR issues, including the Personnel Commission. That involved getting to know the process and existing practices with the PC.

HRO Kleman presented the best practices for personnel management, including using external investigators for disciplinary review and whistleblowing cases, and providing due process for employees. HRO Kleman noted, she has been trained in internal investigations.

HRO Kleman also discussed the role of the PC, which has evolved from being involved in many processes to being an oversight for disciplinary actions. She suggested updating the policy to reflect the current practice and alternatives. Having a robust personnel management system where there is due process (where the employees get feedback and understand where they stand in the organization) helps reduce the need for investigations at the outset. When she spoke with the Personnel Commission members, they all were amenable with the proposed changes, but asked for more clarity on their role. She emphasized, the PC consists of great volunteers, and they've all given great service to the District. We are at a point right now where we have other alternatives, and the policy can be updated accordingly.

HRO Kleman recommended that the board approve the policy update and dissolution of the Personnel Commission.

Director Questions/Comments:

- The current policy states an employee can either ask for PC review, or to ask for an ombudsperson. Is it correct that the new policy would be that the employee can only go to the ombudsperson. (*No. Under the new policy, an employee can either go through the internal investigation process and/or, if they request it, we can also enlist this third party.*)
- But they wouldn't have the flexibility of going to the PC, as it will no longer exist? (*That is correct.*)
- The Board had a long discussion on this topic several months ago. At that point the Board was clear they wanted to keep the PC. Why is it coming up again? (*It came up again because we had a change in our HR team, and another cycle of looking for commissioners. The new recommendation is to limit the difficulty in finding new candidates for the PC. Additionally, there is potential to create liability for the District if we don't have a strong PC. The other options involve professional service providers that may be held accountable more easily.*)
- What is the current cost (in terms of staff time) of keeping the PC? (*Staff time involves several hours per quarter, minimally, for the creation of content for discussion and the pulling together of very challenging schedules. Additionally, time spent on the previous candidate search process took several hours & did not yield good results.*)
- In the past when this issue was raised, we had a very strong PC with a lot of good experience and less experienced HR staff. We now have a very experienced HR staff, and conditions have changed in the PC. We are now also at a point where another PC vacancy has occurred.
- We can certainly have policies that address these issues without having something that is anachronistic. The PC is something that has been useful but maybe is past its prime. It is important to note, the District is very thankful for the people who have served us just like all our other volunteers.
- The circumstances and environment have changed. Potential legal issues and potential risk and exposure relative to continuing with the PC should be considered, as there are very clear and specific requirements on timing and intervening in certain circumstances without violating the law. We now have HR staff in place who are fully competent and capable, as well as new policies in place. In addition to that, we have very competent legal counsel who is very well-schooled in personnel practices and policies. With the new policies, due process

will take place because issues will now be documented. Policies will also conform to both state and federal guidelines, within the confines of what we need to be doing legally.

- o What is the process? Do we take a vote? If we decide not to continue the existence of the PC, are we still going to have a Personnel Committee? And what will we actually do? (*This is not related to the Personnel Committee. Board action involves a motion to dissolve the Personnel Commission and to put it to a vote*).

Legal Counsel Tom Terpstra advised that the Board may take action by resolution, but considering there isn't one already drafted, the same legal effect would be to take a motion, with a second, to dissolve the Personnel Commission. He explained that would have the same legal effect if the Board were to vote today. Because the attached staff report is listed under the section of Discussion and Action Items and does propose an action of dissolving the Personnel Commission, there would be no Brown Act violations if the Board were to do so. As an alternative, at the Board's discretion, the item could be continued to another meeting so that it can be properly noticed.

Public Comment: Chair Boswell opened public comment. No public comments were received. Chair Boswell closed the public comment period.

MOTION:

Moved by Director Palajac, seconded by Director Faltings, to approve the dissolving of the Personnel Commission and utilization of either a third party ombuds investigator for employee concerns and appeals or to provide the employee with the option of the internal investigation process, by the following roll call vote:

AYES: *Directors Furst, Pierpont, Faltings, Palajac, and Chair Boswell (5)*
NOES: *None (0)*
ABSTENTIONS: *None (0)*
ABSENT: *None (0)*

5.2 SPORTS COMPLEX

Chair Boswell created a hand-out with talking points for an initial Board discussion about a proposed Tri-Valley Sports Complex concept. (see presentation attached).

GM Fuzie reported that this topic was brought up at the April 6, 2023 Facilities Committee meeting. The Facilities Committee suggested this idea be brought to the full Board for further review and discussion. There is no recommendation from staff at this time. He commented that there is preliminary discussion of a bond measure in early 2024. The Livermore Valley Joint Unified School District (LVJUSD), City of Livermore (COL) and LARPD have been discussing a potential bond act that would be less than \$500 million with the school district needing approximately \$375 million of that. It is felt that the remainder of \$125 million would be spread across several projects; therefore, there will likely not be room for a sports complex.

Discussion ensued about the possibility of developing a sports complex, as outlined in the attached Tri-Valley Sports Complex handout and to determine what the Board's interest level is in doing so. The Board Members expressed their opinions and perspectives on various aspects of the project, such as:

- The location, size, and scope of the complex: whether it should be indoor or outdoor, local or regional, new or existing, and where it could be built.
- The needs and preferences of the constituents: whether they want a sports complex that attracts people from all over the Bay Area or that serves the local community, and what kind of activities and facilities they would like to have.
- The funding and partnership opportunities: whether the district should seek out sponsors, users, or collaborators, or wait for them to emerge, and whether the District should consider a ballot measure, a parcel tax, or a bond issue to finance the project.
- The market analysis and research: whether the District has the staff and resources to conduct a thorough investigation of the feasibility and demand of the project, and what kind of data and information they need to collect.

Public Comment: Chair Boswell opened public comment. No public comments were received. Chair Boswell closed the public comment period.

This was a discussion only and no Board action was taken. However, the Board Members expressed their interest in pursuing this concept and agreed that they need to have more dialogue on this topic to get closer to developing a concept and initial strategy, and that they need to start with polling their constituents and finding out what they want.

5.3 FIREWORKS AT ROBERTSON PARK, JULY 2023

GM Fuzie reported that the City Manager had contacted LARPD in January with a proposal to relocate the downtown fireworks event to Robertson Park. LARPD had initially rejected the idea before for economic reasons and because of the new fields at the park. The City Manager returned with a proposal asking LARPD to reconsider and promised that the City would take care of everything, including the costs and liabilities, and would not ask LARPD staff for any assistance. GM Fuzie delegated the task of developing a plan to Parks and Facilities Manager (PFM) Fred Haldeman, who worked with City staff on the details.

PFM Haldeman shared a map of the proposed layout of the launch site for the 4th of July Fireworks at Robertson Park and highlighted details of the event plus how the City would stage the facility (see attached).

The Board discussed the proposal from the City to host the fireworks at Robertson Park. They raised questions and concerns about the awareness of the Livermore Stockmen's Rodeo Association, the potential downsides and impacts for LARPD, the liability and risk issues, the co-branding of the event and public perception, and the possibility of the expectation that LARPD should take over the event in the future. The Board recommended that LARPD should be supportive but cautious, and let the City take full responsibility for the event.

Public Comment: Chair Boswell opened public comment. No public comments were received. Chair Boswell closed the public comment period.

Direction:

The Board directed staff to go back to the City with their concerns, and to consult with CAPRI and legal counsel about the best way to ascertain how best to convey this property for use for this purpose without exposing LARPD to any harm. Board members are not averse to moving forward with this project, except for mitigation of risk and exposure of liability.

6. INFORMATIONAL ITEMS (No Action Required)

6.1 POTENTIAL SCHOOL BOND MARCH 2024

General Manager (GM) Fuzie reported on discussions between the Livermore Valley Joint Unified School District (LVJUSD), the City of Livermore (COL), and LARPD regarding a potential new shared bond measure in March 2024.

The bond measure was discussed at up to a half-billion dollars, although LVJUSD Superintendent Chris Van Schaack mentioned during an Intergovernmental Committee meeting a range from \$450 million to \$650 million. The bond would fund construction and renovation of school, city, and LARPD facilities, such as the Bothwell, Max Baer, Springtown Community Center, and May Nissen Swim Center.

Discussion ensued and the Board expressed their opinions and concerns regarding the challenges and uncertainties of moving forward with the bond, such as the amount, the timeline, the polling, and the partnership with the school district and the city.

The next step will be to bring this discussion with more solid information to the LARPD Board to determine if it desires to support moving forward with bond measure planning.

[The Board dismissed GM Fuzie to leave the Board meeting to attend the Springtown Open Space townhall meeting.]

The Board of Directors had no further comments or questions. This was information only and no Board action was taken.

7. COMMITTEE REPORTS

- a) Director Pierpont reported on his attendance at the April 17th Finance Committee meeting. A copy of the draft meeting minutes was included in the agenda packet.
- b) Director Pierpont Reported on his attendance at the April 18th Livermore Downtown, Inc. meeting. Their main focus is on Street Fest, which will be next month. The number of volunteers and vendors for that event is excellent. They also discussed the downtown Legacy development.
- c) Director Pierpont reported on his attendance at the April 26th Visit Tri-Valley Destination Strategic Planning Steering Committee. They are exploring ideas for inter-agency and

public/private cooperation, currently engaging stakeholders to discuss ideas to draw visitors to Tri-Valley.

- d) Chair Boswell reported his attendance, along with Director Palajac, at the April 17th Intergovernmental Liaison Committee meeting. A copy of the agenda was included in the agenda packet. Items discussed included the 2024 Bond item, student housing at Las Positas, and affordable teacher housing.
- e) Director Palajac reported that she and Director Furst attended the Ad Hoc Committee for the Master Property Agreement (MPA) earlier this afternoon. The Committee is getting close to the final version of the MPA, which may be ready for the Board to review at the next Board meeting.

Public Comment: Chair Boswell opened public comment. No public comments were received. Chair Boswell closed the public comment period.

8. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Chair Boswell shared that he has been pursuing election to the Alameda LAFCO Non-Enterprise seat.

9. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

Executive Assistant to the General Manager, Linda VanBuskirk made the following announcements on behalf of GM Fuzie:

- The 2023 Board Meeting Schedule has been updated to reflect dates, times and selected parks for the Public Meetings in the Park, as follows:
 - Wednesday, June 21, 2023 at 6:00 p.m. - Lester J. Knott Park
 - Wednesday, July 19, 2023 at 6:00 p.m. - Bill Clark Park
 - Wednesday, August 16, 2023 at 6:00 p.m. - Northfront Park and Trailhead
- The May 31, 2023 Board Budget Workshop will begin at 3:30 p.m.
- The June 15, 2023 Intergovernmental meeting has been canceled. The meeting host for August 2023-June 2024 will now be the Livermore Joint Unified School District.

10. ADJOURNMENT: The meeting was adjourned at 7:16 p.m.

APPROVED,



James Boswell
Chair, Board of Directors

ATTEST:



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

/lvb and ph

Attachments:

- Supplemental handouts:
- Item 4: Outstanding Volunteer Conni Naylor
- Item 5.2: Sports Complex
- Item 5.3: 2023 Robertson Park Fireworks Map

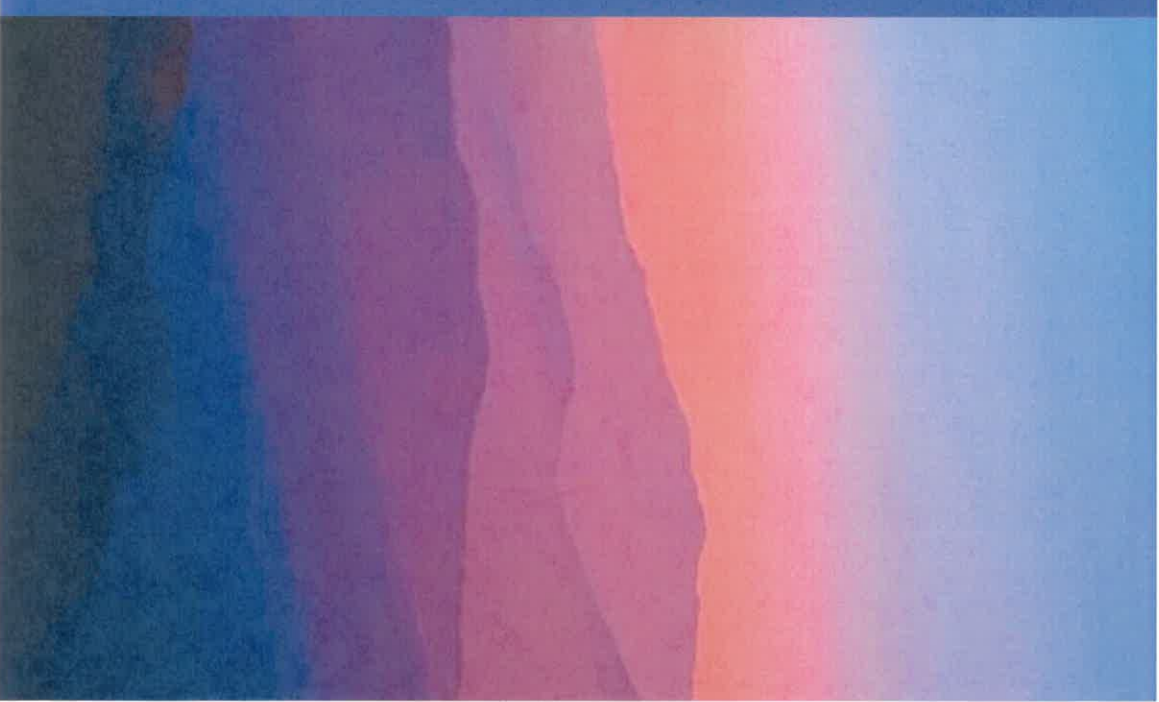


CONNIE NAYLOR

CPRS DISTRICT 3
OUTSTANDING
VOLUNTEER IN
PARKS AND
RECREATION



Tri-Valley Sports Complex



Item 5.2

Agenda

LARPD



Background

Considerations

What/Who

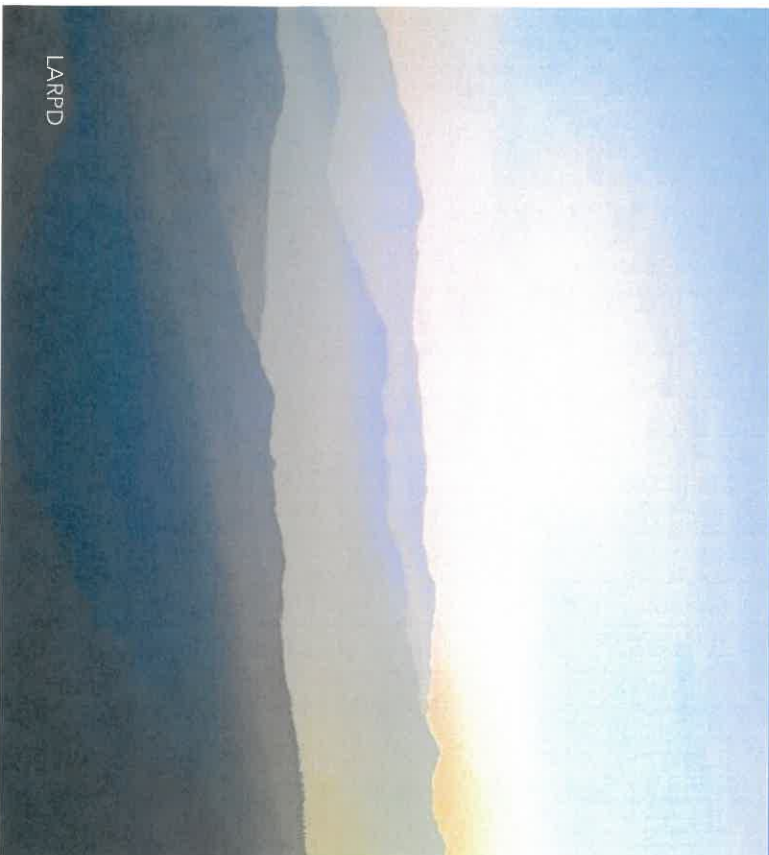
Stakeholders

User Communities

Program Integration

Site Locations

Introduction



LARPD

Background

- History 1953 - Present
- Demographics
- Population Tri-Valley/Livermore
- LARPD 1953-Present

Sports Complex

Considerations

Why is this important

Strategic versus operational

MSR implications

LAFCo considerations



LARPD



4

Sports Complex

- What/Who
 - What is a Sports Complex
 - Indoor/Outdoor Facility
 - Flexible multi-use capabilities
 - Year-Round Utilization
- Stakeholders
 - LARPD
 - City of Livermore
 - Pleasanton
 - Dublin

Sports Complex

- User Communities
 - Soccer
 - Basketball
 - Softball
 - Baseball
 - Tennis
 - Pickleball
 - Volleyball
 - Rock Wall Climbing
 - Swimming
 - Indoor Training Facilities



**The way to get
started is to quit talking
and begin doing.**

Walt Disney

Sports Complex

- Program integration
 - Vendors
 - Sponsors
 - Hotels
 - Restaurants
 - Shopping
 - Wineries

Sports Complex

- Site Locations (Options)
 - Las Positas Golf Course
 - North Livermore
 - Garaventa Ranch Area
 - Springtown Flats

Sports Complex

- Issues/Funding
 - Asset Swap
 - Vendor(s) Investment
 - Commercial Paper
 - Bond