



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, NOVEMBER 10, 2021**

2:00 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 James Boswell, David Furst, Jan Palajac  
Vice Chair Maryalice Faltings, and Chair Philip Pierpont

**DIRECTORS ABSENT:** None

**STAFF MEMBERS PRESENT:** Fred Haldeman, Jeffrey Schneider, Jill Kirk, David  
Weisgerber, Julie Dreher, Linda VanBuskirk, Lynn Loucks,  
Megan Shannon, Nancy Blair, Pamela Healy,  
Robert Sanchez

**GENERAL COUNSEL:** Rod Attebery, Allison Felkins with Neumiller & Beardslee

**OTHERS PRESENT:** None

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

Chair Pierpont called the meeting to order at 2:02 p.m. All Directors were present via Zoom. Chair Pierpont led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** None.

**3. CONSENT ITEMS:**

Chair Pierpont pulled Item 3.1 from the Consent Agenda. The minutes are pending and will be brought back to the next Board meeting on December 8, 2021.

**3.1** Approval of the Minutes of the Regular Board Meeting of October 27, 2021 [*pending*]

- 3.2 General Manager’s Update to the Board of Directors on Issues and Projects – November 2021
- 3.3 Resolution No. 2726 determining to conduct meetings of the LARPD Board of Directors using teleconferencing pursuant to Government Code 54953 as amended by AB 361 for the period November 10, 2021 to December 10, 2021.

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

**MOTION:**

Moved by Director Palajac, seconded by Chair Pierpont, approved Items 3.2 and 3.3 of the Consent Agenda, by the following roll call vote:

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

**4. DISCUSSION AND ACTION ITEMS:**

**4.1 AMENDMENT TO BOARD POLICY NO. 4060: COMMITTEES OF THE BOARD OF DIRECTORS**

The Board reviewed and discussed approving revisions to Board Policy 4060: Committees of the Board of Directors. Executive Assistant Linda VanBuskirk reported that at its April 14, 2021 Board meeting, the Board of Directors gave direction to staff to present Policy No. 4060 to each of the standing committees to clarify the policy language and ensure the policy was up to date. The cumulation of suggested revisions was presented to the Board for its consideration.

The Board of Directors had no comments or questions.

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

**RESOLUTION:**

Moved by Director Boswell, seconded by Director Palajac, approved Resolution No. 2727, approving revisions to Board Policy No. 4060: Committees of the Board of Directors, by the following roll call vote:

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

**4.2 AMENDMENT TO BOARD POLICY NO. 5060: MINUTES OF BOARD MEETINGS**

The Board reviewed and discussed approving a revision to Board Policy 5060: Minutes of Board Meetings. EA VanBuskirk reported that at its September 29, 2021 Board meeting, the Board of Directors moved to remove the word “summary” from paragraph no. 1 of Board Policy No. 5060. The suggested revision was presented to the Board for its consideration.

The Board of Directors had no comments or questions.

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

**RESOLUTION:**

Moved by Director Palajac, seconded by Director Boswell, approved Resolution No. 2728, approving revisions to Board Policy No. 5060: Minutes of Board Meetings, by the following roll call vote:

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

**4.3 BOARD POLICY NO. 5020: BOARD MEETING AGENDA**

The Board reviewed and discussed Board Policy No. 5020: Board Meeting Agenda. Discussion ensued with Legal Counsel Rod Attebery to clarify the process for placing an item on the agenda and timelines. Paragraphs 1 and 2 of the policy outline the procedures. The policy does not address ramifications if an item is not placed on an agenda.

**DIRECTION:**

- a) Should Board members wish to revise the policy, their written input should be provided to the General Manager. A redlined version of the policy will then be presented to the Board for further discussion.
- b) Legal Counsel Allison Felkins will provide an example to the Board of language developed regarding Board Agendas from the Mountain House Community Services District.
- c) It was suggested that a Board member may make a motion during a board meeting during Directors' Announcements/Matters Initiated to include an item on an upcoming agenda. The motion would then be considered by the full Board for inclusion on the agenda.

**4.4 BOARD MEETING SCHEDULE**

The Board reviewed and discussed a draft of the 2022 Board Meeting Schedule in preparation for setting the time and place of Board meetings and adopting a meeting schedule at its annual organizational meeting each December, pursuant to Board Policy No. 5010.

**DIRECTION:**

- a) Discussion ensued and Board consensus was to keep the start time of the December 8, 2021 meeting at 2:00 p.m., and to return to the 7:00 p.m. start time for Board meetings beginning in January, 2022. The Board may further discuss other options for the start time of the *second* meeting of each month at the upcoming December annual organizational meeting.
- b) The Board determined that, because of the circumstances of the current State of Emergency proclaimed by the Governor due to the COVID-19 pandemic, and the

continuing recommended measures to promote social distancing made by State and local officials, LARPD Board meetings will be conducted via teleconference (Zoom) until guidance becomes available from the Health Officer regarding safely resuming indoor public meetings. Until then, staff has reported that they have begun pursuing modern technologies to support hybrid meetings, depending upon guidance from the Health Officer.

#### **4.5 PERFORMANCE EVALUATION PROCESS REGARDING DISTRICT LEGAL COUNSEL**

The Board discussed how to proceed with annual performance reviews of legal counsel and what the criteria will be moving forward.

Director Boswell left the meeting at 3:00 p.m.

##### **Direction:**

- a) The current Representation Agreement with Neumiller & Beardslee expires April 30, 2022. Board members asked to have a calendar reminder set three months prior to the anniversary date to discuss the performance of legal counsel as outlined in the agreement.
- b) It was pointed out that Section 2 of the Representation Agreement, Scope and Nature of Services, clearly states what is expected and should be referred to as the basis for performance evaluation.
- c) GM Fuzie will research and identify what other special districts do during the legal team review process and how comprehensive the reviews are. GM Fuzie to consider how to collect information for an objective review with staff involvement in addition to the Directors.'

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

#### **5.1 GENERAL FINANCIAL UPDATE**

BSM Schneider advised the Board that financial results through October will be presented to the Finance Committee at its November 15<sup>th</sup> meeting on Monday. The financial summary will be distributed to the full Board thereafter. In response to interest expressed by the Board and GM, future reports will include the impact of pension obligation bonds on salary and benefits expense, specifically the retirement expense. The beneficial impact on retirement expense of the bonds will now be juxtaposed with the incremental costs that the District has taken on for debt service.

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

#### **5.2 COVID-19 PROGRAM UPDATES**

Community Services Manager Jill Kirk reported that LARPD continues to open programs as much as it can throughout the process.

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

**6. COMMITTEE REPORTS:**

- a) Director Palajac reported her attendance at the November 4, 2021 Facilities Committee meeting. Director Furst filled in as alternate for Director Faltings at this meeting. The agenda was included in the Board meeting agenda packet.
- b) Director Palajac reported her attendance as a judge during the costume contest at the October 30, 2021 Kidz Town Halloween Hay Day at Stockmen's Park. The event was hosted by the Livermore Downtown, Inc.
- c) Director Furst reported that the November 3, 2021 Livermore Cultural Arts Council meeting had been canceled.
- d) Director Furst reported his attendance at the November 3, 2021 Chamber of Commerce Business Alliance meeting.
- e) Director Furst reported his attendance, along with Director Boswell, at the November 9, 2021 Personnel Committee meeting. The agenda was included in the Board meeting agenda packet.
- f) Director Furst reported his attendance at the November 10, 2021 Alameda County Special Districts Association meeting, hosted by the Hayward Area Recreation and Park District.
- g) Director Faltings reported that the November 8, 2021 LARPD Foundation meeting had been canceled. She mentioned that the LARPD Foundation set up an informational table/booth during two LARPD events on October 30, 2021 at the Robert Livermore Aquatic Center: the Pool Pumpkin Patch & Splash, and later that evening during the Movie in the Park featuring Hocus Pocus.

**7. DIRECTORS' ANNOUNCEMENTS:**

As a follow-up to a request by Director Furst during the October 2021 Board meeting, BSM Schneider reported that LARPD has partnered with Comcast to create a LIFT ZONE at the Robert Livermore Community Center. A Lift Zone is a facility that provides free Wi-Fi and internet connectivity to help students and families to access the internet, participate in distance learning, study, and do schoolwork. A joint news release will be published soon. More to come.

**8. ANNOUNCEMENTS BY THE GENERAL MANAGER:** None.

**9. ADJOURNMENT:** The meeting was adjourned at 3:29 p.m.

APPROVED,

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Philip Pierpont  
Chair, Board of Directors

ATTEST:

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

/lvb