



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, MARCH 30, 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, and Chair Maryalice Faltings

**DIRECTORS ABSENT:** None

**STAFF MEMBERS PRESENT:** Mathew Fuzie, Fred Haldeman, Jeffrey Schneider, Jill Kirk, Linda VanBuskirk, Pamela Healy

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

**OTHERS PRESENT:** None

**[PUBLIC MEMBERS]:**

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

Chair Faltings called the meeting to order at 7:00 p.m. All Directors were present via Zoom. Chair Faltings led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** None.

**3. CONSENT ITEMS:**

**3.1** Resolution No. 2743 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 March 30, 2022 to April 29, 2022.

- 3.2 Approval of the Minutes of the Regular Board Meeting of February 23, 2022.
- 3.3 Approval of the Minutes of the Special Board Meeting: Budget Workshop of March 9, 2022.
- 3.4 Approval of the Minutes of the Regular Board Meeting of March 9, 2022.

Director Furst inquired why the General Manager's Goals and Objectives was not included on the current Consent Agenda. General Counsel Rod Attebery stated he was not tracking the item as Goals and Objectives are not a legal matter; however, the Employment Agreement is. The Employment Agreement had been approved. The Ad Hoc Committee may direct him to do what is appropriate. Chair Faltings directed staff to place the matter on the next Consent Agenda.

**MOTION:**

Moved by Director Palajac, seconded by Director Pierpont, approved the Consent Agenda, 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)*

**4. DISCUSSION AND ACTION ITEMS:**

The LARPD Board of Directors reviewed and discussed taking appropriate action or inaction with respect to the following matters:

**4.1 DISTRICT NOTICE 0010: VACATION BUY BACK PROGRAM**

General Manager Mathew Fuzie led a discussion on the staff report which highlighted guidelines for a proposed Vacation Buy Back program as a component of the annual budget process which is completed in June. The District does not currently have a policy for actions regarding vacation buy back. He explained that each year, at the discretion of the Board of Directors and in conjunction with the General Manager, employees may have the option to elect to sell a portion of their unused vacation accruals back to the District, and thereby give employees the option to receive a cash payment from the District for unused vacation hours, while reducing the District's financial liability.

**Recommendation:** Staff recommended that the Board of Directors approve District Notice 0010 and provide another method for the Board to consider during the budget process to provide employee benefits.

**Director Questions/Comments:** What is the percentage of other districts that have a vacation buyback program; consideration of the time value of money; the morale of employees if the program is approved this year, but not approved during later years or by a new Board; consideration of approval on a one-time basis; programs like this allow the District to eliminate accrued liability for vacation that is on the books, and also as an incentive for employees due to various scenarios; the importance of taking vacation time.

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

The Board put forward no motion to consider approving District Notice 0010: Vacation Buy Back Program. GM Fuzie offered to revise the proposed District Notice 0010, should the Board direct him to do so.

**ACTION:**

Chair Faltings moved to approve Resolution No. 2744, approving District Notice 0010 Vacation Buy Back Program. The motion died for lack of a second.

- Chair Faltings directed GM Fuzie to bring this item back to the Board in whatever form he thinks appropriate for the next budget cycle. GM Fuzie will speak with Board members to get feedback on whether there is a viable proposal.

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

**5.1 GENERAL FINANCIAL UPDATE**

Business Services Manager Jeffrey Schneider reported that the District is now, in its financial reporting, comparing actual results with the budget that the Board approved at mid-year. The mid-year budget reflects the first six months of the year actuals, then January-June projections. Results for January and February are both better than planned. He reported interesting improvements in revenue, due to success in Open Space, a turnaround in the Facility Rentals area, and continued growth in Youth Sports. Salaries are below budget. In general, the net contribution is \$145k better for the two months that we have seen since we revised the budget. On a cash basis, we are improving over the last several years. The District will be above \$11million in cash in April, but we still have big challenges with deferred maintenance to fund.

**5.2 COVID-19 PROGRAM UPDATES**

GM Fuzie reported on the current COVID-19 case rates per 7-day average in Alameda County [6 cases/100,000] and Livermore [4 cases/100,000]. LARPD is tracking spring break and how the Omicron B2 tracks through this community as well. There is light at the end of the tunnel.

GM Fuzie reported that summer registration began today, March 30<sup>th</sup>. As of 1:00 p.m., not including Preschool, revenue from summer registrations had already reached over \$400,000!

**6. COMMITTEE REPORTS**

- a) Director Furst reported his attendance, along with Director Palajac, at the March 23, 2022 Ad Hoc re: Master Property Agreement committee meeting. The Committee will be reviewing the Master Property Agreement.
- b) Director Furst reported his attendance, along with Director Boswell, at the March 17, 2022 special Personnel Committee meeting. The topic was the Personnel Commission. The Committee decided not to have specific evaluations of each Personnel Commissioner, but rather to have a liaison from the Board attend the Personnel Commission meetings, thereby getting an idea of how the Commission is functioning rather than a formal evaluation process. The Committee also reviewed

- some of the older guiding documents regarding the Commission which will be revised/rewritten by GM Fuzie. Chair Faltings supports the Personnel Committee Chair attending the Personnel Commission meetings this year as the Board liaison.
- c) Director Palajac reported her attendance, along with Director Faltings, at the March 16, 2022 Program Committee meeting. The agenda was included as a part of the Board agenda packet. The Committee would like to have the Open Space Interpretive Program presentation given to the full Board at an upcoming Board meeting.
  - d) Director Pierpont reported his attendance at the March 15, 2022 Livermore Downtown, Inc. meeting.

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

- a) Director Pierpont reported that his son, Quinn, celebrated his fourth birthday at Sycamore Grove Park. His party was hosted by LARPD and Ranger Doug and included a nature hike, craft and looking at bugs and animals. It was an excellent event, and Director Pierpont was so impressed that he wants everyone to know that having a birthday party at LARPD is so fun, they absolutely had a wonderful time and Ranger Doug was fantastic.
- b) Director Boswell reported that he attended a meeting of the Tactical East Avenue project last Wednesday. He was the only elected representative at the meeting. There were about 150 people in attendance. This project is in Phase 2 now. The City has contracted an outside contractor to come in. They are planning to redesign East Avenue from South Livermore Avenue to South Vasco Road, which includes making East Avenue one lane in each direction. This has many people alarmed. The major stakeholders (LARPD, Fire Department, Sandia Labs, Lawrence Livermore Labs) had no representation at this meeting. Most participants were the constituents of the city that live in the neighborhood. He encouraged LARPD to get involved in this process. To learn more, visit [www.eastavecorridorstudy.com](http://www.eastavecorridorstudy.com)
- c) Chair Faltings volunteered last Friday for Marilyn Avenue Preschool's read-a-thon, along with former director Beth Wilson. The theme was "diversity." Chair Faltings read to a group of [adorable] first graders. They were curious about her walker and her work with the Park District. They were excited to share stories of their beloved "flower park" at May Nissen Park.
- d) Chair Faltings announced that the Ravenswood Victorian Tea is scheduled for Sunday, May 1, 2022 between 2 to 4:30 p.m. Anyone interested is encouraged to view more information on the LARPD website here <https://www.larpd.org/news/post/14608/> or email [Ravenswoodhh@gmail.com](mailto:Ravenswoodhh@gmail.com)

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

GM Fuzie made the following announcements:

- a) Tickets for the LARPD Foundation's fundraiser "Wine Down in the Grove" have gone on sale. The information is on Facebook today and will also be in the General Manager's Monthly Update to the Board of Directors on Issues and Projects – April 2022. The fundraiser will take place on Saturday, May 21, 2022 from 3:00-6:00 p.m.
- b) LARPD has been contacted by the Alameda County Registrar of Voters to begin the process of submitting the District's election information. More information will be included in the next Board meeting agenda packet.
- c) As announced above, LARPD's first day of summer registration brought in over \$400,000.

- d) The structure we have been trying since we lost our Recreation Manager is proving to be remarkably successful. There is very heavy synergy amongst staff to work together. This really showed today during our first day of summer registration. Our offerings are great, varied and very well organized. GM Fuzie will be bringing a recommendation for discussion to the Personnel Committee.
- e) It was decided by the court today that The Garaventa Hills development will not be moving forward. Director Furst added that a citizen lawsuit regarding the development by the Lafferty Group and in cooperation with the City, stated that the CEQA was not adequate, and that the City had not disclosed that there was money to buy that area, nor had they looked at a no-project alternative. It is very possible that several different public funding agencies are willing to put in the money to buy this area, which overlooks LARPD's Garaventa Wetlands, then donate it to the LARPD. There will be some talk about grant funding and which organization to consider.

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

Chair Faltings announced the Board would adjourn to Closed Session pursuant to Items 10.1 and 10.2 listed below. Open Session was adjourned at 7:51 p.m.

**10. CLOSED SESSION**

**10.1 CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Rod A. Attebery/Maryalice Faltings

Unrepresented Employee: General Manager

**10.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: General Counsel

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

The Board came out of Closed Session at 8:50 p.m. and Chair Faltings announced that no reportable action had been taken in Closed Session.

**12. ADJOURNMENT:** The meeting was adjourned at 8:51 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