



Livermore Area
Recreation and Park District
An independent special district

**LIVERMORE AREA RECREATION AND PARK DISTRICT
REGULAR MEETING of the BOARD OF DIRECTORS**

***REVISED DRAFT MINUTES**

WEDNESDAY, AUGUST 31, 2022

7:00 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: Directors Philip Pierpont, David Furst, Jan Palajac, Vice Chair James Boswell, Chair Maryalice Faltings

DIRECTORS ABSENT: None

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

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

OTHERS PRESENT: Robert Sanchez

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

Chair Faltings called the meeting to order at 7:00 p.m. All Directors were present via Zoom. Chair Faltings led the Pledge of Allegiance.

2. PUBLIC COMMENT: None.

3. CONSENT ITEMS:

- 3.1 Resolution No. 2760 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 Regular Board Meeting of August 10, 2022;
- 3.3 Approval of the Minutes of the Public Meeting in the Park of August 24, 2022

MOTION:

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

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

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 LARPD's ROLE IN THE ARTS COMMUNITY:

General Manager (GM) Fuzie commented that this topic was added at the request of the Program Committee, as we have several items coming up for review that relate to the Arts community, including the lease of the Bothwell Building and the renewal of our Master Property Agreement with the City of Livermore (COL). The City of Livermore (COL) hired a consultant to conduct a study on community support for the arts in general. That report should be available soon. Director Palajac is the liaison to the Livermore ~~Performing Arts Center (LVPAC)~~ Cultural Arts Council (LCAC). Clarification on the LARPD's role in the Arts community is needed, as "Arts" is not clearly stated as part of our Mission. The discussion has been brought forward to identify the full Board's position on the issue.

Committee Questions and Comments:

- a. If the COL takes a more active role on this issue, we should defer to them and stay focused on our Mission.
- b. Rather than an all-or-nothing decision, we should consider the degree of our involvement.
- c. How many of our classes are art-related? There are a few offerings for children in our summer programs, and several others in our adult programs.
- d. Historically, if we have offered arts within our programs then we are involved in the Arts.
- e. The LCAC is considering changing the LARPD to a non-voting member. However, there is evidence that we were a founding member.
- f. ~~As a founding member, the~~ LARPD made the lease of the Bothwell Building available to the ~~LCAC at no charge~~ Livermore Valley Performing Arts Center (LVPAC) at a reduced rate. The Bothwell Building directly supports the Arts, however, that building is at the end of useful life and existing tenants (the ~~LCAC~~ LVPAC) have moved to a month-to-month lease and are currently sub-leasing.

- g. ~~If the LCAC intends to change us to a non-voting member, we need to reconsider their lease terms.~~
- h. Since we subsidize many activities by different entities, we should also review all of those who use our facilities at below market value to ensure pricing consistency, equity, and fairness.

Public Comment: Chair Faltings opened the public comment period. There were no public comments. Chair Faltings closed the public comment period.

Recommendation:

GM Fuzie commented that this issue was brought forward in anticipation of public questions as we work through several processes such as lease renewals and long-term agreements, such as the Master Property Agreement, the Barn, the Carnegie Building and Arts in the Park. As the Board is not yet ready to make a declarative statement on our role in the Arts, he suggested staff continue to utilize the existing methods in place, to take each under systematic review as needed and to wait for the COL's consultant's report.

Action: This was a discussion only and no Board action was taken.

4.2 LETTER TO THE BOARD FROM THE LIVERMORE STOCKMEN'S RODEO ASSOCIATION:

General Manager Fuzie reported that we have been responding to inquiries about our where we stand with the Livermore Stockmen's Rodeo Association (LSRA), and on reported controversies involving the [Board of] Supervisors' office and with the recent Rodeo event. He was previously asked by the Board to reach out to the LSRA to determine what their response was to the reported controversies. The letter we received was the LSRA response. In light of past litigation with the LSRA, guidance from our General Counsel was sought to determine our level of responsibility to the LSRA. Our responsibilities are limited. We currently have no contractual agreement in effect with the LSRA. GM Fuzie recommended the Board use caution when discussing this issue and deferred to General Counsel for additional guidance.

Committee Questions and Comments:

- Aside from the letter, there are other issues beyond our relationship with the LSRA. We should look at them as we would any other tenant using our facility.
- The letter did not provide any information on the LSRA's response to the complaints regarding the rodeo clown. Can we ask for the specifics? What action did they take? Did they respond in writing to those who made complaints?
 - General Counsel Rod Attebery advised that our questions should be limited to complaints over the rodeo clown and the response by the LSRA.
- The LARPD owns the property where the Rodeo takes place. We need to be able to represent the Rodeo with accurate information in response to questions from the public.

Action: GM Fuzie was asked to follow up with the LSRA to ask for more information on specific actions taken in response to complaints about the rodeo clown. This information will help to better represent their response when questioned by the public.

5. INFORMATIONAL ITEMS (No Action Required):

5.1 GENERAL FINANCIAL UPDATE:

General Manager Fuzie reported that the District is doing quite well financially and better than budget. Staff are working to control costs while continuing to provide high quality programs. Our program offerings have increased; this has increased our revenue as well. We are hiring appropriately. Business Services Manager (BSM) Jeff Schneider added, July revenue is favorable to budget across the board. We have had a great start to the new Fiscal Year. More detail will be provided to the Finance Committee when it is available. We are ahead on our cash balances at this time because we haven't been invoiced yet for the artificial turf fields at Robertson Park. When invoiced, our cash balances should be more in line with what has been forecasted.

Action: This was information only and no Board action was taken.

5.2 COVID-19 PROGRAM UPDATES:

GM Fuzie reported that the District had an uptick of cases at the beginning of the summer, but none were severe, and cases have since reduced. There is now little effect on programs. Staff have determined that additional staffing in Parks Maintenance is needed to help support our revenue generating programs. Proposals for increasing staff will be brought forward through our existing processes.

School is starting again. We will be reporting on our ESS status and our relationship with the Livermore Valley Joint Unified School District (LVJUSD). Chris Van Schaack was named LVJUSD Superintendent, so there was no interruption to our relationship with the school district. We are adjusting to the new COL City Manager and intend to continue to have regular meetings with the COL and other partners.

Our Fall program is now out, we are open for reservations.

Action: This was information only and no Board action was taken.

6. COMMITTEE REPORTS:

- a) Director Palajac reported on her attendance at the August 17, 2022 Program Committee meeting. The Agenda was included in the Board packet. Director Furst asked what was discussed at that meeting with regards to the Little League World Series (LLWS) recap. GM Fuzie shared that the recap included a general overview of the success of the LLWS and commendations for staff at LARPD for the immaculate ball fields. The expectation is that this event will continue to be held in Livermore.
- b) Director Boswell reported his attendance, along with Director Pierpont, at the August 15, 2022 Finance Committee meeting. The Agenda was included in the Board packet. Topics discussed included Finances through June 2022 and the Fixed Asset Audit. He noted the exceptional work done by BSM Schneider and his staff.

- c) Chair Faltings asked Director Boswell to report on the August 25, 2022 Intergovernmental Committee meeting, as she was unable to attend. He reported that most of the discussion centered on the Bond Measure and the Isabel Plan and Impact on Schools. Director Palajac asked if there was discussion on the Holmes Street Underpass. There was no discussion on that item because the new COL City Manager wanted to be brought up to speed on the issue prior to discussion and because of current litigation.
- d) Director Pierpont shared that he had nothing new to report for the August 16, 2022 Livermore Downtown, Inc. meeting.

7. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS:

- a. Director Palajac shared an update regarding her recent decision to run for a position on the East Bay Regional Park District (EBRPD) Board of Directors. After filing her initial papers, she learned that Olivia ~~San-Juan~~ Sanwong announced her candidacy. She is endorsed by the incumbent. After Director Palajac learned Ms. ~~San-Juan's~~ Sanwong's priorities are closely aligned with her own, she decided she would no longer run and will support her candidacy instead. She also asked her to become more involved with the LARPD. Director Palajac also shared that the Alameda County has a committee called the Agricultural Committee, which has a sub-committee on trails. The sub-committee predominately works with ranchers and other property owners whose property could be used for trails or abuts existing trails. She will be serving as the LARPD liaison to that sub-committee.
- b. Chair Faltings reported her attendance at the August 31, 2022 Tri-Valley Mayor's Summit held in Dublin. She arrived late due to transportation issues. All LARPD Board members were in attendance except for Director Pierpont, who was unable to attend.

8. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER:

GM Fuzie announced that he had two items to share:

- a. He was contacted by Altamont Winds, LLC. They were required to mitigate for some of the work being done to install windmills in the Altamont area and for certain potential violations. Part of the mitigation includes working with the California Indian Water Commission to gain tribal access to Brushy Peak. The State Historic Preservation Officer (SHPO) is aware of the issue. We are in early negotiations. GM Fuzie will report back carefully with additional information when available, as any agreement entered into will need to be approved by the Board.
- b. He received a proposal from Cal Water to purchase land at Robertson Park. They were advised that we are not interested at this time at just a land-buy proposal. Their proposal did not include lease options and the locations requested include prime parking areas and are not conducive to a well.

Action: This was information only and no Board action was requested or taken.

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. He stated that no reportable action was anticipated. Open Session was adjourned at 8:09 p.m.

10. CLOSED SESSION:

10.1 CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Rod A. Attebery/Maryalice Faltings

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 8:19 p.m. District Counsel Rod Attebery announced that no reportable action had been taken in Closed Session.

10. ADJOURNMENT: The meeting was adjourned at 8:19 p.m.

APPROVED,

Maryalice Summers Faltings
Chair, Board of Directors

ATTEST:

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

/ph

Revisions by lvb