



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, APRIL 12, 2023**

5:00 P.M.

ROBERT LIVERMORE COMMUNITY CENTER  
4444 EAST AVENUE, LIVERMORE, CALIFORNIA

DIRECTORS PRESENT: Maryalice Faltings, Jan Palajac,  
Philip Pierpont, Chair James Boswell

DIRECTORS ABSENT: Vice Chair David Furst

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

DISTRICT COUNSEL: Thomas Terpstra, Jr. with Neumiller & Beardslee [*Rod Attebery was absent, but available by telephone.*]

OTHER LEGAL COUNSEL: Gary Bell, with Colantuono, Highsmith and Whatley, PC

OTHERS PRESENT: Eric Mills: Action for Animals; Amy Berlin and other  
members of the public

**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, except Vice Chair Furst. Chair Boswell led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** Chair Boswell opened the Public Comment period.

Member of the Public, Eric Mills, representing Action for Animals, introduced himself and provided a handout for each Director. He spoke about his concerns regarding animal welfare at the Livermore Rodeo. He is seeking to outlaw wild cow milking. The Livermore Stockmen's Rodeo Association (LSRA) has been in contact with him and gave their verbal assurance they would not bring back wild cow milking at the Rodeo. Mr. Mills is here tonight to ask the LARPD

and the LSRA craft a written policy stating they will outlaw this in perpetuity, not just a verbal agreement.

Member of the Public Amy Berlin introduced herself. She would like to start a project to switch over public greenways throughout Livermore to clover and is looking for the best contact to begin pursuing this. She explained that clover, when introduced into a lawn, will create an environment where the soil is provided nitrogen, which requires very little mowing. General Manager (GM) Fuzie commented that he is her best contact person and provided his email address.

There was no further public comment. Chair Boswell closed the public comment period.

### 3. CONSENT ITEMS

- 3.1 Approval of the Minutes of the Special Board Meeting on March 27, 2023
- 3.2 Approval of the Minutes of the Regular Board Meeting on March 29, 2023
- 3.3 General Manager's Monthly Update to the Board – April 2023

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

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

### 4. DISCUSSION AND ACTION ITEMS

#### 4.1 CALIFORNIA ASSOCIATION OF RECREATION AND PARK DISTRICTS - CALL FOR NOMINATIONS – BOARD OF DIRECTORS

General Manager (GM) Fuzie explained that the LARPD Board of Directors may nominate up to two Directors for the available Director-at-Large seats and may also nominate him for the available Administrator Representative Seat. Candidate nominations are due May 10, 2023.

Discussion ensued as to the level of interest and availability of each Director. Directors Faltings, Pierpont, Palajac and Chair Boswell declined to seek nomination for the open Director-at-Large positions. Director Furst was not present.

Further discussion resulted in the nomination of GM Fuzie for the Administrator Representative Seat.

**Recommendation:** Staff recommend the Board adopt Resolution 2781 nominating GM Fuzie for election to the CARPD Board of Directors Administrator Representative Seat for the May 2023-May 2025 term.

**RESOLUTION:** Moved by Director Faltings, seconded by Director Palajac, approved Resolution No. 2781, nominating General Manager Mathew Fuzie for election to the CARPD Board of Directors Administrator Representative Seat for the May 2023-May 2025 term, by the following roll-call vote:

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

4.2 **BOARD LETTER IN SUPPORT OF AB 817**

The Board reviewed and considered approving a letter in support of AB 817, Local Government: Open Meetings, which would serve to remove barriers to entry for appointed an elected offices by allowing non-decision-making legislative bodies (i.e., Board Committees) to participate in two-way remote teleconferencing without posting at their location. The Board reviewed a draft letter prepared by CARPD outlining support for the bill.

**Recommendation:** Staff recommend the Board adopt a resolution approving a letter in support of AB 817, Local Government: Open Meetings, which would serve to remove barriers to entry for appointed an elected offices by allowing non-decision-making legislative bodies (i.e., Board Committees) to participate in two-way remote teleconferencing without posting at their location.

**Board Questions/Comments:**

- Legal Counsel Terpstra, Jr. was asked if he had any information on whether or not this would pass. This Assembly Bill is early on in the review cycle; however, it is CARPD-sponsored. The more Districts sign on to this expressing their support, the more likely it is to pass.
- GM Fuzie commented that this was discussed at the GM round table at CARPD. The consensus is there is enough public concern about being able to get to meetings in person to support this.

**RESOLUTION:**

Moved by Director Faltings, seconded by Director Pierpont, approved Resolution No. 2782, authorizing the Board Chair to sign a letter on behalf of the Board of Directors of the Livermore Area Recreation and Park District to the California State Assembly in support of AB 817, by the following roll call vote:

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

4.3 **COMMUNITY OUTREACH LIAISON OPPORTUNITIES**

Chair Boswell shared that the Board would review and discuss whether it wishes to revise its list of current community outreach liaison meetings of which LARPD Directors attend and officially represent LARPD.

A number of Directors have participated in various additional meetings at the request of those organizations who would like a Director-level person in attendance.

**Director Comments/Questions:**

- Given existing time commitments for each Director and a limit of 6 meetings a month that Directors are allowed to attend for remuneration, can our existing list of meetings be reprioritized?
- GM Fuzie commented that several of the meetings are not on their list of approved meetings but should be. Additionally, the existing list has meetings we are not attending anymore. We need to review the list and update it accordingly. For example:
  - Community Gardens – there are no regular meetings, most are conducted informally via email.
  - Director Faltings indicated she preferred to keep the Community Gardens meetings.
  - ESS Parent Advisory Commission – We do not have subsidized families anymore; these meetings only needed to convene when they were discussing a grant
  - Director Palajac, Director Pierpont and Director Furst are attending meetings that should be included on the list but currently are not.
- Director Palajac requested to remove the ESS Parent Advisory meeting from the list and to add the Alameda County Agricultural Committee Subcommittee for Trails and the Visit Tri-Valley Destination Strategic Plan Steering Committee meetings and review the list annually.
- GM Fuzie suggested our involvement with the LSRA remain straightforward and simply turn over issues to their attention.
- Director Faltings requested to add Board representation to the Ravenswood Progress League meetings, adding that the facility should be staffed by at least one LARPD employee while the public was present. GM Fuzie commented that Ravenswood was staffed mainly by LARPD volunteers. However, our Facilities staff are there frequently, and we have programming taking place on the days volunteers are present; in effect, they are being led by one of our Open Space Interpreters.

**Actions:** The Board requested the following actions:

- Remove the ESS Parent Advisory Commission meeting from the list.
- Add the Alameda County Agricultural Committee Subcommittee for Trails and the Visit Tri-Valley Destination Strategic Plan Steering Committee meetings.
- Review the list of Community Outreach Liaison meetings annually.

**5. INFORMATIONAL ITEMS (No Action Required)**

None.

**6. COMMITTEE REPORTS**

- Director Palajac reported on her attendance at the April 3, 2023 LARPD Foundation meeting. The meeting agenda was included in the Board's agenda packet materials.

Everything is coming together for the May 13<sup>th</sup> Wine Down in the Grove Fundraiser. It will be held at Ravenswood from 4:00 – 7:00 p.m. Tickets are available on the Foundation website for 100\$ per person.

- The Chamber of Commerce Business Alliance and LCAC meetings took place on April 5, 2023. Director Furst is the liaison for both of these meetings; however, he was not in attendance at tonight's meeting and will be asked to give an update at the next Board meeting.
- Director Palajac reported her attendance, along with Director Furst at the April 6, 2023 Facilities Committee Meeting. The Committee meeting agenda was included in the Board's agenda packet materials. Meeting highlights included a presentation on the Granada Native Gardens and follow up on the status of potential playground equipment at Robertson Park requested by a Livermore resident.
- Chair Boswell reported his attendance, along with Director Palajac, at the April 11, 2023 Personnel Committee meeting. The committee agenda was included in the Board's agenda packet materials. Director Palajac shared that one of the topics discussed included LARPD's DEI Strategy. She suggested this information should be presented to the full Board for discussion when the strategy is developed further.

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

**Action:** This was a discussion only, no Board action was requested or taken.

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

- Director Pierpont expressed his appreciation of the Open Space Ranger staff. He held a 5<sup>th</sup> birthday party for his son there recently and experienced a great program on animals, reptiles, etc. Additionally, he attended Sycamore Sprouts Big World of Bugs with his 3-year-old daughter. Ranger Christine did an amazing job presenting this program to the whole group of 2-3 year olds. He encouraged everyone to go out there to experience the programs.
- Chair Boswell shared information regarding an active shooter presentation he experienced at the recent CPRS Conference. As these issues are on the rise, he has asked GM Fuzie to put together an active shooter plan for our District.

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

GM Fuzie made the following announcements:

- With regards to developing an Active Shooter plan, he has already been in contact with the Livermore Chief of Police to discuss possible ideas and options.
- Yesterday, he sent out a letter to ACERA from Neumiller & Beardslee, summarizing our position on changes made to regular staff made in 2018.

## **9. OPEN SESSION DISCLOSURE REGARDING CLOSED SESSION ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54957.7**

District Counsel Thomas Terpstra announced that the LARPD Board of Directors would be convening into Closed Session to discuss the items listed at 10.1 on the agenda. Open Session was adjourned at 5:59 p.m.

**10. CLOSED SESSION:**

**10.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraphs (2) and (4) of subdivision (d) of Section 54956.9 of the California Government Code: (1 Potential Case).

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

The Board came out of Closed Session at 7:06 p.m. District Counsel Thomas Terpstra announced that no reportable action had been taken in Closed Session.

**12. ADJOURNMENT:** The meeting was adjourned at 7:06 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

/ph/LVB