



Livermore Area
Recreation and Park District
An independent special district

REGULAR MEETING of the BOARD OF DIRECTORS

MINUTES

WEDNESDAY, JUNE 26, 2024

5:00 P.M.

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

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

DIRECTORS ABSENT: None

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

GENERAL COUNSEL: Andrew Shen, Esq. with Renne Public Law Group (GC)

OTHERS PRESENT: Nelson Fialho, Executive Director with Renne Public
Management Group

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. 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 May 29, 2024;
- 3.2 General Manager's Monthly Update to the Board on Issues and Projects – June 2024.

MOTION:

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

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

4. DISCUSSION AND ACTION ITEMS

4.1 **CONTRACT BETWEEN ZONE 7 OF ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE LIVERMORE AREA RECREATION AND PARK DISTRICT FOR A TREATED WATER SUPPLY, FOR A 30-YEAR TERM**

The Board considered approving a resolution authorizing the Board Chair or the General Manager to execute a contract between Zone 7 and LARPD for a treated water supply for a 30-year term.

General Manager (GM) Mathew Fuzie reported that in late May/early June he received a fully prepared, non-draft contract from Zone 7 for a 30-year term. The contract had already been approved and signed by Zone 7's Board and was sent to him for his signature. He found it unusual that Zone 7 was rushing the contract for a 30-year term without any consideration from the LARPD Board. He consulted with General Counsel, and both decided to bring the matter to the Board for input. The contract does not contain any alarming conditions, but it has not undergone legal or Board review. GM Fuzie is ready to proceed at the Board's direction. He expressed concerns about the process and emphasized the importance of the Board's review and input before finalizing the agreement with Zone 7.

Board questions/comments:

- a) Chair Furst asked GC Shen if he had reviewed the agreement. [*GC Shen briefly reviewed it. Zone 7's process did not allow us any input; they sent a finalized contract to GM Fuzie without discussion or background information. We need the Board's direction on how to proceed.*]
- b) Chair Furst asked if LARPD is currently under contract with Zone 7? Is this new contract a continuation? Does the current contract have a timeline? Is it expiring soon? [*GC Shen requested a copy of the prior contract, which expired a few years ago. The original contract, signed in January 1988, had a 30-year term. It is unusual that we are already out of contract. Zone 7 did not provide any background information; they simply asked when we would sign the new contract.*]
- c) Director Faltings asked who is the General Manager at Zone 7? [*Valerie Pryor.*]
- d) Director Pierpont wondered why the prior contract was not renewed earlier. He states the new contract does not seem outrageous. He asked what advantage do we have with a 30-year term? [*GM Fuzie responded the rates are factored in. Although he did not see any issues with the new contract, he thinks that both boards should agree on long-term contracts.*]
- e) Director Boswell expressed concern that in today's environment, a 30-year contract does not make sense, especially with fluctuating water rates. He also stated the contract lacks detail on the level of treatment in the water system.
- f) Chair Furst pointed out that Exhibit A only covers part of Sycamore Grove Park, not the entire District. The restriction on purchasing water from third parties is limited to the main flat portion of the park because on page 2 at "3. Alternative Water Supply. Customer will not purchase or lease water for use in Exhibit A from any third party. . . ." [*GM Fuzie responded that is the rechargeable groundwater area.*]
- g) Director Palajac had no further comments.

- h) Chair Furst pointed out that on page 3, “Standard Terms, Construction,” states that the agreement was negotiated and revised by both parties, which is incorrect if they provided a finalized document. He suggested the Board direct the General Manager to inquire about this with Zone 7’s General Manager.

Public Comment: Chair Furst opened the public comment period. There were no speakers, and the public comment period was closed.

Action and Next Steps:

No formal action was taken by the Board at this time; however, the Board consensus included the following items:

- GM Fuzie to clarify agreement terms with Zone 7.
- GC Shen to review the agreement in detail.
- GM Fuzie to bring the Agreement to the Facilities and Finance Committees then back to the full Board for approval.

4.2 **CONSIDERATION OF AMENDMENTS TO ORDINANCE NO. 8, ON A FIRST READING**

GC Shen provided an update regarding further revisions to Ordinance 8. He had incorporated the comments shared at the May 8, 2024 Board meeting regarding two issues: (1) regulation of drones in and around District properties; and (2) penalties for violations. Those changes are reflected in the Proposed Amendments to Ordinance 8 (clean version) included in the staff report.

He explained the process and the order of operations.

- This is approval on a first reading. An ordinance requires two readings, so this will come back to the Board again for final approval;
- Before the second and potentially final reading, we also do want to have a consultation with the Police Department to make sure that the Police Department is comfortable with this and agrees that this is something that is operational and practical.
- GM Fuzie added that he will present the almost final form to the Police Chief since this is now past concept and is actually an ordinance that will be voted upon.

Board questions/comments:

- a) Director Palajac pointed out on the cover memo; the third bullet point should state “without” instead of “with” that person’s permission.
- b) Director Boswell had no comment.
- c) Director Pierpont commented regarding “Section 314 – Commercial Filming,” we have redundant qualifications for a commercial filming event. One states, “without a permit,” and the other says “except where authorized by the District.” These mean the same thing and could be streamlined. Additionally, “permit” should be capitalized and defined for clarity. The current wording might lead to confusion about what type of permit is required. *[GM Fuzie added that any commercial filming above a certain size in California requires approval from the California State Filming Commission. We issue permits for filming not covered by the state. If the state issues a permit we do not honor, we simply explain why. We may need to better define what a permit is for.]* The duplication makes sense. Director Pierpont expressed concern about a smaller issue: Recently,

there were cases where people claimed to be doing non-commercial, family-related photography to avoid needing a permit, even though they were obstructing public use. [GM Fuzie reiterated that any obstruction of public use requires a permit.]

- d) Director Faltings agreed that it is important that the permitting process ensures District staff are aware of such activities.
- e) GC Shen stated we can consult with the Police Chief for clarity, especially on enforcement.

Public Comment: Chair Furst opened the public comment period. There were no speakers, and the public comment period was closed.

MOTION:

Moved by Director Pierpont, seconded by Director Faltings, approved the Proposed Amendments to Ordinance No. 8, on a first reading, by the following voice vote:

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

5. COMMITTEE REPORTS

- a) Director Pierpont reported on his attendance, along with Director Boswell, at the June 24, 2024 Finance Committee meeting. Its agenda was included in the Board agenda packet. He reported that the main topic centered around the annual audit and contemplating whether we should have a formal policy with regard to the selection of audit firms.
- b) Chair Furst reported on his attendance, along with Director Pierpont, at the June 5, 2024 Chamber of Commerce Business Alliance meeting. Director Pierpont served as the alternate once Chair Furst left the meeting to begin his vacation to France. Director Pierpont then reported that the guest speaker was Kathy Young, CEO and President of the Tri-Valley NonProfit Alliance.
- c) Director Palajac reported on her attendance at the June 10, 2024 LARPD Foundation meeting. This was their last formal meeting before the fundraiser event “Wine Down in the Grove” to be held on June 21st. They had concerns about the number of tickets being sold, but she heard that there was a good turnout. Chair Furst added that he and Directors Faltings and Boswell also attended the event.
- d) Director Boswell was not able to attend the June 5, 2024 Livermore Cultural Arts Council meeting due to illness.
- e) Director Pierpont reported on his attendance at the June 18, 2024 Livermore Downtown, Inc. meeting. The guest speaker was a representative from Alameda County Supervisor David Haubert’s office. Vice Mayor Bob Carling attended in Evan Branning’s place and spoke about the downtown referendum and developments.
- f) Director Palajac stated that there was a meeting of the Alameda County Agricultural Subcommittee on Trails meeting on June 24, 2024, but she did not attend as she was on vacation. The main purpose of the meeting was going to be to review the draft PowerPoint that they will be using to present their ideas about the South Bay Aqueduct.

6. FUTURE AGENDA ITEMS/MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Director Faltings announced she, along with Director Boswell and Chair Furst, attended the LARPD Foundation fundraiser, “Wine Down in the Grove” at Ravenswood. She did not think it was as well attended as last year’s event, although they did raise an appreciable amount of money. GM Fuzie announced they cleared over \$40k.
- b) Director Boswell reiterated that certain items discussed at the Finance Committee will be placed on a future board agenda.
- c) Director Pierpont announced that his children have had a chance to enjoy two of the new playground structures at Jack Williams Park and Ida Holm Park. Their reports are excellent!

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

GM Fuzie the following announcements:

- a) LARPD staff has been working with General Counsel to issue a Temporary Restraining Order against a visitor who has been creating some havoc.
- b) The park playground replacements at Jack Williams Park, Ida Holm Park and Bill Clark Park have been installed. Completion occurred while two of our board members were out of the country. We will arrange a ribbon-cutting ceremony once the board members return. GM Fuzie will coordinate with the board. We have a suitable location for the event.
- c) Communication boards will be shipped next week. We will hold an event with the Livermore Rotary, the LARPD Foundation, and our Board to unveil the first board. This event will be scheduled for next month.
- d) Destination Shelly was a tremendous success. We are incredibly happy with the outcome and will be looking to do that more often. All of the participants enjoyed it as well as the visiting bear. Participants were 12-14 years old.
- e) Acknowledged the 80 youth volunteers working in our camps and recreation programs this year. They are a very impressive group of people. The Board of Directors congratulated Community Service Manager Jill Kirk for running these successful events.

8. OPEN SESSION DISCLOSURE REGARDING CLOSED SESSION ITEM, PURSUANT TO GOVERNMENT CODE SECTION 54957.7

Chair Furst announced that the LARPD Board of Directors would be convening into Closed Session to discuss the item listed at 9.1 on the agenda. Open Session was adjourned at 5:41 p.m.

9. CLOSED SESSION

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: General Manager

10. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION – PURSUANT TO GOVERNMENT CODE SECTION 54957.1

The Board of Directors returned from Closed Session at 6:40 p.m. and Chair Furst announced that there was no reportable action. Chair Furst then adjourned the meeting without a vote and by unanimous consent.

11. ADJOURNMENT: The meeting was adjourned at 6:40 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