



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, SEPTEMBER 29, 2021**

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 James Boswell, David Furst,  
Vice Chair Maryalice Faltings, and Chair Philip Pierpont

**DIRECTORS ABSENT:** Director Jan Palajac

**STAFF MEMBERS PRESENT:** Mathew Fuzie, Allie Ikeda, Fred Haldeman,  
Jeffrey Schneider, Jill Kirk, David Weisgerber, Jessie  
Masingale, Julie Dreher, Linda VanBuskirk, Megan  
Shannon, Michelle Newbould, Nancy Blair, Pamela Healy,  
Robert Sanchez

**GENERAL COUNSEL:** Rod Attebery, Allison Felkins with Neumiller & Beardslee

**OTHERS PRESENT:** None

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

Chair Pierpont called the meeting to order at 2:03 p.m. All Directors were present, except Director Palajac, via Zoom. Chair Pierpont led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** None.

### 3. CONSENT ITEMS:

#### 3.1 Approval of the Minutes of the Regular Board Meeting of September 8, 2021.

**MOTION:**

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

AYES: *Directors Boswell, Furst, Faltings, and Chair Pierpont*  
NOES: *None*  
ABSTENTIONS: *None*  
ABSENT: *Director Palajac*

### 4. DISCUSSION AND ACTION ITEMS:

#### 4.1 DISTRICT NOTICE 0008 – DELEGATION OF AUTHORITY

Business Services Manager Jeffrey Schneider presented the staff report which highlighted the creation of a foundation for approvals to help staff understand who can approve what. The Delegation of Authority matrix had been discussed at committee level before the Finance, Facilities and Personnel Committees in August and September, and their input was reflected in the instant staff report. This District Notice will also be a foundation for updates to be made to other policies and procedures, namely the Purchasing Policy.

**Recommendation:** Staff recommends the Board review and approve the proposed District Notice 0008 – Delegation of Authority.

Discussion ensued regarding Exhibit A – Delegation of Authority Matrix with the following suggestions made:

- Under Finance section – Purchase Requests: change amount of up to \$249,999 to \$150,000;
- Under Finance section – Vendor/Partner Contract: change amount of up to \$249,999 to \$150,000;
- Under Parks and Facilities section – Lease, LARPD as Lessee/Lessor: change amount of up to \$249,999 to \$150,000;
- Under Capital Improvement Projects – Change Orders – change amount of up to \$249,999 to \$150,000;
- Under Finance section – separate the RFP/RFQ line into two separate categories to reflect different thresholds.

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

In response to a question from Director Furst, BSM Schneider responded that the District Notice states under “Maintenance of the Delegation of Authority Matrix” that the Matrix will be updated annually in conjunction with the annual Budget Process, or as the need arises, whichever is more frequent, and will be subject to the approval of the Board of Directors.

**RESOLUTION:**

Moved by Director Boswell, seconded by Director Furst, approved Resolution No. 2722 approving District Notice 0008 – Delegation of Authority, with changes as discussed above, by the following roll call vote:

AYES: *Directors Faltings, Furst, Boswell, and Chair Pierpont*  
NOES: *None*  
ABSTENTIONS: *None*  
ABSENT: *Director Palajac*

**4.2 BOARD POLICY #5060 – “MINUTES OF BOARD MEETINGS”**

Chair Pierpont stated the Board would review and discuss whether revisions should be made to Board Policy Number 5060 – Minutes of Board Meetings and provide direction to staff.

GM Fuzie reported that because some board members have asked for different nuances regarding the level of detail within the written minutes of both the Facilities Committee and board meetings, staff has provided the board policy along with three samples of minutes from CAPRI, East Bay Regional Park District, and Hayward Area Recreation and Park District for comparison. Discussion ensued regarding Board Policy 5060 – Minutes of Board Meetings, and whether the Board would like to make any revisions. Board members were in support of minutes drafted with enough detail that the public or new board members could ascertain the reasoning behind Board decisions and actions, providing more detail than simply action minutes. Paragraph number one shall be revised to remove the term “summary” and will state, “The Clerk of the Board of Directors shall keep minutes of all regular and special meetings of the Board.”

**MOTION:**

Moved by Director Faltings, seconded by Director Boswell, to amend Board Policy Number 5060 – Minutes of Board Meetings by removing the word SUMMARY from paragraph number one, by the following roll call vote:

AYES: *Directors Furst, Boswell, Faltings, and Chair Pierpont*  
NOES: *None*  
ABSTENTIONS: *None*  
ABSENT: *Director Palajac*

**4.3 AB 361 IMPLEMENTATION**

Chair Pierpont announced that the Board would review and discuss the CSDA’s AB 361 implementation guide and consider approving a resolution pursuant to the provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency.

GM Fuzie explained that this item was placed on the agenda to be safe so that the Board could discuss and give direction regarding how it would like to proceed regarding approving a resolution authorizing remote meetings pursuant to AB 361.

**Recommendation:** District Counsel Rod Attebery recommended the Board take no action at this meeting. He suggested the item should come back to the Board at its first regularly scheduled meeting in October so that his firm may provide additional clarity. The legislation has been suspended until October 2, 2021, meaning special districts are allowed one meeting after October 2<sup>nd</sup> to contemplate AB 361 without additional requirements that are different than the current Executive Orders.

Chair Pierpont proposed that the Board take no action today and defer this to the next meeting. Mr. Attebery confirmed that a draft resolution will come back to the Board at the next regularly scheduled meeting on October 13, 2021 for further discussion and possible action.

## **5. INFORMATIONAL ITEMS (No Action Required)**

GM Fuzie reported that no significant changes have taken place regarding Items 5.1 and 5.2.

### **5.1 GENERAL FINANCIAL UPDATE**

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

### **5.2 COVID-19 PROGRAM UPDATES**

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

## **6. COMMITTEE REPORTS:**

- a) Director Furst reported on the September 14, 2021 Personnel Committee meeting. They discussed the proposed District Notice 0008 - Delegation of Authority document.
- b) Director Furst reported on the September 16, 2021 Program Committee meeting. Director Faltings filled in for Director Palajac. Draft minutes were attached in the board agenda packet.
- c) Director Faltings reported on the September 13, 2021 LARPD Foundation meeting.
- d) Director Boswell reported his attendance at the September 21, 2021 Livermore Downtown, Inc. meeting which he attended as an alternate on behalf of Director Palajac, who is on vacation.

## **7. DIRECTORS' ANNOUNCEMENTS:**

Director Faltings requested to formally change the name of the Personnel Committee and Personnel Commission to "Human Resources Committee" and "Human Resources Commission."

- Chair Pierpont directed that this item be moved to the Personnel Committee for review and discussion.

Director Furst announced that Governor Newsom recently signed budget-implementing legislation that removed the Tesla property from the OHV Division and moved it into the State Parks. Tesla will not have OHV use at all. In exchange, the governor took \$30million from the state budget and gave it to the OHV Division to look for different properties to open

more OHV parks. The governor did budget \$1million to help with the planning of Tesla Park for eventual opening as a state park or a state preserve. Director Furst has asked those dealing with this process that LARPD be considered as a stakeholder.

**8. ANNOUNCEMENTS BY THE GENERAL MANAGER:**

O'Dell Engineering has submitted a preliminary design estimate for the Pump Track project for \$750k. This item will be working through the committees for review and discussion.

**9. OPEN SESSION DISCLOSURE REGARDING CLOSED SESSION ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54957.7**

District Counsel Rod Attebery announced the Board would adjourn to Closed Session pursuant to Item 10.1 listed below. Open Session was adjourned at 3:50 p.m.

**10. CLOSED SESSION**

**10.1 CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Rod A. Attebery

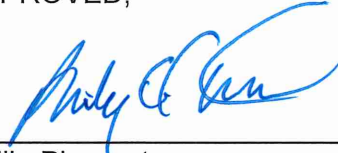
Unrepresented Employee: General Manager

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

The Board came out of Closed Session at 5:06 p.m. and General Counsel Rod Attebery announced that no reportable action had been taken in Closed Session.

**12. ADJOURNMENT:** The meeting was adjourned at 5:06 p.m.

APPROVED,



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Philip Pierpont  
Chair, Board of Directors

ATTEST:



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

/lvb