



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, SEPTEMBER 28, 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 David Furst, Jan Palajac, Philip Pierpont,
Vice Chair James Boswell, Chair Maryalice Faltings

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Mathew Fuzie, Fred Haldeman, Jeffrey Schneider, Jill Kirk,
Julie Dreher, Linda Van Buskirk, Michelle Kleman, Pamela
Healy, Patrick Lucky

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

OTHERS PRESENT: None

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

Chair Faltings was experiencing technical difficulties, so Vice Chair Boswell called the meeting to order at 7:00 p.m. All Directors were present via Zoom *(except Chair Faltings, who called in to the meeting at 7:22 p.m.) Vice Chair Boswell led the Pledge of Allegiance.

2. PUBLIC COMMENT: None.

3. CONSENT ITEMS

- 3.1 Resolution No. 2762 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 Revised Minutes of the Regular Board Meeting of August 31, 2022;
- 3.3 Approval of the Minutes of the Regular Board Meeting of September 14, 2022;
- 3.4 Approval of the Minutes of the Public Meeting in the Park of September 21, 2022.

MOTION:

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

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

4. PRESENTATION

*(Chair Faltings was experiencing technical difficulties logging in to the webinar. She was advised to call in. District Counsel Rod Attebery advised the Board to move forward with Item 4. Director Palajac announced that this presentation was made to the Program Committee and both Director Palajac and Chair Faltings, who make up the members of that committee, had already seen the presentation.)

4.1 2022 SUMMER PROGRAMS RECAP

General Manager (GM) Fuzie introduced the item and reported that 2022 was a very successful summer for LARPD. Community Services Manager (CSM) Jill Kirk gave a presentation to the Board of Directors which highlighted LARPD's summer programs including ESS, Camp Shelly, Facility Rentals, Sports Programs, Aquatics, Nature Camps and Customer Service.

Director Questions/Comments:

- Are there any comparisons in attendance between this year and 2019 prior to COVID-19? [*Yes, enrollments are much higher than they were in 2019 regarding camps.*]
- How are the bookings at Camp Shelly going? [*Camp Shelly closed as of September 11th but had a full summer. The end of summer is a little bit quieter when kids return to school, but we did better financially than Budget on the revenue side. It was fun to look at social media and the feedback we received. People were happy that we had opened again.*]
- Outstanding job. The video encompasses the thrust of all the good programs that LARPD provides.
- The Program Committee viewed this presentation previously and thought it was important for the rest of the Board to see it as well.

- Congratulations on the numbers and results. The video is very well done – it oozes fun and is an invitation for young and old to come join LARPD programs.

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

5. DISCUSSION AND ACTION ITEMS

5.1 ACCEPTANCE OF THE ROBERTSON PARK SYNTHETIC TURF REPLACEMENT PROJECT AS COMPLETE

GM Fuzie advised the Board that this is the process for all major projects – report to the County that the District has new assets and that we have completed facilities. He reminded the Board the project came in under the approved budget, and it went smoothly. Business Services Manager Jeffrey Schneider added that the staff report mentioned that the project was budgeted at \$1.6million. He clarified that was the budget for this fiscal year. The project came in under its approved budget (which was north of \$1.7 million) at \$1,604,615.70.

Recommendation: Staff recommended the Board adopt a resolution accepting the Robertson Park Synthetic Turf Field Replacement Project number 018 as complete and authorizing General Manager Fuzie to file a Notice of Completion with the Office of the County Clerk-Recorder, County of Alameda.

Director Questions/Comments: No further Board questions/comments were received.

RESOLUTION :

Moved by Director Palajac, seconded by Director Faltings, approved Resolution No. 2763, accepting the Robertson Park Synthetic Turf Replacement, LARPD Project No. 018, as complete, and authorizing the General Manager to file a Notice of Completion with Alameda County, by the following roll call vote:

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

5.2 FIXED ASSET AUDIT

The Board received an overview on the Fixed Asset Audit from BSM Schneider and Finance Officer Julie Dreher. The update was previously provided to the Finance Committee at its September 19, 2022 meeting with further updates to be provided monthly. The initial focus of the project is the fixed asset data cleanup, the critical review of all data, including agreements and accounting documentation, related to all District Land Assets. The secondary focus will be to cease dependency on a spreadsheet to record and depreciate assets, with a new Chart of Account to be implemented and uploaded to the General Ledger.

Director Questions/Comments:

- The Fixed Asset Audit is crucial and backs up our joint fiduciary responsibilities as a Board as well as the GM and his team from an Operating standpoint. We

are all liable to ensure that the financials are accurate and reflect the true statement of the condition of the organization. Once complete, this will give us the ability to move forward and make key decisions on assets that the District owns/leases and as to what the final disposition of those should be. At the completion of this, there will be a restatement, an adjustment to the financials. Also, at some point there will be a future valuation of those assets because some of those assets have a valuation which is significantly lower than what its actual value is, and that has a direct impact related to things such as the insurance we carry on some of the properties. Ultimately, this will build a solid foundation for GM Fuzie and his team to move forward and for the Board of Directors to feel comfortable that we have taken this into account and made the correct modifications to our financial statements, and that will ensure that the audit team takes a more active and participative role in looking at the accounts that we've put together to move forward with.

- At Brushy Peak, the entrance is at Loughlin Road, and the property address listed in the presentation is on Dyer Road? Why is there a difference? *The Dyer Road address comes from the County website. That is what the County has listed.*
- Percentage wise in relation to completion, where is staff on this project? *Staff is halfway done on the Land piece. There is still more to do on Buildings and Leaseholds, although Staff does not expect it to be as problematic as Land has been.*
- Are you going to have to finish with all of that before the Board gets the completed audit? Or can you complete the audit and then do a restatement later? *We are going to discuss this with the audit partners tomorrow. Initially we had contracted with a third party to help us with this effort, but it quickly became apparent that he was not going to help, for a variety of reasons, but primarily it is an investigative work into our documents that need to be done. Our Finance team will be doing that. We have jettisoned the contractor and feel comfortable that we can pursue this. We are pushing hard to not delay the presentation of our annual audit to the Board beyond the calendar year. Odds are good that the normal audit process will go smoothly once again. We will continue to focus on the Fixed Asset Project while that audit work is happening. It is a priority, and we will keep the Board posted.*
- The audit partner may not want to conduct their audit until they are done with this because they must certify the audit.
- Thanks to Staff for all the hard work!

GM Fuzie pointed out that if, down the line, the District decides to go out for a bond, parcel tax, or anything else that is significant financially, this will be an important task to have completed.

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

6. INFORMATIONAL ITEMS (No Action Required)

6.1 GENERAL FINANCIAL UPDATE

General Manager Fuzie reported that the District is continuing to move forward in the right direction and is trending well. We have begun investing in very safe, short-term investments. We are improving our position daily, month by month. Due to volatility

regarding the Fed and interest rates, we are moving in short durations, as you would expect on the investments, so we get a good return in a short amount of time and keep our options open as much as possible.

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

6.2 COVID-19 PROGRAM UPDATES

Human Resources Officer Michelle Kleman was happy to report that within the past two weeks there has been one COVID case reported each week for a total of two cases.

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

7. COMMITTEE REPORTS

- a) Director Palajac reported her attendance, along with Director Faltings, at the September 21, 2022 Program Committee meeting. Complete Draft Minutes from that meeting were included in the Board agenda packet.
- b) Director Palajac reported her attendance, along with Director Pierpont (who filled in as an alternate while Director Furst was away on vacation), at the September 15, 2022 Facilities Committee meeting. Draft Minutes from that meeting were included in the Board agenda packet.
- c) Director Boswell reported his attendance, along with Director Pierpont, at the September 19, 2022 Finance Committee meeting. Draft Minutes from that meeting were included in the Board agenda packet.
- d) Director Pierpont reported his attendance at the September 20, 2022 meeting of the Livermore Downtown, Inc (LDI). Topics discussed were the Livermore downtown construction updates and upcoming LDI events for fall including numerous Livermore Pridefest 2022 events throughout the month of October, Witches Night Out, Kidz Town Halloween Hay Day with Trick-or-Treating and a costume contest. See <https://www.livermoredowntown.com/events/calendar> for dates and times.

8. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Director Boswell announced he will have a meeting with Alameda County Supervisor David Haubert to discuss some items related to LARPD. Mr. Haubert is on the LAFCO (Local Agency Formation Commission) Board of Directors along with Ayn Wieskamp and John Marchand. Regarding the agreement between EBRPD and LARPD, he has asked the County Registrar of Voters to validate whether in fact an actual measure had been presented to the voters which would have been a precursor event before LAFCO could begin separating out tax revenues. He will discuss this with Supervisor Haubert tomorrow.

9. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

GM Fuzie made the following announcements:

- a) The Livermore Vine published an article on September 21, 2022 entitled "75 Years of LARPD" <https://www.livermorevine.com/triumph/75-years-of-larpd-5848504>

- b) Gm Fuzie continues to work with Zone 7 Water Agency regarding the Patterson Ranch Trail and practice due diligence. The ball is in LARPD's court at this time. He will discuss with Mr. Banke where exactly Mr. Banke wants the fence and why.
 - 1) Director Boswell commented that the rancher, Paul Banke, no longer lives at the Patterson Ranch property and has moved into town. Additionally, the lease may not be extended to Mr. Banke at the Patterson Ranch.
- c) The Master Property Agreement has come back to LARPD from the City of Livermore (COL). It is very close to the way we wrote it except for one major issue, which is that we asked to get a reduced cost for water. The COL does not get a reduced cost for water, so they do not agree that LARPD should get a reduced cost for water because that would affect the rate payer. We will be reconvening the Ad Hoc Committee for the Master Property Agreement. That will also initiate some discussions with the COL regarding sub agreements for specific facilities, trails, building, land, and legal processes, etc. Those are the processes that do not fit into a Master Property Agreement very cleanly because they continue to change and evolve.
- d) Political campaign signs are not allowed on our properties, except in the public right-of-way which is within the first 10 feet next to a curb or street. If the area is not a public right-of-way, the signs are not allowed there. We are talking to the COL about enforcement. The COL has published a "Reference Guide to Political Campaign Signs" which we can send out to staff to enforce those rules.
- e) Tomorrow at 10:00 a.m. GM Fuzie will meet with the California Indian Water Commission which is the appropriate tribal representative to discuss concerns within the Brushy Peak area. There are some issues with some of the construction of wind energy-generating facilities and destruction of cultural sites/properties. Brushy Peak falls within that cultural landscape, so we are being asked to take a role in those discussions, which we rightly should since Brushy Peak was protected because of its integrity within that cultural landscape. His goal is simply to listen to all sides and try to figure out where we fit in. He will report back to the Board after this initial discussion with California Indian Water Commission and their consultants.
 - 1) Director Boswell commented that Brushy Peak is also adjacent to the Garaventa Ranch property. There have been a number of issues there as well. He suggested GM Fuzie advise the California Indian Water Commission of that process as well because of the potential development there.
- f) General Counsel Rod Attebery stated the Board members should have all received by now a package in the mail as well as by email regarding the General Manager's Review at the first Board meeting in October. The letter included specific detailed information about the process. He asked the Board of Directors to return the information as soon as possible. If you have any questions, please contact Mr. Attebery directly.
 - 1) In response to a discussion about whether a special meeting would be necessary prior to the GM Review during Closed Session at the October 12, 2022 meeting, Mr. Attebery outlined the process as follows: We have gathered the information to submit to the Board for both the evaluation and goals and objectives. Those were mailed and emailed to the Board. We have identified a date specific in which those documents are to be returned (the evaluation form). We then compile them for you, and we put them in a summary sheet. We then will meet in Closed Session to review those results and after those results are discussed, we

will meet with GM Fuzie in Closed Session, if necessary, but the Board will meet in Closed Session and then provide the evaluation to your General Manager. Mr. Attebery stated that there will not be two meetings.

The initial task of reviewing the General Manager is anonymous and provided by way of summary, not as individual evaluation forms. If somebody wants to speak up at a Closed Session meeting, they can, but historically the first step has been an anonymous evaluation. If the Board would like to change the process or manage the process (for the next year), we can discuss that in Closed Session as well.

10. ADJOURNMENT: The meeting was adjourned at 8:13 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

/lvb