



REGULAR MEETING OF THE BOARD OF DIRECTORS

DRAFT MINUTES

WEDNESDAY, DECEMBER 11, 2024

5:00 P.M.

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

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

DIRECTORS ABSENT: None.

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

DISTRICT COUNSEL: Andrew Shen, Esq. with Renne Public Law Group (DC)

OTHERS PRESENT: Marlo DiPierro, Kelly Burns, Daniel Burns

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.

- a) Marlo DiPierro thanked the Board for considering and taking on his request for tennis backboards at various park locations. He asked the Board to consider another request on having archery ranges in the tri-valley. GM Fuzie asked Marlo DiPierro to reach out to the General Manager's Office regarding his request. Chair Furst referred the request to the Facilities Committee.
- b) Kelly Burns noted that at last week's City Planning Commission meeting, the Commission approved to remove pickleball courts in the Springtown Open Space Project – specifically in the Marlon Pound Park redesign due to noise concerns. In addition, City Planning Commissioners encouraged Kelly Burns and others to follow up with LARPD on prohibiting having pickleball and tennis courts in the project.

Kelly Burns asked the Board to consider opposing having pickleball and tennis courts in the Springtown Open Space Project.

- c) Daniel Burns asked the Board to consider opposing pickleball and tennis courts in the Springtown Open Space Project.

There were no additional speakers. Chair Furst closed the public comment period.

3. OATH OF OFFICE FOR DIRECTORS OF THE BOARD

EA VanBuskirk administered the Oath of Office to Vice Chair, Jan Palajac and Director James Boswell, who were re-elected to the Board on November 5, 2024 for a four-year term from 2024 to 2028.

4. CONSENT ITEMS:

- 4.1 Approval of the Minutes of the Regular Board Meeting on November 13, 2024.
- 4.2 General Manager’s Monthly Update to the Board on Issues and Projects – December 2024.

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

MOTION:

Moved by Director Palajac, seconded by Director Faltings, approved the Consent Agenda Items 4.1 and 4.2, by the following voice vote:

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

5. CONSENT AGENDA RESOLUTIONS

- 5.1 Resolution No. 2818, approving District Notice 0012 – Disposition of Surplus Assets
- 5.2 Resolution No. 2819, approving District Notice 0013 – Unclaimed Property

The policies were initially discussed and reviewed at the Finance Committee on November 18, 2024. The Committee members had no objections and suggested this item be brought before the full Board.

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

MOTION:

Moved by Director Faltings, seconded by Director Palajac, approved the Consent Agenda Resolution Items 5.1 and 5.2, by the following roll call vote:

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

6. DISCUSSION AND ACTION ITEMS:

6.1 Annual Board Policy Manual Review

The Board reviewed the Board Policy Manual and noted that some updates made earlier in the year were not reflected in the current version. Additional items require updates or confirmation. GM Fuzie thanked the Board for their input and stated the manual will be reviewed and updated by the General Manager, District Counsel and Chair-Elect Palajac before being presented at a future meeting. DC Shen noted that if there is an updated version of the Board Manual Policy, it will be distributed to the Board.

Board Comments/Questions:

- a) GM Fuzie requested the Board review Board Policy No. 4060 – Committees of the Board of Directors and consider renaming the Program Committee. *[Directors Palajac, Pierpont, and Faltings expressed support for reviewing the standing committee’s goals and renaming it.]*
- b) Chair Furst recommended aligning committee functions with the organizational chart. *[GM Fuzie suggested this be addressed during the February 2025 Board retreat.]*
- c) Director Boswell suggested reviewing one policy at a time rather than the entire manual. *[GM Fuzie clarified that the Board is not confirming changes and concerns, not approving the manual.]*
- d) Chair Furst proposed the following changes to the manual:
 - i. Page 8, Personnel – Policy No. 2000, Item 2: Remove “...the Assistant General Manager position...” as it no longer exists. *[GM Fuzie confirmed this has been updated.]*
 - ii. Page 22, Committees of the Board of Directors – Policy No. 4060, Item 7e: “The Board’s standing Personnel Committee shall be responsible for: hiring direct employees of the Board of Directors...” - Rewrite to clarify that the Personnel Committee is not responsible for hiring direct employees of the Board of Directors.
 - iii. Page 22, Committees of the Board of Directors – Policy No. 4060, Item 8 – “...project specifically involving Directors, the Board shall direct the Personnel Committee of the Board to join the General Manager in interviewing and selecting a consultant...” - Update to reflect that the Personnel Committee is not currently involved in hiring consultants.
 - iv. Page 22, Committees of the Board of Directors – Policy No. 4060, Item 8 – “...The process will be that the General Manager will meet with the Committee, determine desirable attributes and background of potential candidates...” – The policy states the Personnel Committee is involved in hiring a consultant, which hasn’t been the case. This item needs to be clarified. *[GM Fuzie agreed but noted that the policy states the Personnel Committee should be involved.]*
 - v. Page 23, Communications To or From the Board – Policy No. 4065, Item 2: “Communications from the Board to the press and the public should, whenever possible, be transmitted by and through the Chair of the Board. Inquiries in regard to matters upon which the Board has taken, or probably will take a position, should be referred to the General Manager.” – Clarify the communication process between the Board, press, and public. *[DC Shen agreed this can be addressed in a future meeting.]*

- vi. Page 29, Board Meeting Agenda, Policy No. 5060, Item 1: “The General Manager shall prepare an agenda...” – Correct to state that both the General Manager and Board Chair prepare the agenda. *[GM Fuzie agreed.]*
- e) Director Boswell inquired whether the Board was reviewing the most recent policy manual. *[EA VanBuskirk is reviewing the January 2024 version.]*
- f) Chair Furst requested EA VanBuskirk verify and confirm the most current version of the policy manual.
- g) Director Pierpont noted that Policy No. 4060 – Committees of the Board of Directors was last revised in November 2021 and needs updating.
- h) Director Boswell suggested reviewing the policy manual’s substance and revision history at a future Board meeting.
- i) Director Faltings questioned Board Meeting Agenda, Policy No. 5020, Item 1a – “The agenda information packets shall be made available to each Director for review at least three (3) days prior to any meeting...” *[GM Fuzie clarified that the Board receives the agenda packets at least three (3) days prior to meetings to review and prepare for the meeting, however, will consider rewording the policy.]*

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

DIRECTION:

The Board directed the General Manager, District Counsel, and Chair-Elect Palajac to review the Board Policy Manual and present their recommendations to the Board at a future meeting. Additional changes or comments by the Board should be emailed to the General Manager. The most recent version of the policy manual will be distributed to the Board.

6.2 **2024 YEAR IN REVIEW**

The following 2024 Year in Review comments is as follows:

- a) GM Fuzie expressed gratitude for the Board’s efforts and contributions throughout year.
- b) Director Palajac requested clarification on the following items:
 - i. Page 4, March 13, 2024 meeting, Action and Next Steps – “No Board action was taken at this time; however, the Board tentatively set a goal to complete the project by the end of the calendar year, understanding that it will be a gradual process.” Was this goal achieved? *[DC Shen - The project is ongoing due to other urgent Board matters, with a broader discussion planned for next year. GM Fuzie added that some items have been completed, such as Ordinance 8 and administrative policy updates, including the near completion of the Employee Handbook.]*
 - ii. Page 8, July 31, 2024 meeting, Grazing Pilot Program: What is the current status? *[GM Fuzie provided an update on the fencing configuration with the contractors.]*
 - iii. Page 10, September 25, 2024 meeting: How many bids were received for the Master Plan Update? *[GM Fuzie – Two (2) bids were received – BerryDunn and Westwood.]*
- c) GM Fuzie added that each Board Committee will also receive a Year in Review.

6.3 ELECTION OF BOARD OFFICERS FOR 2025

The Board elected a Chair and Vice Chair of the Board of Directors for calendar year 2025 according to its succession policy, Board Policy 4040, which stipulates who the incoming Chair and Vice Chair will be according to a set of criteria.

MOTION:

Moved by Director Furst, accepted the policy rotation so that Vice Chair Jan Palajac will serve as Chair of the Board of Directors for 2025, and that Director Philip Pierpont will serve as Vice Chair of the Board of Directors for 2025, by the following roll call vote:

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

6.4 ADOPTION OF 2025 BOARD MEETING SCHEDULE

The Board reviewed and discussed a draft of the 2025 Board Meeting Schedule pursuant to Board Policy No. 5010.

Board Questions/Comments:

- a) Board consensus is to keep the Board Meetings on the second and last Wednesday of each month, except in November and December with one meeting.
- b) The Board would like to continue the Employee Luncheon and Board meeting which are scheduled on April 30, 2025 and October 29, 2025 at 1:00 p.m. GM Fuzie and the Board recognized the success of the luncheon and making connections with staff.
- c) EA VanBuskirk noted calendar conflicts with Board meetings on the following dates:
 - June 10, 2025 meeting is the same night as the Rodeo Mixer.
 - August 27, 2025 meeting is the same week of the ACSDA Annual Conference.The Board agreed to keep the meeting dates and will reschedule a month prior depending on the number of Board members attending the events.
- d) The Board agreed to have a Board Retreat on Wednesday, February 5, 2025 which will include lunch.
- e) Director Boswell requested an update on amendments to the Brown Act's remote meeting rules and regulations. *[DC Shen – There's been no significant changes. The only minor change is the number of remote meetings allowed within the calendar year. He will email the Board with information on recent amendments to the Brown Act.]*
- f) When is the CPRS conference? *[March 18 – 21, 2025 in Sacramento.]*
- g) Director Furst requested a list of 2025 conferences and trainings via email. *[EA VanBuskirk – The draft list will be presented at the January Board meeting. However, the list will be emailed to the Board prior to the meeting.]*

DIRECTION: EA VanBuskirk will email to the Board the draft list of 2025 trainings and conferences for its review and consideration prior to the next meeting.

7. COMMITTEE REPORTS:

- a) Director Pierpont reported on his attendance, along with Director Palajac, at the November 18, 2024 Finance Committee meeting. Its agenda was included in the Board agenda packet. There was a demonstration of the new budget tool, Vena. GM Fuzie added that the demonstration will be presented to the Board in January and will be used at the Budget Workshop. The Unclaimed Property Policy and Surplus Assets Policy were reviewed and pushed forward to the Board for approval.
- b) Director Boswell reported on his attendance, along with Director Faltings, at the December 11, 2024 Facilities Committee meeting. Its agenda was included in the Board agenda packet. The Committee was updated on Camp Shelly, pickleball courts, parks and trails.
- c) Director Palajac reported on her attendance, along with Director Furst, at the December 9, 2024 Personnel Committee meeting. A presentation was given on the Extra Mile Program and use of technology in Human Resources.
- d) Director Furst reported on his attendance at the December 4, 2024 Chamber of Commerce Business Alliance meeting. A presentation was given on the Chamber of Commerce's expanding role in the tri-valley.
- e) Director Palajac reported on her attendance at the December 2, 2024 LARPD Foundation meeting. Its agenda was included in the Board agenda packet. Peg Folta was announced as a new Foundation Trustee. LARPD Interpreters Eric Whiteside and Christine Cardosi gave a presentation on Destination Shelly.
- f) Director Boswell reported that he was not in attendance at the December 4, 2024 Livermore Cultural Arts Council meeting which was a holiday luncheon at a member's residence.
- g) Director Pierpont reported that he was unable to attend the November 19, 2024 Livermore Downtown Inc. meeting.
- h) Director Furst, an alternate for Director Palajac, reported on his attendance at the November 18, 2024 Alameda County Agricultural Subcommittee on Trails meeting. The Subcommittee discussed opening the South Bay Aqueduct Trail to the public, requested a staff member to attend the meetings, and opening new trails.

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

- a) Due to questionable items being dropped in the South Bay Aqueduct, Director Boswell questioned if law enforcement will be contacted prior to opening the South Bay Aqueduct Trail to the public. *[This is a homeland security issue and is in the Department of Water Resources jurisdiction.]*
- b) Director Boswell requested a review of the functions of LARPD Community Outreach Liaison committees to determine their value to the Board.
- c) Director Faltings reported on her attendance at the December 10, 2024 LARPD Annual Senior Holiday Luncheon. She noted it was a successful event with over 100 attendees including staff.
- d) Director Pierpont reported on his attendance at the December 6, 2024 Holiday Parade. He recognized the event was well attended and praised the work of LARPD and City staff.

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

GM Fuzie made the following comments/announcements:

- a) Annual Livermore Rotary Crab Feed tickets will be on sale January 8, 2025. He will send an email to the Board if interested in attending as a group.
- b) The Chamber of Commerce rejected LARPD's membership due to limited use. There's ongoing conversation on how LARPD can better serve the Chamber of Commerce.

- c) The Patterson Ranch Trail is complete, and the transaction will officially be completed after EA VanBuskirk submits payment tomorrow. The trail officially opens to the public on Sunday, December 15, 2025 early morning.

10. OPEN SESSION DISCLOSURE REGARDING CLOSED SESSION ITEM 11.1, 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 11.1 on the agenda. Open Session was adjourned at 6:30 p.m.

11. CLOSED SESSION

- 11.1 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of California Government code section 54956.9: two (2) potential cases

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

The Board of Directors returned from Closed Session at 7:45 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.

13. ADJOURNMENT: The meeting was adjourned at 7:45 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