



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, JUNE 9, 2021**

2:00 P.M.

*NOTICE: Coronavirus COVID-19*

*In accordance with Governor Newsom’s Executive Orders, members of the Livermore Area Recreation and Park District Board of Directors and staff participated in this meeting via teleconference. In the interest of maintaining appropriate 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:** Mathew Fuzie, Allie Ikeda, Jeffrey Schneider, Jill Kirk, David Weisgerber, Jeannie Bodenhausen, Jessie Masingale, Joseph Benjamin, Julie Dreher, Ly Ha, Lynn Loucks, Marilyn Youngman, Megan Shannon, Michelle Newbould, Nancy Blair, Robert Sanchez, Vicki Wiedenfeld

**GENERAL COUNSEL:** Rod Attebery, Neumiller & Beardslee

**OTHERS PRESENT:** PFM Financial Advisors LLC . . . . . Sarah Hollenbeck  
Jaime Trejo  
Jones Hall . . . . . James Wawrzyniak  
Oppenheimer & Co. Inc. . . . . Jeffrey Land

**Public Members:** Mark Palajac, Melinda Chinn, Stacey Kenison

**1. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE:**  
Chair Pierpont called the meeting to order at 2:00 p.m. All Directors were present, via Zoom. Chair Pierpont led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** None.

### 3. CONSENT ITEMS:

- 3.1 Approval of the Minutes of the Regular Board Meeting of May 26, 2021.
- 3.2 General Manager's Monthly Update to the Board – June 2021.
- 3.3 Resolution No. 2713, approving Newly Proposed Job Classifications.

Chair Pierpont opened public comment. No public comments were received. Chair Pierpont closed the public comment period.

#### MOTION:

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

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

### 4. DISCUSSION AND ACTION ITEMS

#### 4.1 PENSION OBLIGATION BOND PROPOSAL

Chair Pierpont stated the Board would consider approving a resolution authorizing the issuance and sale of pension obligation bonds (POBs) to refund outstanding obligations of the District to the Alameda County Employees' Retirement Association (ACERA) and directing the execution and delivery of documents and actions related thereto.

General Manager Fuzie introduced the item. He advised that, if approved today, the District will be adding a level of predictability in its pension-related commitments for the future as well as creating future savings by replacing its contributions toward its unfunded accrued actuarial liability (UAAL) with the POB debt service. This presentation is the culmination of previous presentations to the Ad Hoc Budget Committee, Finance Committee, and previous Board meetings.

Business Services Manager Jeffrey Schneider recognized the consulting team on the Zoom call: Financial Advisers Sarah Hollenbeck and Jaime Trejo with PFM Financial Advisors, LLC; Bond Counsel James Wawrzyniak, Esq. with Jones Hall; and underwriters represented by Jeffrey Land with Oppenheimer & Co. Inc. He then presented the staff report and led a discussion regarding approval of the Indenture of Trust, Preliminary Official Statement, and the Bond Purchase Agreement.

BSM Schneider summarized the opportunity presented by issuing POBs as follows:

- The District will take on \$12.9million in bond-related debt, which is replacing another form of debt in terms of the UAAL; \$12.6 million of the debt will go toward financing 95% of the current level of the UAAL (which stood at \$13.3 million as of December,2020), while the rest will go toward the cost of issuance and the underwriter's discount. Why pay down 95% of the UAAL? To guard against the possibility of "over-funding" (e.g., taking on more debt than is needed), which could occur if returns on ACERA's investments exceed current expectations.
- The present value of projected savings is \$3.4million based on the working assumption that the District's credit rating would be rated A+ by rating agency

- Standard and Poors; should the rating be above A+, the District's savings will grow accordingly. The credit rating will be confirmed on June 11, 2021.
- A by-product of the funding plan is the potential, if all current ACERA plan assumptions are met, of the elimination of the remaining UAAL within five years.
  - The ACERA Actuarial Committee will meet on June 17<sup>th</sup> to approve our extraordinary contribution and commit to revising the District's contribution rates downward, in September 2021, to reflect the POB-driven reduction in its UAAL.

A question-and-answer session was conducted in which the Consulting team, along with GM Fuzie and BSM Schneider, participated.

Chair Pierpont opened public comment. No public comments were received. Chair Pierpont closed the public comment period.

Moved by Director Faltings, seconded by Director Palajac, adopted Resolution No. 2714, approving authorization of the issuance and sale of pension obligation bonds to refund outstanding obligations of the District to the Alameda County Employees' Retirement Association (ACERA), and directing the execution and delivery of documents and actions related thereto, by the following roll call vote:

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

The Board and staff thanked the Consultants - bond counsel, financial advisors and underwriters and expressed appreciation for their diligence and hard work in helping the District make progress in this endeavor.

#### **4.2 PUBLIC HEARING: FISCAL YEAR 2021-22 FINAL OPERATING BUDGET**

Chair Pierpont stated the Board would consider approving the District's FY 21-22 Final Operating Budget. A public hearing will be held to receive public comment.

Business Services Manager Schneider summarized the District's Operating Budget proposal for FY2021-22, including Salary and Benefit plans, and reviewed the District's CIP plans for FY2020-21 through FY2022-23. On revenues of \$20.4 million, the District expects a Net Operating Contribution of \$1.4 million, which, after general fund use for CIP of \$368k will leave the District with a contribution to reserves of \$1.06 million. Of note: the Board had seen an earlier presentation of these plans at its March 2021 Budget Workshop. Changes relative to the preliminary plans presented in March were highlighted by BSM Schneider.

Chair Pierpont opened public comment. No public comments were received. Chair Pierpont closed the public comment period.

- Director Furst suggested that future budget presentations reflect gross property tax revenues and include the addition of line items for deductions taken out through ERAF (the Educational Revenue Augmentation Fund) and the agreement between LARPD and East Bay Regional Park District.

Moved by Director Palajac, seconded by Director Furst, adopted Resolution No. 2715, adopting the Final Operating Budget for Fiscal Year 2021-22, by the following roll call vote:

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

**4.3 PUBLIC HEARING: FISCAL YEAR 2020-21 THROUGH FISCAL YEAR 2022-23 FINAL CAPITAL IMPROVEMENT PLAN (CIP) BUDGET**

Chair Pierpont stated the Board would consider approving the District's FY20-21 through FY22-23 Final Capital Improvement Plan (CIP) Budget. A public hearing will be held to receive public comment.

BSM Schneider briefly summarized the CIP plan, which has changed only modestly since the March 2021 Budget Workshop.

- Board consensus was reached that a line item for Camp Shelly should remain on the schedules, separated from the Open Space line item, so that Board members may clearly track and review LARPD's revenue/expenses regarding the campground. GM Fuzie agreed it is a valid concern.
- Director Boswell suggested that in light of approving the pension obligation bond to move forward, we must identify how much and what is the approximate size of the net savings, and make sure there is a separate accounting for the UAAL savings so that the District may monitor that and the use of those funds. He also suggested a policy on reserve balances.

Chair Pierpont opened public comment. No public comments were received. Chair Pierpont closed the public comment period.

Moved by Director Palajac, seconded by Director Furst, adopted Resolution No. 2716, approving the Final Capital Improvement Plan (CIP) Budget for Fiscal Years 2020-21 through 2022-23, by the following roll call vote:

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

**4.4 RENEW SPECIAL TAX 97-1 AND SET THE NEW RATE FOR FISCAL YEAR 2021-22**

Chair Pierpont stated the Board would consider approving a resolution to renew Special Tax 97-1 and set the Equivalent Dwelling Unit (EDU) rate at \$37.16 for FY 21-22.

- Board members expressed consensus with placing this item on the Consent Agenda during future board meetings.

Chair Pierpont opened public comment. No public comments were received. Chair Pierpont closed the public comment period.

Moved by Director Faltings, seconded by Director Palajac, adopted Resolution No. 2717, authorizing renewal of Special Tax 97-1 and setting the Equivalent Dwelling Unit (EDU) rate at \$37.16 for FY 21-22, by the following roll call vote:

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

## 5. INFORMATIONAL ITEMS (No Action Required)

### 5.1 GENERAL FINANCIAL UPDATE

GM Fuzie the District's financial status have been covered in detail throughout Section 4 above. Director Palajac asked if this item will remain as a standing item as the District gets back to "normal" operations. Even though the tier system is being lifted throughout the state of California, Governor Newsom is not lifting the State of Emergency order. Chair Pierpont responded that until we get back to "normal" he would like to see how the District's financials are tracking in the meantime. Director Furst and Faltings concur.

This was information only and no action was taken.

### 5.2 COVID-19 PROGRAM UPDATES

GM Fuzie reported that Cal/OSHA has ruled that unless every employee can show that they have been vaccinated, all employees must wear masks indoors. LARPD must follow Cal/OSHA's rulings as we are subject to their jurisdiction; however, the public is not. LARPD will be closely following this as it relates to its programs. The demand for LARPD programs is greater than the supply at this time.

Director Faltings asked how LARPD is supposed to enforce Cal/OSHA's mask requirement. GM Fuzie responded that LARPD cannot mandate that the public wear masks, but will erect signs stating "We are wearing a mask for your protection. We hope you will too." District Counsel Rod Attebery stated that it is not expected that Cal/OSHA will maintain its current position. However, how Governor Newsom will enforce Cal/OSHA standards is not clear yet. Local jurisdictions may impose different restrictions. This is ongoing.

This was information only and no action was taken.

## 6. COMMITTEE REPORTS:

- a) Director Furst reported his attendance at the June 8, 2021 Personnel Committee meeting. The Committee has come to a conclusion regarding the applicants for the Personnel Commission and will be recommending two names to the full Board at its next meeting. All five resumes will be supplied to the Board so that it may decide on the final appointees.
- b) Director Furst reported his attendance at the June 2, 2021 Chamber of Commerce Business Alliance meeting. Meeting presentations are posted online at <https://www.livermorechamber.org/news/meeting-presentation-archive> and video

recordings are also available on the [Livermore Valley Chamber of Commerce YouTube channel](#).

- c) Director Furst reported that the June 2, 2021 meeting of the Livermore Cultural Arts Council has been rescheduled to June 9, 2021.
- d) Director Faltings reported her attendance at the June 7, 2021 LARPD Foundation meeting.

**7. DIRECTORS' ANNOUNCEMENTS:**

- a) Director Furst announced that he's received feedback from the public on the Cattail Pond Loop at Sycamore Grove Park. The trail is narrow and the slope is very steep. He asked for consideration of either banning bicycles or widening the trail to accommodate both bikes and hikers sharing this trail.
- b) Director Faltings asked if LARPD staff provides safety or etiquette training for bike riders. GM Fuzie responded that yes, this is accomplished both in an enforcement role and a proactive role.

**8. ANNOUNCEMENTS BY THE GENERAL MANAGER:**

GM Fuzie announced that he participated yesterday in the All-American City presentation. The awards presentation will take place this evening, and GM Fuzie will be watching to see if Livermore is selected as one of the winners of the 20 finalists.

**9. ADJOURNMENT:** The meeting was adjourned at 3:57 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