



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, OCTOBER 28, 2020

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 Faltings, Furst, Pierpont, Wilson and Chair Palajac

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Mat Fuzie, Alexandra Ikeda, Fred Haldeman, Jeffrey Schneider, Jill Kirk, Joseph Benjamin, Julie Dreher, Linda VanBuskirk, Lynn Loucks, Megan Shannon, Nancy Blair, Patrick Lucky, Robert Sanchez, Rod Attebery

OTHERS PRESENT: Stacey Swanson

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

Chair Palajac called the meeting to order at 2:00 p.m. All Directors were present, via Zoom. Chair Palajac led the Pledge of Allegiance.

2. PUBLIC COMMENT: There were no public comments.

3. CONSENT ITEMS (Motion)

3.1 Approval of the Minutes of the Regular Board Meeting of October 14, 2020

Moved by Director Pierpont, seconded by Director Wilson, approved the Consent Agenda Items, by the following roll call vote:

AYES: Directors Pierpont, Faltings, Wilson and Chair Palajac
NOES: None

ABSTENTIONS: Director Furst
ABSENT: None

4. DISCUSSION AND ACTION ITEMS

4.1 BOARD TERM OF OFFICE

Chair Palajac stated that this item was placed on the agenda at her request to ascertain when the newly elected board members' term of office would take effect. General Manager Mat Fuzie introduced Executive Assistant to the General Manager Linda VanBuskirk to explain the board policy. Ms. VanBuskirk reported that District Board Policy No. 4020 "Attendance at Meetings" at paragraph 1(c) states "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." PRC §5784.3(a) states "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." Additionally, pursuant to Elections Code Sections 15301 and 15372, the District shall receive the Certified Results of the election by December 3, 2020 from the Registrar of Voters' office. (E+30) The first Friday in December of 2020 will be December 4, 2020. The newly elected board members will attend their first LARPD Board Meeting on December 9, 2020. Director Beth Wilson's last board meeting will be the November 18, 2020 meeting.

Board member comments/questions included:

Director Wilson asked for confirmation as to when her term actually ends. [*Chair Palajac confirmed it carries into the first few days in December, on December 3rd.*] Is this how the Board of Supervisors and the Livermore City Council does it? Is this standard practice? And can the District opt out of this code section if it wanted to? [Pierpont]

East Bay Regional Park District begins their term in January, but they have different enabling legislation. [Furst, Faltings]

District Council Rod Attebery stated that the general rule is that the California Special Districts Association (CSDA) has its own time frame in terms of appointments and/or new directors taking over. However, the general rule applies to members that are continuing their tenure and that a new member will not replace an outgoing member until the new member is ready to be placed and/or the old member has vacated their seat. Although it is somewhat confusing, you may set any date you want and nobody will have an issue with this or complain about it.

Discussion ensued and board members made the following suggestions:

- Director Wilson should come to the December meeting, then the Board could hold a swearing in ceremony at the end of the meeting. The new Director could then be ready to go in January.
- GM Fuzie stated it was his curiosity and need to have a clean process to know what the transition was intended to be and where it is supported, either in statute or policy. He would like a clear delineation of term so that we know when the transition has taken place. District Counsel Attebery confirmed that PRC §5784.3 states the time in which the new member shall be seated; but the Board is suggesting something completely different. There is not a problem with changing Board Policy No. 4020 to reflect that they will take office on January 1. This could provide continuity in the way the District

approaches this after an election - so that the last meeting after the election is the time in which the individual is sworn in and the next meeting after they are sworn in would be their first meeting. Absent an alternative, the Board's policy is stated. If the Board desires to change its policy, or create a new policy around term of office and the way in which the transition is conducted, that can be brought to the Board for a vote.

- Realistically, Board Policy No. 4020 is about attending meetings and isn't the place we should look for a policy about when a term begins and ends. This specific information should be delineated in a separate policy, and should define what the term is.
- In the past, the District has sworn in the new board member immediately after becoming eligible, then seated at the next board meeting (which would be the December board meeting.) Each board member has an obligation to fill out the request form for being on various committees. The new member must be able to meet people and fill out the form. If the new member attends their first meeting in January, when are they going to be able to meet people legally and fill out the request for the different committees? We need to continue the policy of swearing in the new member prior to the end of the December meeting and take their seat at that December meeting.
- The expressing of which committee(s) a board member would like to be on is a courtesy. In the past, board members served on the committees they were assigned to by the Board Chair. The fact that the District used to have two meetings each month including November and December, but then changed to one meeting in November and December, has caused this confusion as to the schedule for seating new members. The sitting board member should serve through the first meeting in December, then at the end of that meeting the new member is sworn in, and their first active participation will be at the first meeting in January.
- District Counsel Attebery reiterated PRC §5784.3(a) as referenced in Board Policy No. 4020 and focused on the phrase “. . . Directors shall take office at noon on the first Friday in December following their election **or their appointment to a fixed term.**” He advised that the reason it says “or” is because it is anticipating that we may not know the results at the first Friday in December. There could be a close enough vote that we would not know. If you further read the PRC, a member serves their duty until otherwise removed, a new appointment, or a new election. So, this code section provides that the first Friday in December following the election is the correct date. There is language in the Election Code as well as the special district language that allows you to set your own policy, so if you decide to set your own policy to January 1, when we are fairly certain what the election results are, you may use that date; but if you are following the PRC code expressly, it is as stated above.
- If the Board desires the term to begin on January 1st, can we then swear the new board member in at the end of the December meeting, but say that their term doesn't begin until the 1st of January, and the old member remains until December 31st? Or is the time when they are sworn in – that is when they are official? [*Per Mr. Attebery, you may do it either way. There is no requirement for the swearing in ceremony. They may even do it from home via Zoom.*]

- [Furst] Would like the Board to stick close to the PRC which states that the member is sworn in on the 1st Friday in December, etc., and then takes their seat at the next board meeting.
- [Faltings] The December board meeting has been designated as the specific time of year when Board members can review and suggest changes to the Board Policy Manual. *[Mr. Attebery added that Board members are free to change its policies anytime the matter is placed on the agenda.]*
- [Pierpont] Does not object to staying with the PRC and our practice; but thinks that Board Policy No. 4020 is about attendance at meetings, not about terms of office. We need a clear policy governing terms of office.

No Board action was taken; however, Chair Palajac stated that since there is at least one Board member who would like to see a possible change to this policy, it will need to come back to a future meeting as an action item to determine which direction the Board would like to choose between either 1) The new board member is seated on the 1st Friday in December following the election; or 2) Outgoing board member to attend the December meeting, and at the end of the meeting the new member would take office and proceed from there officially at the January meeting.

- GM Fuzie stated this will be an item on the agenda for discussion and action - with no staff report - as staff does not want to assume any direction one way or another.

4.2 GENERAL FINANCIAL UPDATE

Administrative Services Manager Jeffrey Schneider provided a verbal financial update to the Board. Although it is currently too early to provide preliminary results through the month of October, 2020, the District is moving forward on the cash side with the submittal of spend related to the Joe Michell buildings to be funded through AB1600 funds. This alone will add \$650-\$700K on the plus side to the cash flow projection. He also reported that results are running better than projected back in late September when operating results and cash flow balances were reported. We are \$1M or so above what projections had suggested through October.

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

No Board action was taken.

5. INFORMATIONAL ITEMS (No Action Required)

5.1 PROGRAM UPDATES

GM Fuzie shared a presentation entitled "COVID-19 Update – Recreation Directors Meeting – October 27, 2020". This presentation was given by the Alameda County Public Health Department at a meeting he attended on October 27th with other recreation directors throughout the county. *[The presentation will be attached to these minutes.]* The presentation highlighted what has changed in Alameda County regarding COVID-19 reopening updates and advancement through the tier framework.

- Director Wilson asked if Mr. Fuzie could provide a copy of the presentation to the Board members.

- Director Faltings asked how LARPD will let the public know how these changes will affect its programs offered. [*LARPD announces changes through signage at the facilities, social media, press releases through the newspapers, and the LARPD website.*]

Recreation Department Manager Alexandra Ikeda commended the Recreation Department team for their creative efforts on October 24th for the socially-distanced, COVID-19-style Halloween Trunk and Boo, a spin on the Trunk n' Treat. She reported there were 30 cars/trunks in participation.

Parks and Facilities Manager Fred Haldeman reported the following:

- a) On Friday, October 16th, LARPD playgrounds were opened to the public.
 - Director Pierpont added that he has taken his son to some of the playgrounds and was happy to see the level of compliance by other park visitors.
- b) Renovations at Bill Clark Park are almost completed. The sand has been removed and the engineered wood chips will be installed next week.
- c) The last day of contract services for Maintenance and Parks will be October 31st. We will be effectively reducing the labor force that we can field in Parks after that time.

Aquatics Supervisor Patrick Lucky reported on the Aquatics Department's approval received from the county to open a parent/child swim lesson class.

6. COMMITTEE REPORTS

- a) Director Faltings reported her attendance at the October 19, 2020 Finance Committee meeting.
- b) Director Faltings reported her attendance at the October 20, 2020 LARPD Foundation meeting.
- c) Director Furst reported his attendance at the October 15, 2020 Program Committee meeting.
- d) Director Pierpont reported his attendance at the October 19, 2020 Finance Committee meeting previously discussed by Director Faltings, above.
- e) Chair Palajac reported her attendance, along with Director Pierpont, at the October 15, 2020 Intergovernmental Liaison Committee meeting between the Livermore Joint Unified School District, City of Livermore, and LARPD.
 - In response to a question from Director Furst, GM Fuzie expanded upon the committee's discussion on its Agenda Item 4. Organizational Changes at LARPD. He explained that the committee was given a general overview of LARPD's recent organizational changes, approved in September, due to a loss in revenue, major outcomes as a result of the changes, and who they should contact in the future.
 - In response to a question from Director Faltings, GM Fuzie reported that the city has not had layoffs, but did have a reduction in services and hours; and the school district did have layoffs earlier in the pandemic.
- f) Director Wilson reported her attendance at the October 15, 2020 Program Committee meeting, previously discussed by Director Furst, above.
- g) Chair Palajac reported her attendance, along with Director Pierpont, at the October 26, 2020 Ad Hoc Budget Committee meeting.

- h) Chair Palajac reported her attendance at the October 20, 2020 Livermore Downtown, Inc. meeting.

7. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

None.

8. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

GM Fuzie made the following announcements:

- a) LARPD is working on two COVID-19 initiatives; One is using the Prop 68 bond monies in conjunction with the City and preliminarily looking at installing a walkway path at the Springtown Open Space area with those funds, and potentially using AB1600 funds as the match. The second part of this discussion is due to COVID-19 and the emphasis on being outside - thinking of ways to add to our current footprint, using AB1600 funds to create more outdoor opportunities for both programming and exercise. This item will go before the Facilities Committee next week.
- b) The front counter of the Robert Livermore Community Center is home to a very funny-looking phone that has two handsets. This is the Language Line Services phone. If somebody comes in to the RLCC or calls in, and they do not speak English and we cannot communicate with them, we simply use this service to be connected with a translator. This is a fantastic tool to ensure quality communication.

9. ADJOURNMENT: The meeting was adjourned at 3:39 p.m.

APPROVED,



Jan Palajac
Chair, Board of Directors

ATTEST:



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