



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 29, 2023

5:00 P.M.

ROBERT LIVERMORE COMMUNITY CENTER
4444 EAST AVENUE, LIVERMORE, CALIFORNIA

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

DIRECTORS ABSENT: Philip Pierpont

STAFF MEMBERS PRESENT: Mathew Fuzie, Jeffrey Schneider, Jill Kirk,
Linda VanBuskirk

DISTRICT COUNSEL: Thomas Terpstra, Jr. with Neumiller & Beardslee [*Rod Attebery was absent, but available by telephone.*]

OTHERS PRESENT: From California Water Service:
John Freeman, District Manager
Robert Seeley, Community Affairs & Government
Relations
Anthony Salgado, Livermore superintendent
Jordan Dickson, Engineer – Capital Project Delivery
Dustin Battaion, James Gardiner

- 1. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE:**
Chair Boswell called the meeting to order at 5:00 p.m. All Directors were present, except Director Pierpont. Chair Boswell led the Pledge of Allegiance.
- 2. PUBLIC COMMENT:** None.

3. CONSENT ITEMS

- 3.1 Approval of the Minutes of the Special Board Meeting: Budget Workshop on March 8, 2023;
- 3.2 Approval of the Minutes of the Regular Board Meeting on March 8, 2023.

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

MOTION:

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

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

4. PRESENTATION

The Board received a presentation from California Water Service District Manager John Freeman. The presentation highlighted information pertaining to California Water Service's search for a property for a future groundwater well station to increase its customer supply reliability, reduce operating costs associated with purchase water, and mitigate the effects of climate change on the District by maintaining a diverse resource portfolio. The proposed location is Mocho Park.

This presentation was initially discussed at the Facilities Committee on January 31, 2023. The Committee members had no stated objections and suggested this item be brought before the full Board.

Recommendation: Staff recommended that LARPD stay neutral, continue to provide comments as needed to the City of Livermore, but that LARPD not oppose the project.

Director Questions/Comments:

- Given proximity to the creek, if the rains continue, is there a potential that it would flood? [*Engineering may require that we put the well on a pedestal to get it above the elevation of the floodplain. It would more than likely be a submersible pump.*]
- Have you gauged the size of the aquafer underneath, and is it fully charged? [*Prior to the drought, we were struggling with the aquafer and groundwater recharge. Whenever there are rains like this, all the wells in the area recharge very quickly.*]
- What other sites did you look at? [*We began looking at the rodeo grounds, Sunset Park, then towards the Mocho.*] [*GM Fuzie commented Robertson Park did not work because the prime locations were to be used for rodeo parking and also there is a lack of infrastructure there.*]
- Would the fence line along Holmes need to be moved? [*We will work with the City of Livermore on fencing and security in order to protect the facility and to be aesthetically pleasing that blend well with the community.*]
- We need water, and the Mocho Park site works for everybody involved.

This was an informational item only. No Board action was taken.

5. DISCUSSION AND ACTION ITEMS

The LARPD Board of Directors reviewed and discussed taking appropriate action or inaction with respect to the following matters:

5.1 NOMINATION FOR THE SPECIAL DISTRICT NON-ENTERPRISE SEAT ON ALAMEDA LAFCO

General Manager Mathew Fuzie reported that this item was previously presented to the Board at its February 22, 2023 meeting. Candidate nominations are due by Friday, May 5, 2023.

Chair Boswell announced that he is interested in running for the Special District Member Non-Enterprise Seat on the Alameda Local Agency Formation Commission (LAFCo). Director Furst also expressed an interest, but stated he would defer to Chair Boswell.

Director Questions/Comments:

- Director Palajac commented that she is not interested in running. She expressed concern that if LARPD gets a seat on the LAFCo Board and something comes before the LAFCo Board in which LARPD has an interest, then we will have to recuse ourselves and leave the room and not be a part of the discussion. Additionally, if there is any political-type issue associated with that, then members of LAFCo, in an effort to not appear to be favorable toward LARPD, would most likely decide against us.
- Chair Boswell also had the same concern, but special legal counsel confirmed that the LARPD member would not have to recuse themselves.
[District Counsel Thomas Terpstra advised that his understanding is that each member of LAFCo is obligated to act in the best interests of LAFCo, not their respective districts. There are procedures where a commissioner, if they have reason to believe that a commissioner cannot act in the best interest of the public but is acting in the best interest of the district, a majority could vote to exclude that person from voting on that issue, but it is a fine line to tread. Assuming an LARPD Board Member is elected to the LAFCo, there could be situations where it would be best to recuse yourself, but there are also situations/matters that could come up that may affect LARPD where you could vote. In those situations, you would defer to LAFCo's legal counsel.]
- Every LAFCo that exists faces that issue all the time. Every LAFCo is made up of people from the member jurisdictions.
- If the Board nominates a fellow Board member, the selection to LAFCo for this position is delegated by LAFCo to the Independent Special District Selection Committee (ISDSC) made up of the chairs of the Boards of the members of the Alameda County Special Districts Association (ACSDA). When previous balloting has taken place for Enterprise and/or Non-Enterprise vacancies, the ballot for the alternate representative shall also include the names of all non-winning candidates from the other ballots, if the candidate so desires.

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

RESOLUTION :

Moved by Director Furst, seconded by Director Palajac, approved Resolution No. 2780, nominating Director James Boswell to run for the Special District Non-Enterprise Member seat on the Alameda Local Agency Formation Commission, by the following roll call vote:

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

6. INFORMATIONAL ITEMS (No Action Required)

None.

7. COMMITTEE REPORTS

- a) Chair Boswell reported his attendance, along with Director Palajac, at the March 14, 2023 Personnel Committee meeting. The committee agenda was included in the Board's agenda packet materials. Topics discussed included a Strategy for Updating HR Policies and Procedures to be restructured and updated, with a part of that presentation being the need to continue with the Personnel Commission. Additional data on that topic will be presented to the full Board for discussion. *[GM Fuzie commented that it is nice having somebody who has experience working with HR policies to be able to cross check and point out where inconsistencies exist. We understood how we were operating; however, our policies did not necessarily reflect how we were operating. A lot of old policies still remained that had been done away with as practices but had not been removed off the books. We plan to clean all that up and present the Board with clear, solid policies.]*
- b) Chair Boswell reported his attendance, along with Director Palajac and GM Fuzie, at the Alameda County Special Districts Association's Annual Dinner Meeting on March 20, 2023 in Castro Valley. GM Fuzie added that this year's event was disappointing. He will be giving his feedback to the ACSDA. It was not well-organized, nor did it meet the expectations of the LARPD attendees.
- c) Director Pierpont attended the March 21, 2023 Livermore Downtown, Inc. meeting, but due to his absence here tonight, will give a report at the next Board meeting.
- d) Director Palajac reported her attendance at the Alameda County Agricultural Committee Subcommittee for Trails on March 4, 2023. The main purpose of that meeting was to meet with Livermore Councilmember Evan Branning to bring awareness about the subcommittee and to let him know what the Trail Committee's priorities are. The Trail Committee is trying to promote three trails: the South Bay Aqueduct, 580 to Wine Country, 580 to Brushy Peak to Los Vaqueros Reservoir, and the loop trail which is Collier Canyon connector to Doolan Preserve to Doolan Road to Norris Canyon Parkway and Arroyo Las Positas. This was the first meeting of the group. Mr. Branning said he needs to have specific asks if there is something that we need help with in order to do that. She further announced that Andy Ross (at City of Livermore) has taken a promotion and he is no longer going to be working on trail planning. He is moving to Economic Development now. There is currently not a replacement for him, but he will be

doing both jobs for a while. The subcommittee consists of Steve Dunbar, David Lunn, Jan Palajac, Jennifer Coney, Larry Gosselin, Karl Wente, and attending from the City was Evan Branning and Brandon Cardwell. Karl Wente is the Chair for the Agricultural Committee. Larry Gosselin is the Co-Chair. Steve Dunbar and David Lunn will be Co-Chairs for the Subcommittee. They are looking to add Dick Quigley and somebody from East Bay Regional Park District, possibly Tri-Valley Tourism Group, and maybe some trail advocacy people.

- e) Director Furst reported his attendance at the March 10, 2023 meeting of Assemblymember Bauer-Kahan's Environmental Roundtable. Topics discussed included preserving Tesla, and a number of different bills she is promoting. These meetings provide a chance for a variety of different environmental organizations to get together to provide feedback on what the issues are.
- f) Chair Boswell commented that he formed and chaired the County's Rural Roads Committee because of all the deaths that were happening on local roads. He commented that there is a plethora of committees that LARPD either needs to pick and choose or at least get feedback on when there are issues that are germane to LARPD, or we can get them in here to make a presentation about what they're doing. *[GM Fuzie added that the ESS Parent Advisory Committee was a required committee when we were getting grants for that, but we are no longer getting grants, so there is no longer an ESS/PAC.]*

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

8. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Director Furst asked about the Master Property Agreement ad hoc committee to which he and Director Palajac are representatives. He asked if there is a status update on what the City is doing with the Master Property Agreement? *[GM Fuzie responded that the Master Property Agreement is with the City. LARPD has presented our comments and requests.][Business Services Manager (BSM) Jeffrey Schneider added that at the end of the day yesterday we received some language that we've been waiting for from the City on risk management.]*
- b) The General Manager sent out an email earlier today from CSDA regarding AB 817 which has to do with allowing non-decision-making legislative bodies (such as a Board Committee) to participate in two-way remote teleconferencing without posting what the location is. Director Palajac stated that CSDA is asking for support from special districts, and she proposed that LARPD provide its support. She suggested this item come to the Board for discussion on the next meeting agenda.
- c) Chair Boswell asked for a status update on the AB 1600 matter. *[GM Fuzie responded that Neumiller & Beardslee legal counsel is assisting us with tracking down the original litigation between the City of Livermore and LARPD in which we sued them over Lester J. Knott Park and their decision over how it was going to be developed.]*
- d) Chair Boswell announced that at the next board meeting on April 12th there will be a closed session item in reference to the analysis done by special legal counsel relative to making sure that we address the EBRPD issue appropriately. They have developed a path forward. GM Fuzie has the document and will send that out to the Board tomorrow.

9. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

GM Fuzie made the following announcements:

- a) A CAPRI audit will be coming to LARPD on April 24, 2023.
- b) An item will be placed on the April 12th Board Agenda to discuss whether it wishes to revise its list of current Community Outreach Liaison opportunities of which LARPD Directors attend and officially represent LARPD.
- c) CSDA will be providing a webinar on LAFCO on April 4, 2023.
- d) The idea of putting forth a 4th of July light show with drones at the Rodeo Grounds has died a timely death for this year.
- e) GM Fuzie met with Zone 7 Water Agency's General Manager, Valerie Pryor, last week. He informed her that LARPD is not willing to put up a fence just to add a trail through there. She understood and added that Zone 7 has agreed that LARPD may have guided hikes. Both districts have agreed to go back to Facilities to put a plan together to complete the trail and a plan for guided hikes. The hikes do not have to be employee-guided, they may be volunteer-guided, if we so choose. The general managers also discussed the willingness and ability of Zone 7 to sell some land to LARPD to add to Sycamore Grove Park.
- f) Community Services Manager Jill Kirk reported that camp registration opened up today and LARPD is already at a 14% increase over last year after just one day of registrations. We are doing it a little bit differently this year – we pulled Aquatics out of it because we want to do assessments with the kids before we put them into a class. We are at \$436,000 as of today. Last year at this time we were at \$375,000. We've had a lot of camps filled within a half hour this morning, with very little problems. We were a little nervous as we had switched over to the new website, but David Weisgerber and Andrea McGovern, BSM Schneider's staff, and all of the supervisors did a phenomenal job just making this as smooth as possible. This was just Livermore residents; that does not include non-residents who will be able to register on Friday.

GM Fuzie pointed out that the Board is serving the people within our service area very well, and also pointed out that the GM goal that the Board set of increasing program attendance by 10% has been met.

10. ADJOURNMENT: The meeting was adjourned at 6:01 p.m.

APPROVED,

James E. Boswell
Chair, Board of Directors

ATTEST:

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

/LVB