



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, DECEMBER 14, 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, Linda VanBuskirk, Lynn Loucks,  
Pamela Healy

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

OTHERS PRESENT: Tim Johnston

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

Chair Faltings called the meeting to order at 7:04 p.m. All Directors were present via Zoom. Chair Faltings led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** None.

### 3. OATH OF OFFICE FOR DIRECTORS OF THE BOARD

General Manager (GM) Mathew Fuzie administered the Oath of Office to Chair Maryalice Summers Faltings, Director David Furst, and Director Philip Pierpont, who were re-elected to the Board on November 8, 2022 for a four-year term from 2022-2026.

### 4. CONSENT ITEMS

- 4.1 Resolution No. 2770 determining to conduct meetings of the LARPD Board of Directors using teleconferencing pursuant to Government Code 54953 as amended by AB 361;
- 4.2 Approval of the Minutes of the Regular Board Meeting of November 9, 2022;
- 4.3 Approval of the Minutes of the Special Board Meeting of December 5, 2022;
- 4.4 General Manager's Monthly Update to the Board – December 2022;
- 4.5 Letter dated 11/29/22 from the Livermore Valley Joint Unified School District;
- 4.6 Authorization for the General Manager to execute the attached agreement with ROMTEC, Inc. for the Sycamore Grove Park Restroom Project.

Chair Faltings opened public comment. There was no public comment. Chair Faltings closed the public comment period.

#### MOTION:

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

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

### 5. DISCUSSION AND ACTION ITEMS

#### 5.1 LIVERMORE CULTURAL ARTS COUNCIL RESTATED BYLAWS

The Board reviewed and discussed whether to approve the adoption of the proposed Restated Bylaws of the Livermore Cultural Arts Council (LCAC) and to authorize Director Jan Palajac to complete and submit the Ballot Regarding Restated Bylaws.

Director Palajac has been the Board liaison to the bi-monthly LCAC meetings, and Director Furst has stood in as an alternate for Director Palajac during two recent meetings when this item was discussed. LCAC has been encouraged to broaden its reach to encompass individuals and others active in the arts and cultural offerings in Livermore and streamlining management with a board of directors limited in size. To accomplish these objectives, the LCAC Strategic Planning Committee endorses the immediate adoption of Restated Bylaws to provide the structure for moving forward. The restated Bylaws contemplate: (a) open membership to entities and individuals, (b) a board of directors, and (c) paid staff. It is anticipated that programming will benefit organizations, individuals, and public entities. For the proposed restated Bylaws to be adopted, an affirmative vote of 75% of the current voting members is required. Director Palajac added LCAC does want LARPD as a liaison, but neither LARPD nor the City of Livermore (COL) will be able to vote anymore if the restated Bylaws are adopted.

**Director Questions/Comments:**

- There was a time when LCAC wanted to have representative from the local governments – the COL and LARPD involved.
- Does it even matter about whether this will get passed or not? *Potentially it would. The final vote is not a foregone conclusion.*
- Is the City going to vote in favor of this? *Trish Munro was on the Strategic Planning Committee that helped develop this and she is in favor of it.*
- I would be hesitant until convinced otherwise to give up a voice that I don't have to give up.
- Even though it is not in our Mission Statement, the arts are important to the LARPD and to our constituents. LARPD teaches classes in the arts, and it is one of the founding members of LCAC. We have not heard why LCAC is cutting off the COL and LARPD as voting members.
- During the recent Public Meeting in the Park at the Bothwell Center, the Board heard the message loud and clear that they need our participation to make this work. LARPD has been supporting the arts in Livermore for a long time. If LCAC is going to take LARPD out of the picture, then perhaps they don't need the building.

Chair Faltings opened public comment. There was no public comment. Chair Faltings closed the public comment period.

**RESOLUTION:**

Moved by Director Pierpont, seconded by Director Furst, adopted Resolution No. 2771, authorizing Director Jan Palajac to complete and submit the Ballot on behalf of the Livermore Recreation and Park District NOT IN FAVOR of adoption of the proposed 2022 Complete Amendment and Restatement of the Bylaws of the Livermore Cultural Arts Council, by the following roll call vote:

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

**5.2 BOARD RETREAT IN 2023**

The Board reviewed and discussed authorizing the General Manager to reserve the services of a consultant and coordinate the Board Retreat process. (Discussion and Direction.)

**Recommendation:** Staff recommended the Board authorize the General Manager to reserve the services of a professional facilitator who specializes in Special Districts to conduct a Board retreat.

GM Fuzie suggested that by working with a CSDA-preferred consultant, the LARPD Board Retreat will be more productive with specific outcomes such as a 3-year plan for the Board, and priorities will be established with shared clarity. This will set the stage for a highly functioning board moving forward.

**Director Questions/Comments:**

- Do you know the names of the two groups being considered? *Will provide that information to you.*
- Fully in favor of a workshop, as many different issues need to be discussed. Happy that staff would like to begin the process in January. Warned that most facilitators run a dog-and-pony show that wastes time. Wants to bring in a reputable consultant that will modify their program to contribute to LARPD's special needs and give the District true value for its money.
- A good facilitator arms the board with concepts they can use.
- Does not want a consultant with no content knowledge or someone who has not been in this line of business. Does want a moderator/facilitator who will add value, not using a standard template. One end product should be development of a tactical and strategic plan that sets the direction and tone of where LARPD is going.
- Expressed concern that a past facilitator was also part of a CSDA list of recommended providers so on paper he looked great, but in reality, he was not. Would like to move forward with a board retreat.
- We can trust the GM to find a good fit for this Board's purposes.
- We need this sooner rather than later, so GM Fuzie should move forward quickly.

No further Board questions/comments were received. Board members expressed their desire to move forward with this.

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

**DIRECTION:**

GM Fuzie was directed to reserve the services of a professional facilitator who specializes in Special Districts to conduct a Board retreat.

**5.3 ELECTION OF BOARD OFFICERS FOR 2023**

Chair Faltings stated the Board will elect a Chair and Vice Chair of the Board of Directors for calendar year 2023 pursuant to Board Policy 4040 which stipulates who the incoming Chair and Vice Chair will be according to a set of criteria.

**MOTION:**

Moved by Chair Faltings, seconded by Director Pierpont, accepted the policy rotation so that Vice Chair Boswell will serve as Chair of the Board of Directors for 2023, and that Director Furst will serve as Vice Chair of the Board of Directors for 2023, by the following unanimous roll call vote:

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

**5.4 BOARD MEETING SCHEDULE FOR 2023**

The Board reviewed and discussed a draft of the 2023 Board Meeting Schedule pursuant to Board Policy No. 5010.

**Director Questions/Comments:**

- There are new laws coming into effect regarding where and when we meet?  
--*Must begin meeting in person by March, 2023.*
- Board meetings are currently at 7:00 p.m. on a Wednesday. Is that still fine with everybody? (Furst) Fine with me; (Faltings) Fine with me; (Pierpont) Sure. GM Fuzie advocated for at least one of the meetings to be held during the daytime. (Palajac) Like 3:00 instead of 7:00 p.m.? (Boswell) Concerned that daytime meetings are more difficult for Board and Public Members with daytime jobs. (Pierpont & Palajac) Would like to begin earlier than 7:00 p.m., even 5:00 p.m.
- (Pierpont) Suggested that Public Meetings in the Park should be held in June/July/August not July/August/September. (Boswell) Agreed. (Palajac) Suggested keeping the start time at 6:00 p.m. (Faltings) Agreed. General Manger (GM) Fuzie asked for clarification if these are in addition to the two regular meetings? Yes.

**DIRECTION:**

- a) Discussion ensued and Board consensus regarding start time was to begin Board meetings at 5:00 p.m. for regular meetings beginning in January, 2023. The 5:00 p.m. start time applies to both the second and last Wednesdays of the month, with the except of November and December when there is only one meeting.
- b) During the months of June, July, and August, the Board will add a Public Meeting in the Park to begin at 6:00 p.m. Location will be determined closer to those months.

**MOTION:**

Moved by Director Palajac, seconded by Director Pierpont, approved the 2023 Board Meeting Schedule, with revisions as discussed, by the following roll call vote:

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

**5.5 ANNUAL BOARD POLICY MANUAL REVIEW**

The Board reviewed policy changes made throughout 2021. No further recommended changes were suggested by Staff for 2022. Chair Faltings asked if the Board wished to make any further revisions to the Board Policy Manual. No revisions were suggested by Board members.

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

**DIRECTION:**

No revisions to the Board Policy Manual were suggested.

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

**6.1 GENERAL FINANCIAL UPDATE**

GM Fuzie reported that the District's financial situation is very good. The District will receive its December Property and Parcel tax inflows on December 16th and the

dollar amounts are modestly above the District's budget. Actual Property Taxes totaled \$5,922,000 versus a budget of \$5,812,000, while actual Parcel Taxes are \$838,000 versus a budget of \$829,000. Overall, Tax income is \$119k, or 1.8% favorable versus budget in December.

We are looking at standardizing some replacements, i.e. play structures that we can do within our General Budget every year. We are working on putting a program in place to replace maybe two play structures a year – not the whole park just the play structures – starting with the oldest ones. We are also talking about irrigation systems within our playfields. We are looking to improve our field irrigation to do three things, 1) reduce our water use; 2) improve our efficiency, and 3) make our fields look better.

**Director Questions/Comments:**

- Will these new play structures have shade? *Yes, all the new updated designs, at least the ones we've looked at, all have shade components built in.*
- When we look at putting in play structures, now with shade, what about handicap accessibility? *The verbiage keeps changing. The standard verbiage now is "all abilities" so they are designed with all abilities in mind.*

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

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 Chair Faltings, at the November 16, 2022 Program Committee meeting. The Draft Meeting Minutes were included in the Board's Agenda packet.
- b) Director Furst reported his attendance, along with Director Palajac, at the December 1, 2022 Facilities Committee meeting. The Agenda was included in the Board's Agenda packet.
- c) Director Furst reported his attendance, along with Director Boswell, at the December 13, 2022 Personnel Committee meeting. Although the Agenda was included in the Board's Agenda packet, Director Furst noted that he did pull Item No. 5 "Review of Candidate for Personnel Commission" because the Committee decided that it wants to discuss again the role and future of the Personnel Commission in January or February of 2023. It did not make sense at that time to appoint someone, then potentially change the nature of the Personnel Commission.
- d) Director Furst reported his attendance at the December 7, 2022 Chamber of Commerce Business Alliance meeting.
- e) Chair Faltings reported that she did not make it to the December 5, 2022 LARPD Foundation meeting.
- f) Chair Faltings reported her attendance, along with Director Boswell and GM Fuzie, at the December 8, 2022 Intergovernmental Committee meeting. She was the only member who attended virtually, and reported that the audio during this hybrid meeting was awful. Director Boswell reported on the items discussed as shown in the Agenda that was included in the Board's Agenda packet. GM Fuzie added that the school district brought up the idea of LARPD programming their facilities.

- g) Director Palajac reported her attendance at the December 7, 2022 Livermore Cultural Arts Council meeting. This was the end of year meeting along with a holiday celebration. She encouraged fellow Board members and the public to look up Violins of Hope - Strings of the Holocaust! concert <https://livermorearts.org/events/violins-of-hope/> which will be coming to the Bay Area February 5-7, 2023. Violins of Hope is a collection of restored musical instruments that were played by Jewish musicians during the Holocaust. These instruments have survived concentration camps, ghettos, and many long journeys to tell remarkable stories of injustice, suffering, resilience and survival. The public is invited to join The East Bay Holocaust Education Center (EBHEC) who is honored to present the concerts, which include the co-founder of Violins of Hope, Avshi Weinstein, who will provide stories of these amazing instruments. Lara Webber has planned a riveting musical program with Livermore-Amador Symphony musicians playing many of the instruments.us on a journey of Hope through time and music with Violins of Hope - Strings of the Holocaust!
- h) Director Pierpont reported his attendance at the November 15, 2022 meeting of the Livermore Downtown, Inc. LDI is also planning a Board Retreat in January/February because they have new Board members. Director Pierpont will be leaving that board as a downtown business owner as are two other board members.

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

- a) Director Furst suggested that the Board, sometime in early to mid-2023, have a discussion on the topic of Term Limits.
- b) Director Furst suggested that the Board, sometime in early 2023, have a discussion on the topic of when an item proposed by a Director would go on the agenda. The Board had a lengthy discussion on this item last year, and according to legal counsel, all Directors have the right to have an item put on the agenda, but it seems like our District does not have any policy on *when* it can go on the agenda, which leads to the possibility that a General Manager and/or a Board Chair may delay an item request for months, if not years. He would like to see a policy developed of *when* an item that a Director wants to have on the agenda will actually go on an agenda.
- c) Director Pierpont congratulated the three incumbents on winning their seats on the LARPD Board of Directors for another term, along with Director Boswell for becoming the 2023 Board Chair and Director Furst on becoming the 2023 Board Vice Chair.
- d) Director Palajac asked when the Board would receive the 2023 Committee Assignment Request form to complete. *Director Boswell asked EA Linda Van Buskirk to send the form to the Board members and asked that they respond by December 30, 2022 so that a formal announcement can be made at the first meeting in January.*
- e) Chair Faltings announced she is now finishing up the last time she will be Chair of this Board and expressed how much she has enjoyed working with the Board Members over the years.

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

GM Fuzie made the following announcements:

- a) CARPD is offering a free Board Member Orientation via Zoom, “The Ins, Outs & In-Betweens of Serving Your Community” on January 5, 2023.” EA VanBuskirk has sent that information to all Board members.

- b) GM Fuzie has attended his third Rotary meeting today and has received an application to join from the committee.
- c) Last week GM Fuzie met with Chris Carter, Executive Director of the Livermore Valley Performing Arts Center (LVPAC). He received a tour of the Bankhead Theater, and they talked about the future over lunch. Mr. Carter had been hearing a lot of rumors that the Bothwell was going to be torn down. GM Fuzie advised him that is not the case and explained the process. These meetings will now be held more often.
- d) GM Fuzie will be meeting this Friday with David Nelson, Chief Executive Officer at ACERA to talk about their inquiries about LARPD's drop in ACERA membership. A Board briefing will be given during Closed Session in the future.
- e) GM Fuzie attended the General Plan Advisory Council meeting last Thursday. He presented along with Chris Van Schaack from the school district. The crowd expressed an interest in LARPD increasing its inventory and serving more people. Incoming Mayor Marchand asked a question about merging, so GM Fuzie very tactfully answered that the LAFCO guide states that merging a district into a city occurs only when the district's territory is entirely within the city limits. The city can establish a subsidiary district if at least 70 percent of the district's territory is within the city limits. Neither of those things apply in this case.

**10. ADJOURNMENT:** The meeting was adjourned at 8:23 p.m.

APPROVED,

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Maryalice Summers Faltings  
Chair, Board of Directors

ATTEST:

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

/LVB