



Livermore Area  
Recreation and Park District  
*An independent special district*

## REGULAR MEETING of the BOARD OF DIRECTORS

### MINUTES

WEDNESDAY, MAY 31, 2023

5:00 P.M.

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

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Mathew Fuzie, Jeffrey Schneider, Linda VanBuskirk,  
Michelle Kleman, Pamela Healy

DISTRICT COUNSEL: Tom Terpstra, Jr. with Neumiller & Beardslee

OTHERS PRESENT: Mike Ralph

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

Chair Boswell called the meeting to order at 5:01 p.m. All Directors were present. Chair Boswell led the Pledge of Allegiance.

#### 2. PUBLIC COMMENT:

Matt Rossell, Campaign Manager at Animal Legal Defense Fund in Cotati, CA, provided a comment by e-mail regarding adoption of a policy prohibiting cruel rodeo events and requiring on-site veterinary care.

Steve Sapontzis, President of Hayward Friends of Animals Humane Society in Hayward, CA, provided a comment by letter regarding the need for a written rodeo policy and a discussion of banning traumatic rodeo events.

Michael Atkinson provided a comment by e-mail regarding the possible joint LARPD and LVJUSD bond proposal.

Allan Dahlquist provided a comment by e-mail regarding motor vehicles on bike trails.

Mike Ralph provided public comment in response to Mr. Dahlquist's e-mail about motor vehicles on bike trails. Mr. Ralph wanted to be sure that e-bikes are not lumped together as

one specific term for vehicles and that their specific classifications are understood. He explained the four classifications of e-bikes, Class I through Class IV.

General Manager (GM) Fuzie reminded the public that LARPD maintains a speed limit of 15 m.p.h. in the parks and on the trails.

### 3. CONSENT ITEMS

3.1 Approval of the Minutes of the Regular Board Meeting on April 26, 2023;

3.2 Approval of the Minutes of the Regular Board Meeting on May 10, 2023.

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

**MOTION:**

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

AYES: *Directors Pierpont, Furst, Faltings, Palajac, and Chair Boswell (5)*

NOES: *None (0)*

ABSTENTIONS: *None (0)*

ABSENT: *None (0)*

### 4. DISCUSSION AND ACTION ITEMS

#### 4.1 PUBLIC HEARING: FISCAL YEAR 2023-2024 FINAL OPERATING AND CIP BUDGET

The Board considered approving the District's Fiscal Year 2023-2024 Final Operating and CIP Budget. (Public Hearing and Resolution).

General Manager (GM) Fuzie announced that the Board of Directors just completed a Special Meeting/Budget Workshop prior to this meeting where the Final Operating and CIP Budget was reviewed in detail.

**Recommendation:** Staff recommended that the Board of Directors approve the District's FY 2023-2024 Final Operating and CIP Budget.

The Board had no further comments or questions.

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

**RESOLUTION:**

Moved by Director Pierpont, seconded by Director Palajac, adopted Resolution no. 2783 approving the Final Operating and CIP Budget for Fiscal Year 2023-2024, by the following roll call vote:

AYES: *Directors Faltings, Furst, Palajac, Pierpont, and Chair Boswell (5)*

NOES: *None (0)*

ABSTENTIONS: *None (0)*  
ABSENT: *None (0)*

**4.2 LARPD CONTRIBUTION TO THE ALAMEDA COUNTY EMPLOYEES’ RETIREMENT ASSOCIATION 401(h) SUB-ACCOUNT FOR RETIREES’ MEDICAL FOR THE 2023-2024 FISCAL YEAR**

Chair Boswell stated the Board would consider authorizing funding of LARPD’s contribution to the Alameda County Employees’ Retirement Association 401(h) Sub-Account for Retirees’ Medical for the 2023-2024 Fiscal Year.

Board questions/comments included the following:

Does “LARPD retirees” include Board Members? Who does that include and how many people are considered “retirees” for this purpose?

(Business Services Manager (BSM) Schneider reported that approximately 70 people are retired and have participated in the ACERA pension plan. People are eligible for this benefit after having at least 10 years of service as recognized by ACERA. Because the Board of Directors are not members of the ACERA pension plan, they are not included in this benefit. Additionally, the 37 pensions mentioned during the Budget Workshop are those active employees who are pensioned and participating in the ACERA pension plan by contributing toward their retirement.)

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

**RESOLUTION:**

Moved by Director Pierpont, seconded by Director Palajac, adopted Resolution no. 2784, authorizing the funding of the 401(h) Sub-Account for Retirees’ Medical with the Alameda County Employees’ Retirement Association (ACERA) in the amount of \$346,595.87 for the Fiscal Year 2023-2024, by the following roll call vote:

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

**4.3 RENEW SPECIAL TAX 97-1 AND SET THE RATE FOR FISCAL YEAR 2023-24**

Chair Boswell stated the Board would consider adopting a resolution to renew Special Tax 97-1 and set the Equivalent Dwelling Unit (EDU) rate at \$38.65 for FY23-24.

GM Fuzie commented that Special Tax 97-1 is the ballot measure approved by the voters of the District which allows LARPD to increase the tax by up to 2% per EDU per year for the maintenance of the park operations, but it does not cover all the maintenance of our facilities. It covers approximately 29%.

**Recommendation:** Staff recommended that the Board of Directors adopt a resolution to renew Special Tax 97-1 and set the Equivalent Dwelling Unit (EDU) rate at \$38.65 for Fiscal Year 2023-24, a 2%, or \$0.75 increase per EDU over the FY22-23 rate of \$37.90.

Board questions/comments included the following:

How to close the gap between the shortfall from revenues for FY23-24 that will cover about 29% of the District's annual operating expense for Park Operations, and the 2% increase in Special Tax 97-1 to \$38.65 per EDU.

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

**RESOLUTION:**

Moved by Director Faltings, seconded by Director Furst, adopted Resolution no. 2785, authorizing renewal of Special Tax 97-1 and setting the Equivalent Dwelling Unit (EDU) rate at \$38.65 for Fiscal Year 2023-24, by the following roll call vote:

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

**4.4 MASTER PROPERTY AGREEMENT WITH THE CITY OF LIVERMORE**

Chair Boswell stated the Board would consider approving the Master Property Agreement with the City of Livermore and authorize the General Manager to execute the Master Property Agreement with the City of Livermore.

GM Fuzie presented the MPA document that has been reviewed and revised by LARPD staff, COL staff, and LARPD's Ad Hoc Committee consisting of Directors Furst and Palajac. The MPA defines the relationship between the two parties and their responsibilities for managing and maintaining various shared properties. It is intended to be a broad and evergreen agreement that allows for separate contracts or items as needed. The MPA has been approved by City attorneys and awaits approval by LARPD's general counsel Neumiller & Beardslee as to form. The City's tentative plan is to present the MPA, once approved by the LARPD Board of Directors, to the City Council for its approval on June 26, 2023.

**Recommendation:** Staff recommended that the Board of Directors adopt a resolution approving the Master Property Agreement with the City of Livermore and authorizing the General Manager to sign the Master Property Agreement which will then be presented to the City Council for its approval (tentatively planned for June 26, 2023.)

Board questions/comments included the following:

Neumiller & Beardslee's review of the document as to form;

Has the City approved the agreement? (GM Fuzie confirmed that the City Manager had no changes and praised the agreement);

Complimented the subject matter of the agreement, but criticized the use of capitalized and lower-case terms inconsistently and suggested some improvements in the wording and grammar;

Emphasized the intent and purpose of the agreement and urged the Board not to delay its approval.  
Board consensus was in support of the agreement.

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

**RESOLUTION:**

Moved by Director Furst, seconded by Director Palajac, adopted Resolution no. 2786 approving the Master Property Agreement between the City of Livermore and the LARPD, effective 2023 and perpetual in nature, and authorizing the General Manager to execute the new agreement, once general counsel approves as to form, by the following roll call vote:

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

**5. INFORMATIONAL ITEMS (No Action Required)**  
None.

**6. COMMITTEE REPORTS**

- a) Director Pierpont reported on his attendance, along with Chair Boswell, at the May 15, 2023 Finance Committee meeting. A copy of the committee agenda was included in the Board agenda packet. The primary topic of discussion was the Operating and CIP Budget.
- b) Director Pierpont reported that the Livermore Downtown, Inc. did not meet in May due to preparation for the annual Street Fest.

**7. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS**

- a) Director Furst reported on his attendance at the CARPD Conference. He thought the sessions on Sports Therapy, and Fair Play for Girls in Sports were interesting.
- b) Director Furst reported on his attendance at the Livermore Valley Chamber of Commerce (LVCC)'s State of the City Address with Mayor Marchand, held here at the RLCC. The Mayor announced that he is moving ahead with a community garden in the Springtown Open Space section, and he also announced that LARPD has agreed to have the 4<sup>th</sup> of July event at Robertson Park.
- c) Director Palajac also reported on her attendance at the State of the City Address, and the CARPD Conference in Yosemite where she attended a workshop on Modern Turf Trends, among others. She suggested that Board Members could obtain copies of the presentations if we ask for them.
- d) Chair Boswell reported on his attendance at the CARPD Conference. He announced that LARPD's General Manager Mat Fuzie was elected to its board. LARPD will now have representation at CARPD.
- e) Director Faltings reported that she attended the LVCC's State of the City address with Mayor Marchand.

- f) Director Furst proposed to allocate more time for the Budget Workshops and avoid rushing through them. He recommended an earlier start time for the Budget Workshops or suggested scheduling them as a separate meeting, not immediately before a Regular Board meeting. Chair Boswell concurred.
- g) Director Faltings asked if at the next Budget Workshop, can either the written material be in larger print and/or the PowerPoint be larger? It is difficult to follow along at pace because the print is so tiny.

**8. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER**

GM Fuzie made the following announcements:

- a) He will take the comments made by Directors Furst, Faltings, and Chair Boswell regarding the Budget Workshops and incorporate them into the Board Meeting Schedule. Perhaps instead of having a Budget Workshop then approving the budget on the same date, we will have a 1<sup>st</sup> reading and then a 2<sup>nd</sup> reading arrangement. He will work with the Chair and Vice Chair on this.
- b) The Board authorized GM Fuzie to approve the 4<sup>th</sup> of July fireworks at Robertson Park, given that the conditions and terms did not change. The City is taking on responsibility and all liability for the event and the MOU clarifies that.
- c) The Rodeo Parade takes place next weekend on Saturday, June 10<sup>th</sup>. Director Faltings will be riding in a stunning blue convertible provided by the parents of one of our employees. This will be Director Faltings' 29<sup>th</sup> consecutive Rodeo Parade representing LARPD.
- d) The June 28, 2023 Regular Board Meeting will include an opportunity for the Board to honor and commend the outgoing Personnel Commissioners.

**9. ADJOURNMENT:** The meeting was adjourned at 5:53 p.m.

APPROVED,



James Boswell  
Chair, Board of Directors

ATTEST:



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

/lvb