



Livermore Area
Recreation and Park District
An independent special district

REGULAR MEETING of the BOARD OF DIRECTORS

MINUTES

WEDNESDAY, AUGUST 14, 2024

5:00 P.M.

Robert Livermore Community Center
4444 East Avenue, Livermore, California
Sycamore Room

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

DIRECTORS ABSENT: Director Philip Pierpont

STAFF MEMBERS PRESENT: Mathew Fuzie, General Manager (GM)
Linda VanBuskirk, Executive Assistant (EA)
Rene Venus Dalusong, Executive Assistant (EA)

DISTRICT COUNSEL: Andrew Shen, Esq. with Renne Public Law Group (DC)
Gary Bell, with Colantuono, Highsmith and Whatley, PC

OTHERS PRESENT: None

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

Chair Furst called the meeting to order at 5:00 p.m. All Directors were present, except Director Pierpont. Chair Furst led the Pledge of Allegiance.

2. **PUBLIC COMMENT:** Chair Furst opened the public comment period. There were no speakers, and the public comment period was closed.

3. CONSENT ITEMS:

- 3.1 Approval of the Minutes of the Regular Board Meeting on July 31, 2024
- 3.2 General Manager's Monthly Update to the Board on Issues and Projects – August 2024

MOTION:

Moved by Director Palajac, seconded by Director Faltings, approved the Consent Agenda Items 3.1 and 3.2, by the following voice vote:

AYES: *Directors Palajac, Boswell, Faltings, and Chair Furst (4)*

NOES: *None (0)*

ABSTENTIONS: *None (0)*
ABSENT: *Director Pierpont (1)*

4. DISCUSSION AND ACTION ITEMS

4.1 Discussion and Possible Action Regarding Draft Municipal Service Review and Sphere of Influence Report, Prepared by RSG Solutions for the Local Agency Formation Commission of Alameda County

The Board of Directors and staff reviewed and discussed the revised draft Municipal Service Review (MSR) provided by the Local Agency Formation Commission of Alameda County (LAFCo). General Counsel (GC) Bell asked the Board for edits and feedback prior to the upcoming LAFCo meeting on September 12, 2024.

DIRECTION:

- a) Directors asked GC Bell to initiate a letter to LAFCo recommending a special study analyzing the overlapping boundaries and services provided and to include the specific numerical data that LARPD transfers through the Property Tax Sharing Agreement to East Bay Regional Park District prior to the LAFCo September 12, 2024 meeting.
- b) GM Fuzie suggested forwarding LARPD's response to the LAFCo MSR survey along with the letter to LAFCo.
- c) Chair Furst noted he will be out of the country on September 12, 2024 and encouraged the rest of the Board to prepare comments for and to attend the upcoming LAFCo meeting.
- d) Chair Furst directed staff to add this item to the next agenda to discuss talking points.

4.2 Discussion and Possible Action Regarding Selection of Auditors

DC Shen updated the Board regarding the current term of agreement with James Marta & Company which is set to expire soon. District staff is happy with the services provided by James Marta & Company. Finance Officer Julie Dreher is requesting a 3-year extension. Discussion ensued regarding renewing the current agreement or engaging in a Request for Proposals (RFP) process. DC Shen clarified that the Government Code does provide that the **lead partner** must rotate, but it does not mandate that the District must choose another audit firm all together. DC Shen clarified that District Notice 8 confirms that the selection of legal/audit partners from the RFP process is a Board decision.

Board Comments/Questions:

- a) Director Faltings asked if it is still best practice to review the auditor relationship every once in a while. Director Palajac concurred.
- b) Director Palajac mentioned this item was discussed at the June 24th Finance Committee meeting. The Committee agreed to bring the matter to the Board to hear recommendations from Legal Counsel regarding whether there is a requirement for an audit policy related to selection of auditors. *[GM Fuzie clarified there is no current District policy on the process of selection of auditors. The Board has the option to create one. Moreover, the Board may consider adding every 5-7 years to discuss selection of auditors and noting the government code.]*

DIRECTION:

- a) The Board directed staff to go out for an RFP regarding the selection of auditors.
- b) The Board directed staff to draft a policy on the selection of auditors, in accordance with the California Government Code. The policy will include a provision that requires the Board to consider the selection of auditors as an agenda item at least every six (6) years or sooner.

4.3 Public Hearing: Amendments to Ordinance No. 8 – District Rules and Regulations Governing Use of District Facilities and Parks.

DC Shen presented the proposed amendments to Ordinance 8, establishing rules and regulations regarding uses of the District’s facilities and parks for a second reading and final approval. The Board was reminded the District consulted with the Livermore Police Department (LPD) to solicit its feedback. The LPD asked for one change – to amend Section 103(e) so that it clearly authorizes law enforcement personnel to enforce Ordinance 8’s provisions. The change is in the current version of the amendments. DC Shen confirmed that public notices regarding amendments to Ordinance 8 have been published in a local newspaper and uploaded to the District’s website. Copies have been made available at the RLCC front counter for the public to view.

Board Comments/Questions:

- a) DC Shen noted Page 4, Section 303 - Aircraft, clean version had multiple “ors”. The change will be as follows:

“...No person shall parachute into, fly an unlicensed aircraft, ultralight vehicle, ~~or~~ hang glider over, ~~or~~ parasail or balloon over any District-controlled property at an...”
- b) Chair Furst inquired about Section 306 – Geological Features on page 5 regarding “rockhounding”. Discussion ensued and no changes were deemed necessary.
- c) GM Fuzie indicated the Board will receive an updated booklet/pocket guide of Ordinance No. 8.

Public Hearing: A public hearing was held to receive public comment. Chair Furst opened public comment period. No public comments were received. Chair Furst closed the public comment period.

RESOLUTION:

Moved by Director Faltings, seconded by Director Palajac, adopted Resolution No. 2814, approving amendments to Ordinance No. 8 – Rules and Regulations Governing Use of District Facilities and Parks, by the following roll call vote:

AYES: *Directors Boswell, Palajac, Faltings, and Chair Furst (4)*
NOES: *None (0)*
ABSTENTIONS: *None (0)*
ABSENT: *Director Pierpont (1)*

5. COMMITTEE REPORTS

- a) Director Boswell reported on his attendance at the August 5, 2024 Program Committee meeting. Its agenda was included in the Board agenda packet. The Committee discussed covered arena uses, winter ice skating rink, and Sycamore Grove Park camping.
- b) Director Boswell, along with Director Faltings, reported on his attendance at the August 14, 2024 Facilities Committee meeting. Its agenda was included in the Board agenda packet. A presentation was provided regarding an ice-skating rink and Sycamore Grove Park overnight camping.
- c) Director Palajac, along with Director Furst, reported on her attendance at the August 13, 2024 Personnel Committee meeting. Its agenda was included in the Board agenda packet. Items discussed were a recap on summer recruitment and Cornerstone update.
- d) Chair Furst announced that Director Pierpont was not in attendance to report on the August 7, 2024 Chamber of Commerce Business Alliance meeting and asked to move the item to the next Board meeting for his report.

6. FUTURE AGENDA ITEMS/MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS: Board members had no comments.

7. FUTURE AGENDA ITEMS/MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

GM Fuzie made the following announcement:

- a) The Community Service Day is scheduled for Saturday, September 7, 2024 at various project sites from 8:30 to 11:30 a.m. The day will culminate in a celebratory event at Las Positas College from 11:30 a.m. to 1:30 p.m. where volunteers and donors will be treated to a Volunteer Opportunities Fair, complimentary lunch, and live entertainment by local band Crawdad Republic. The Volunteer Opportunities Fair allows community members to learn more about local nonprofits and year-round volunteer opportunities.

GM Fuzie would like to confirm with the Board and partnering agencies for their availability for a communications board installation event on this day beginning at 8:30 a.m. at May Nissen Park. Board members are invited and encouraged to attend this ribbon cutting ceremony for installation of the first of 10 communication boards.

More information on the various project sites and sign-up information can be viewed online at [Community Service Day | Livermore, CA \(livermoreca.gov\)](https://livermoreca.gov/community-service-day)

8. ADJOURNMENT: The meeting was adjourned at 6:51 p.m.

APPROVED,



David Furst
Chair, Board of Directors

ATTEST:



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

LVB/rvd