



Livermore Area
Recreation and Park District
An independent special district

**LIVERMORE AREA RECREATION AND PARK DISTRICT
SPECIAL MEETING of the BOARD OF DIRECTORS**

DRAFT MINUTES

MONDAY, DECEMBER 5, 2022

3:30 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, Fred Haldeman, Jeffrey Schneider, Jill Kirk, Michelle Kleman, David Weisgerber, Joseph Benjamin, Julie Dreher, Linda VanBuskirk, Nancy Blair, Patrick Lucky

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

OTHERS PRESENT: Supervisor David Haubert, Gloria Gregory, Melissa Hernandez, Ronnie Forbes with One Nation Dream Makers, Inc.

1. CALL TO ORDER – ROLL CALL:

Chair Faltings called the meeting to order at 3:35 p.m. All Directors were present via Zoom.

2. MEMORANDUM OF UNDERSTANDING TO ESTABLISH WARMING STATION AT VETERANS MEMORIAL BUILDING:

General Manager (GM) Fuzie read into the minutes a timeline of the events and occurrences that led to this meeting, dating from Wednesday, November 30, 2022 – Monday, December 5, 2022. (See timeline attached to these minutes as Attachment A.)

District Counsel Rod Attebery stated that his firm, Neumiller & Beardslee, is reviewing the proposed Memorandum of Understanding concurrently.

GM Fuzie explained that in the past, churches and other locations have provided this service, but those locations are not available at this time this year, so the Veterans Memorial Building would simply be a temporary replacement for those spaces. LARPD would not take on any of the responsibilities that the non-profit groups have in the past.

District Counsel Thomas Terpstra shared his screen with a view of the proposed Memorandum of Understanding from One Nation Dream Makers (ONDM,) Inc. The Board reviewed and discussed the terms of the MOU in detail. (See proposed MOU, Attachment B)

Mr. Attebery responded to GM Fuzie's question "Is there anything in the agreement that would prohibit or require LARPD to provide this service?" The answer is "no", but there are many caveats. He explained there is nothing in the earlier agreement that requires LARPD to do anything, but there is language that questions what we should and what we should not do, whether it is right or wrong. That is ultimately left to the Board's discretion.

Director Questions/Comments:

- [Furst] Ronnie Forbes is on the webinar in case the Board has questions. *[Mr. Forbes responded that both he and Gloria Gregory are available to answer any questions. Ms. Gregory works directly with Supervisor Haubert's office and is helping to oversee this project.]*
- [Palajac] If we proceed with the agreement and put this in place, and we find that one of the nights that needs to be used as a warming center is booked as a planned activity at the Veterans Hall, what happens? *[Mr. Terpstra responded that the agreement between the County and LARPD is subject to provisions of the Military and Veterans Code. When there is a conflict between another purpose for using this hall and a Veteran's purpose, the Veteran's purpose prevails. Under state law and pursuant to the contract between the County and LARPD, the Veteran's purposes would have to take precedence over the warming center.] [GM Fuzie added that the practical reality is that the Veterans Hall is lightly used and LARPD has been able to accommodate every scheduled use in there at RLCC.]*
- [Palajac] Would it be the case that going forward if anyone were to rent the Veteran's Hall for an evening affair in the winter time that they would be informed that there is a possibility that they could be moved over to the RLCC or completely cancelled if the weather is such that the Veterans Hall gets used as a warming center, and that would take precedence? *[GM Fuzie responded affirmatively, just for this period until the end of April. LARPD will avoid booking anything at the Veterans Memorial Building, or only as a last resort. This is an Operations issue. Should the Board determine that having a warming center available is a priority for the community, then that builds into our operations and we will take that fully into consideration when booking events.]*
- [Furst] We have an obligation to the unhoused to do whatever we can to make their lives less stressful; and it is appropriate for LARPD to offer a warming

center if we can get the details worked out. The proposed MOU looks fairly complete. He would welcome input from legal counsel or senior staff as to how complete it is, in case he is missing something. Thinks we should move forward with this.

- [Pierpont] In principle he seconds what Director Furst stated. If LARPD has underutilized resources that we can use to support members of our community in this regard, he is in favor of that. In principle he is in support of this, especially if legal counsel can wrangle out the details. *[Mr. Attebery explained the nuances are about insurance, etc. What Mr. Terpstra is presenting you is if you decided to say “no” we are not allowing this facility, then there are lots of nuances we need to work through. If you are saying “yes” to the contract and let us work it out, we will make sure there is insurance/liability coverage, and the legal responsibility associated with maintaining the facility is not on LARPD, but is on another entity.]*
- [Boswell] Would like to believe that there is not a person on this call that is not desirous of assisting with the homeless problem and providing assistance in that area. The building itself - we have an agreement to operate the building on behalf of the county and it provides 50% usage to the VFW, is that correct? *[GM Fuzie clarified the agreement does have a described usage without a specific percentage, but it is weighted fairly.]* They store and house all their stuff in that building as well. Technical aspects: There is approximately 350 unhoused people in the City of Livermore that potentially would need service for a warming center? *[GM Fuzie responded there are 350 registered as unsheltered, and of those there is a variety of sheltering methods, but it up to the City Serve and the like to determine what is appropriate for the individual. There are different needs. Of the type of need that would be provided here, there is none available at this time.]*
- [Boswell] Is this an optimal use of the building considering the neighborhood that it is in? Is there another resource that may be available to do this that would be more effective than using an older building like this? The building itself is owned by the county. Putting together an agreement between LARPD and ONDM as opposed to potentially given the low usage that we have in that building in particular and the fact that LARPD is managing it as a resource for the county, creating an agreement between the county itself and ONDM and relinquish our usage of the building all together and turn it over to the county to manage. *[GM Fuzie responded that that may be a long-term solution, but it is not a short-term solution to this issue. To pull that off would take at least another year. We would need to sunset the agreements we currently have, and it would end December 31, 2023. That does not help us with this current problem. ONDM has a current agreement with the county to provide other services. They have an agreement with the county to which they are providing insurance and other means for the use of a fire station for the purposes of providing food and other services. The vehicle here is flexibility that we have as a special district to provide something in the near term. When we all met together, we looked at other facilities, including the RLCC, and we determined the best possible outcome is with the Veterans Memorial Building. Mr. Attebery added that legal counsel is reviewing that particular issue to make sure we are not committing ourselves to a long-term issue, a regular issue. We are trying to cover it on a short-term basis knowing that we are going to come back and try to do something long-term].*

- [Boswell] The District has been working on a Fixed Asset review of all its assets with the goal to come up with a gameplan for each one of them, up to and including the Veterans Memorial Building.
- [Boswell] Has anybody contacted the VFW? *[Mr. Ronnie Forbes, current Commander of the Post 7265 at the Veterans Hall, reported that he has spoken with the VFW plus the American Legion, and everybody is ready to move forward.]*
- [Boswell] Regarding the issues related to negating LARPD's liability and responsibility should something arise, GM Fuzie responded he is comfortable that the District will get the right answers, the right insurance and coverage because the intent from all parties is good. There are no competing interests here. Mr. Forbes added that ONDM had a working relationship with LARPD prior to COVID-19 when they were running a food distribution project out of the Veterans Hall on Wednesday and Sundays. During that time, we had an agreement in place and were required to have insurance and have LARPD named as an insured.
- [Boswell] Will the staffing be on a 24/7 basis on those days when it is determined that usage will be at the warming center? Who will be staffing the staffing center around the clock to ensure there is supervision there? *[GM Fuzie pointed out that what is stated in the MOU is that LARPD would turn the facility over at 6PM. At the end of the overnight, by 8AM the facility will be deep cleaned and turned back over to LARPD. During the overnight hours, ONDM and their partners will provide the staffing, to include security, etc. This will be outlined in the program booklet "A Livermore Warming Center Policies and Procedures Manual."]*
- [Boswell] What do you have for emergency staff if something arises, such as drug use or overdose? *[GM Fuzie responded there will be some emergency personnel there but definitely available due to its location within the city.]*
- [Boswell] Are the Alameda County Fairgrounds facilities, sometimes used as an emergency response center for fire and other issues, available as a warming center? Also the 91st Division of the Army Reserve in Dublin – are those facilities being utilized now for warming centers? Is somebody going to be providing FEMA cots? *[Supervisor Haubert responded "no." It was determined that, much like the churches operated, they did not use cots – they used yoga mats, and those protect the wooden floors. FEMA level cots are not needed. A lot of those operational details are TBD. The operators will have more details on all these questions. It is meant to be as similar as possible to the way the churches used to operate, and they did not use cots.]*
- [Boswell] Asked District Counsel: I assume you have looked and had conversations about the initial documents that are being prepared to ensure that risk and exposure to all parties concerned is taken into account and we minimize any potential for liability vis a vis the documents that end up getting prepared? *[Mr. Attebery reported that they are working on it. The MOU was received on Friday. GM Fuzie, Mr. Terpstra and I have talked about it this morning. That is why my recommendation in the beginning is going to remain the same. The recommendation is that should you desire to approve authorization of use of the Veterans Memorial Building for a warming center, that you direct your General Manager to execute such an agreement upon review of legal counsel and we will check insurance certificates, make sure everybody is going to clean up and follow the rules and that we have recourse should they not. Because of the*

- timeframe involved we would like the authority to review it today and Mr. Terpstra will finish it up.]*
- [Boswell] If the Board decides to do this, what is the notification process for the neighbors in the area adjacent to the VFW where a warming center will be? [GM Fuzie reported that staff has already been working on social media and a press release is ready to go out should the board approve this. It is already out on social media, so we want to get on top of it quickly. Mr. Attebery added that this has been posted on the Agenda so it is on LARPD's website and on the Veteran's site.]
 - [Furst] Spoke directly with Supervisor Haubert and discussed this in advance. Director Furst did not commit the District to anything, but did tell Supervisor Haubert that the LARPD would hopefully be on board and that he was personally on board with the idea of a warming center. He recommended that Supervisor Haubert speak with GM Fuzie and he was already planning on speaking with GM Fuzie.

Chair Faltings opened public comment.

Ronnie Forbes with One Nation Dream Makers, Inc., Commander of the Post 7265 Livermore VFW, recent member of the American Legion, and a survivor of homelessness addressed the Board regarding the homelessness problem and working toward solutions.

Supervisor David Haubert addressed the Board. He commended GM Fuzie for stepping up to the plate numerous times to help the county (to facilitate vaccinations for example). He stated that GM Fuzie is a great partner for the county. He noted that these are services that were provided to the community of Livermore in the past by churches, and that for a variety of reasons, those churches are not able to provide those resources today. So, there is an unmet need there. He is thankful and grateful that the LARPD Board would consider this. As he presented this opportunity to GM Fuzie, he was careful to say that he believes we should be not only thankful and grateful but under whatever circumstances that you may feel important to impose, the facility should be well kept, you should be indemnified, you should have insurance coverage, all the things that the lawyers are taking care of, and that these agreements are not without precedent. LARPD should not be put into a position where you don't have every assurance and comfort that things will work smoothly. He is cautiously optimistic that we can continue to provide services that were provided in the past that are needed. He noted that a number of 350 people are unhoused but that is not at all what we think housed here. There will be a cap of approximately 15 to 20 on a nightly basis. There is a way to get this done, it just takes the will to make it happen. He is appreciative that LARPD is having this special meeting. He thanked GM Fuzie and the Board for its service on this organization. He will fight to find the funding to staff this. This will get us to "Vineyard 2.0" which is being built and will be ready for this coming summer and next winter, so this item is meant to be a stop gap, just stepping up to the plate to help out again. He expressed his appreciation for the dialogue, and hopes that this project can get accomplished as soon as possible.

Gloria Gregory, Community Liaison on Supervisor Haubert's team, addressed the Board and reported that she has been an integral part in putting this together. She

thought the Livermore Homeless Refuge was going to be active as of November 1st. She had been working closely with Donna McKenzie. Ms. McKenzie and her husband Bob have managed the homeless warming shelters for years, until COVID. She is back and part of the team we have put together to manage this warming center. Ms. Gregory was cofounder of City Serve of the Tri-Valley and led that organization for 10 years, so she has a lot of experience with the homeless. Last week she and Ronnie Forbes went out in the field (the sites, creeks, under the bridges) and interviewed 18 people and they were so convicted that there is a big need and this needs to happen. It is clear that these people should not be out and exposed to the elements. She spoke about their vision of connecting people to services as never done before.

Chair Faltings closed the public comment period.

MOTION:

Moved by Director Palajac, seconded by Director Furst, to approve the authorization of the use of Veterans Memorial Building for a warming center and to authorize the General Manager to enter into an agreement, with input from Legal Counsel, by the following roll call vote:

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

3. ADJOURNMENT: The meeting was adjourned at 4:28 p.m.

APPROVED,

Maryalice Summers Faltings
Chair, Board of Directors

ATTEST:

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

/lvb

Timeline for Warming Center Discussion:

Wednesday 11/30 Late Afternoon:

Received call from Supervisor Haubert asking me to work with his team to see if there are some possible locations or ways to set up Warming Centers as there was a community need.

Thursday 12/1 Morning

Worked with staff to determine options and opportunities where LARPD might be able to help. Concluded that we are not set up for providing warming centers. In the past we have been a shelter but always in an emergency and only with a not for private partner such as The Red Cross. Spoke with 1 Director to get feedback.

Thursday 12/1 Facilities Committee

Warming Centers came up in Directors Announcements as a different Director had been contacted regarding the issue.

Spoke with City Serve who confirmed that there is a vital need for a Warming Center in Livermore as we have over 350 unhouse individuals registered with City Serve and no one is providing this service for the clients that would use this type of service.

Thursday 12/1 4pm

Participated in a meeting with Supervisor, staff, Incoming Mayor Marchand and non-profit partners to work the issue. It was clear that the Warming Center services were no longer being offered by community partners in locations where they have traditionally been offered.

Issues:

Storm upon us.

Not a declared emergency

No mechanism for the City or the County to move quickly to provide a space. The only option available this quickly would be to use the County owned, Veterans Building with a non/profit partner. In the 1977 use agreement between Alameda County and LARPD, we are called an agent of the County.

Proposed Solution:

LARPD would explore an agreement with the non/profit group One Nation Dream Makers for them to provide the appropriate operation of a Warming Center in the Veterans Hall when the Temperature falls below 45 degrees and or there is a 20% or greater chance of rain.

Thursday Evening

I sent an email entitled Vets Hall Requested to act as Warming Center to the BOD and Counsel as well as core staff outlining what I believed to be the upcoming process.

Friday 12/2

I waited for a draft MOU from the Non/profit. Once received I reviewed with staff and determined one change that was necessary.

Linda Called BOD Chair Faltings asking that a special meeting occur on Monday.

Sunday and Today

I have had several conversations with Legal Counsel to discuss the proposed MOU and whether there is a better vehicle to use in order for the BOD to approve LARPD to move forward.



**One Nation Dream
Makers (ONDM), Inc.**
Non-Profit Christian Community Service Organization

**1617 COLLEGE AVENUE
LIVERMORE, CA 94550**

Memorandum of Understanding:

One Nation Dream Makers (“ONDM”) is prepared to engage in an agreement with LARPD (“LARPD”) for the usage of the VFW facility to open a warming center that was previously discussed:

The terms of this Memorandum are to initially outline the proposal from ONDM to LARPD. As such the following measures should be agreed upon and understood to facilitate a mutually beneficial outcome.

Final terms agreed upon:

- MOU terms:
 - This Memorandum of Understanding is to acknowledge that ONDM is the non-profit this warming center will operate under. ONDM will provide the required insurance and indemnification to LARPD and to Alameda County, if required by Alameda County.
 - ONDM desires an opening date as soon as possible
 - Warming center will be open when forecast predicts low temperature of 45 degrees or less and/or 20% chance or higher of rain. Opening may be extended to include some days before and after heavy rain, frost.
 - Warming center hours will be 6 PM to 8 AM.
 - Facility use will be limited to the main hall, adjacent room with freezer for locked storage, kitchen, bathrooms and main entry area. All other doors will be locked.
 - Warming center responsible parties: Ronnie Forbes, Kim White, Donna McKenzie and Gloria Gregory will ensure all staffing, site maintenance, daily set-up and clean-up are accomplished.
 - All staff and volunteers will complete favorable background checks.
 - County COVID-19 health policies will be followed.
 - A Livermore Warming Center Policies and Procedures Manual will be completed by Monday, December 5, 2022. It will be based on the manual used by Livermore Homeless Refuge as created by Donna McKenzie. These policies and procedures have been created over years of managing warming centers and are proven to be very adequate and effective.
 - We request LARPD provide a dumpster for trash disposal.



**One Nation Dream
Makers (ONDM), Inc.**
Non-Profit Christian Community Service Organization

**1617 COLLEGE AVENUE
LIVERMORE, CA 94550**

Ronnie Forbes 12/02/2022

Sign
Ronnie Forbes
Executive Director

Date

Sign

Date