



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, FEBRUARY 22, 2023

5:00 P.M.

NOTICE: Coronavirus COVID-19

In accordance with the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), as amended by Assembly Bill 361 (2021), members of the Livermore Area Recreation and Park District Board of Directors and staff participated in this meeting via teleconference (Zoom). In the interest of maintaining proper social distancing, members of the public also participated in this meeting electronically.

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

DIRECTORS ABSENT: Jan Palajac

STAFF MEMBERS PRESENT: Mathew Fuzie, Fred Haldeman, Jeffrey Schneider, Jill Kirk,
Julie Dreher, Linda VanBuskirk, Lynn Loucks,
Michelle Kleman

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

OTHERS PRESENT: Jesse Deol with James Marta & Company, LLP

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 via Zoom. Chair Boswell led the Pledge of Allegiance.

2. PUBLIC COMMENT: None.

3. CONSENT ITEMS

- 3.1** Resolution No. 2775 determining to conduct meetings of the LARPD Board of Directors using teleconferencing pursuant to Government Code 54953 as amended by AB 361;
- 3.2** Approval of the Minutes of the Special Board Meeting on February 1, 2023;

3.3 Approval of the Minutes of the Regular Board Meeting of February 8, 2023;

MOTION:

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

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

4. DISCUSSION AND ACTION ITEMS

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

4.1 DISTRICT AUDIT FOR FISCAL YEAR 2021-2022

General Manager Mathew Fuzie introduced the item, and Business Services Manager Jeffrey Schneider presented the staff report on the completed District Audit for Fiscal Year 2021-2022. He reported the District received a clean, unmodified audit opinion and recognized Finance Officer Julie Dreher and her team plus the Core Managers for a job well done. Chair Boswell announced that there was a minor but substantive change to the “Communication with Those Charged with Governance” at the section “Planned Scope and Timing of the Audit” due to the restatement associated with Fixed Assets and the Land Values that had been booked in years past at the request of the Finance Committee and General Manager.

Recommendation: Staff recommended the Board accept the Fiscal Year 2021-2022 District Audit Report.

BSM Schneider introduced Jesse Deol, a partner with James Marta & Company LLP, District auditors, who conducted the annual audit of the District’s financial reporting and control processes for FY 2021-2022. Mr. Deol gave a detailed presentation to the Board which provided an overview of the Communication with Those Charged with Governance, Independent Auditor’s Report, Management’s Discussion and Analysis, Basic Financial Statements, and Required Supplementary Information, and concluded that no control deficiencies were identified nor were any instances of noncompliance identified. The District received an **unmodified audit opinion** which is the best opinion an auditor can provide. Both BSM Schneider and Mr. Deol recommended that the Board review the “Management Discussion and Analysis” (MD&A) which summarized what transpired through June 30, 2022.

Director Questions/Comments:

- Had a deep dive into the miscategorized properties not ever been done before? [*Not until this became apparent.*]
- Appreciate the Finance Committee and General Manager’s hawkish attitude toward looking into various aspects so the District now has a more accurate position on our finances and assets.

- Has there been a financial cost to the District for having those inaccuracies? [*No. Legal and financial advisors involved in the process agreed that it was important that we found it, we fixed it, and that this will not affect our credit rating or investors.*]
- A member of the Finance Committee commended staff for cleaning house financially and expressed appreciation of the hard work throughout this process.
- Pleased to hear the auditor say how cooperative everybody was and how it made their job easier.
- Directors have a fiduciary responsibility, and may now feel confident that the books are solid, as evidenced by a successful detailed audit.
- Excited that James Marta & Company, and specifically Jesse Deol, was on the team to help LARPD get these issues clarified and resolved in a manner that allowed us to set the standard back to where it should be.

Board members thanked the Finance Team, Management, and Staff for their excellent work, and Mr. Deol for his company's audit and presentation.

Chair Boswell opened public comment. There were no public comments. Chair Boswell closed the public comment period.

MOTION:

Moved by Director Pierpont, seconded by Director Furst, to accept and approve the District Audit Report for Fiscal Year 2021-2022 as presented, by the following roll call vote:

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

4.2 DISTRICT NOTICE 0010 – EMPLOYEE DISCOUNTS

General Manager Mathew Fuzie introduced the item and presented the staff report. The current policy offers employee activity discounts to all current full-time employees, part-time benefitted employees, current Board members who served a minimum of three terms, and retired LARPD employees who are 50 years old or older who worked a minimum of five years. The proposed policy only applies to current staff. The employee discount benefit information will be incorporated into new-hire or reinstated orientations as well as discussed during employee evaluations. This is timely as LARPD is going into hiring season, and we are building Employee Total Compensation Packets. A separate policy will be needed for retired LARPD employees and Board members. The Board will set the benefit level for current and future retirees. Legal counsel is working with staff on the definition of "employee" as it relates to Board Members for the purpose of the policy.

Recommendation: Staff recommended the Board adopt a resolution approving the attached District Notice 0010 Employee Discounts Policy which will offer all current staff to receive some benefit for eligible programs and services, whether full-time, part-time benefitted, or part-time.

This item was presented to the Program Committee at its February 14, 2023 meeting, and the Committee recommends Board approval.

Director Questions/Comments:

- Regarding Aquatics, is that for unlimited and free use of the pool by eligible staff? Is this for May Nissen as well as RLAC? [*This is for a drop-in, not reservable, at both May Nissen and the RLAC.*]
- Is there a component for how to receive a class discount if registering online, or must employees still register over the phone or in person? [*The way our current system works, the employees need to call in or register in person.*]

Chair Boswell opened public comment. There were no public comments. Chair Boswell closed the public comment period.

RESOLUTION:

Moved by Director Furst, seconded by Director Faltings, adopted Resolution No. 2776, approving District Notice 0010 - Employee Discounts policy, by the following roll call vote:

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

4.3 CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS CALL FOR NOMINATIONS – BAY AREA NETWORK, SEAT C

General Manager Mathew Fuzie reported that the California Special Districts Association Elections and Bylaws Committee is looking for independent special district board members or their general managers who are interested in leading the direction of CSDA for the 2024-2026 term. LARPD has agreed previously that we should seek representation on these committees whether it be a Board member or the General Manager. GM Fuzie expressed an interest in running for this seat to represent LARPD or to step aside should the Board wish to nominate a fellow board member. The deadline for receiving nominations is April 17, 2023. The Board expressed its support for having representation by a recreation and park district on the CSDA Board.

Board members expressed unanimously that their preference is to nominate GM Fuzie to apply for the position.

RESOLUTION:

Moved by Director Pierpont, seconded by Director Furst, approved Resolution No. 2777 nominating General Manager Mathew Fuzie for election to the CSDA Board of Directors – Bay Area Network, Seat C, for the 2024-2026 term, by the following roll call vote:

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

ABSENT: *Director Palajac (1)*

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

Chair Boswell announced the Board would consider nominating a member of the Board to run for the Special District Member Non-Enterprise Seat on the Alameda Local Agency Formation Commission (LAFCo). GM Fuzie commented that candidate nominations are due by Friday, May 5, 2023.

Director Questions/Comments:

- Board members agreed that a member from LARPD should run for the seat on the Alameda Local Agency Formation Commission (LAFCO).
- Director Furst expressed an interest in running for either the regular full-time position (special district non-enterprise seat) or the alternate position.
- Chair Boswell expressed an interest in running against Georgean Vonheeder-Leopold for the alternate seat.
- The current seat is open because member Ayn Weiskamp will no longer be continuing on. The current alternate, Georgean Vonheeder-Leopold has expressed an interest in the full-time position.
- Discussion ensued regarding questions about both the nominating and balloting processes should Ms. Vonheeder-Leopold win the seat currently held by Ms. Weiskamp. Would there be one ballot or two? Would the Independent Special District Selection Committee (ISDSC) ask a second time for people who are interested in the alternate position or is it going to be from the people who did not get elected to the full-time position that are now eligible for the alternate position?
- LARPD must decide who and which single person is going to be put forward.
- Director Palajac, who is on vacation today, was at one time interested in the LAFCO position. It may be best to bring this item back when all directors are present.
- Clarification from legal counsel on the correct process in this situation is warranted or written clarification directly from LAFCO.

Chair Boswell opened public comment. There were no public comments. Chair Boswell closed the public comment period.

Action:

No Board action was taken at this time.

- Legal counsel was asked to clarify the proper process to nominate a member of the Board to run for the Regular Special District Non-Enterprise Seat and/or the Alternate Seat in case the current alternate wins the Regular Special District Non-Enterprise seat on the LAFCO Board. The item should be brought back to the March 29, 2023 board meeting, to allow time to gather all the background information necessary for the Board to make a decision.

4.5 **AB 2449 AMENDMENTS TO THE BROWN ACT TELECONFERENCING REQUIREMENTS**

The Board received a presentation by Legal Counsel Thomas Terpstra on teleconferencing options available to public agencies at large. (Information only)

Legal Counsel Thomas Terpstra shared his screen and reviewed “Brown Act Teleconferencing: New Developments” to simplify the information given in the staff report. (see attached.) Mr. Terpstra stated that AB 2449 is a limited tool to be used in limited circumstances, but it does have perks. It does allow you to not have to notice your location, but because every situation is different, and because JUST CAUSE and EMERGENCY CIRCUMSTANCES are defined in very legalese terms, it is Legal Counsel’s recommendation that if you are considering utilizing this that you would reach out to Legal Counsel to ensure that your situation, whatever it is, qualifies for one of these two reasons. This is essential.

Chair Boswell opened public comment. There were no public comments. Chair Boswell closed the public comment period.

GM Fuzie and the Board expressed their appreciation to Mr. Terpstra for this clear and helpful presentation.

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

4.6 SAMPLE BOARD MEMBER TELECONFERENCING POLICY

Chair Boswell stated the Board would review a sample policy created by the California Special Districts Association (CSDA) regarding Board Member Teleconferencing and consider establishing such a policy for LARPD.

Board policy number 5010 on Board Meetings directs that “All meetings of the Board of Directors shall be held in compliance with the Ralph M. Brown Act, California Government Code §54950 through §54963.” The District does not have a policy regarding teleconferencing.

Action:

- Legal Counsel was asked to recommend whether or not LARPD must draft a new policy or if the current policy is sufficient to comply with all California laws.

5. INFORMATIONAL ITEMS (No Action Required)

5.1 GENERAL FINANCIAL UPDATE

GM Fuzie reported that the Board has received a copy of the audit report along with the state of financials through June 30, 2022. This year the District is doing well. LARPD is gearing up for its busy operating season and resulting hiring season. Business Services Manager (BSM) Jeffrey Schneider added that although January results have not yet been published, they show the District is right on original January Budget, only off by approximately \$12k. Continued good news comes from the Operations Revenue front and in savings on the Expense side, primarily in Salaries and Benefits. Numbers are on target for January and \$1.2M better than Budget. Staff is heavy into the budget process with a first view of the consolidated Mid-Year Budget to be reviewed with the General Manager and Core Management Team tomorrow. A preliminary view of FY23-24 will be presented to the Board at the Budget Workshop on March 8th.

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

6. COMMITTEE REPORTS

- a) Director Faltings reported her attendance, along with Director Furst, at the February 14, 2023 Program Committee meeting. The committee agenda was included in the Board's agenda packet materials. Topics discussed included the item that the Board acted on this evening – the Employee Discount Policy. All standing committees have reviewed a 2022 summary of all agenda items discussed. Ms. VanBuskirk will send those four recaps out to the full Board.
- b) Director Pierpont reported his attendance, along with Chair Boswell, at the February 13, 2023 Finance Committee meeting. The committee agenda was included in the Board's agenda packet materials.
- c) Director Pierpont reported his attendance at the February 21 2023 Livermore Downtown, Inc. (LDI) meeting. Topics discussed included the Main Street America program, which LDI is a member of, and the upcoming Livermore Valley Half Marathon on Sunday, March 5, 2023.
- d) Director Pierpont announced that he attended the first meeting of Visit Tri-Valley's Strategic Vision Steering Committee meeting today. This group will be meeting once a month.

Chair Boswell opened public comment. There were no public comments. Chair Boswell closed the public comment period.

7. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Director Pierpont announced that the Livermore Valley Half Marathon is coming on Sunday, March 5, 2023. It will pass by Sycamore Grove Park on Wetmore Avenue and will run through Holdener Park. Prior to the race on Sunday, participants can attend a Launch Party & Packet Pickup at Altamont Beer Works on Friday, March 3rd or at the Bankhead Theater on Saturday, March 4th. For complete information, please visit www.livermorevalleyhalf.com

8. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

GM Fuzie made the following announcements:

- a) CSDA has an upcoming meeting with Assemblymember Bauer-Kahan, and they are inviting LARPD to join the meeting. This will be held on Tuesday, February 28th at 1:30 p.m. They want to limit the participation so that every agency may get a 5-minute briefing. We will coordinate who will be attending that.
- b) The next LARPD Board meeting will be LIVE and in-person on Wednesday, March 8th. A Budget Workshop will begin at 4:00 p.m. followed by the regular Board meeting at 5:00 p.m.
- c) The Annual ACSDA Dinner will be held on Monday, March 20th at the Redwood Canyon Golf Course. Dinner is at 7:00 p.m. and doors open at 6:00 p.m.
- d) SAVE THE DATE: The 2nd Board Retreat is in the works, to be scheduled sometime between March 20-31st. Ms. VanBuskirk will send out a query to the Board to check availability. This meeting is intended to consist of only the Board members and General Manager along with the facilitator to work on the Strategic Plan.

- e) Unless there is objection from the Board, LAPRD was presented with a partnership with the Quest Science Center, the City of Livermore, and other area nonprofits to provide high school students with a climate leadership opportunity this fall through Livermore's first Youth Climate Summit in September. GM Fuzie will keep the Board updated on this item. https://www.independentnews.com/community/livermore-youth-climate-summit-in-the-works/article_578fa63e-b2ce-11ed-8caf-2bec247ce1d7.html

9. ADJOURNMENT: The meeting was adjourned at 6:58 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