



Livermore Area  
Recreation and Park District  
*An independent special district*

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

**WEDNESDAY, JUNE 29, 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

**DIRECTORS ABSENT:** Chair Maryalice Faltings

**STAFF MEMBERS PRESENT:** Mathew Fuzie, Fred Haldeman, Jeffrey Schneider,  
Jill Kirk, Julie Dreher, Linda VanBuskirk, Lynn Loucks,  
Michelle Kleman, Pamela Healy

**DISTRICT COUNSEL:** Rod Attebery and Tom Terpstra Jr. with Neumiller &  
Beardslee

**OTHERS PRESENT:** None

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

Vice Chair Boswell called the meeting to order at 7:00 p.m. All Directors were present via Zoom, except Chair Faltings, who was absent. Vice Chair Boswell led the Pledge of Allegiance.

**2. PUBLIC COMMENT:** There were no comments from the public.

General Counsel Rod Attebery introduced Tom Terpstra Jr., an associate with Neumiller & Beardslee. Mr. Terpstra may fill in for Mr. Attebery during future meetings, as the need arises. Vice Chair Boswell welcomed Mr. Terpstra. There was no additional public comment and Vice Chair Boswell closed the public comment period.

### 3. CONSENT ITEMS

- 3.1 Resolution No. 2753 determining to conduct meetings of the LARPD Board of Directors using teleconferencing pursuant to Government Code 54953 as amended by AB 361;
- 3.2 Approval of the Minutes of the Regular Board Meeting of June 7, 2022;
- 3.3 Resolution No. 2754 authorizing the funding of the 401(h) Sub-Account for Retirees' Medical with the Alameda County Employees' Retirement Association (ACERA) in the amount of \$338,262.20 for the 2022-23 Fiscal Year;
- 3.4 Resolution No. 2755, establishing the FY 22-23 Annual Appropriations Limit at \$27,026,039.

#### **MOTION:**

Moved by Director Palajac, seconded by Director Pierpont, approved the Consent Agenda, by the following roll call vote:

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

### 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 **RENEW SPECIAL TAX 97-1 AND SET THE NEW RATE FOR FISCAL YEAR 2022-23**

The Board reviewed and discussed Special Tax 97-1, the ballot measure approved by the voters of the District in June, 1997. The revenue is to be used only for maintenance and operation of park facilities. General Manager (GM) Mathew Fuzie reported that this is an annually-occurring item for the Board's consideration. The original measure allows the District to increase the special tax by up to 2% per Equivalent Dwelling Unit (EDU) per year. A 2% increase would raise the rate to \$37.90 per EDU for Fiscal Year (FY) 2022-23 and the resulting increase in revenues will amount to \$32,500.

**Recommendation:** Staff recommended the Board approve a resolution to renew Special Tax 97-1 and set the Equivalent Dwelling Unit (EDU) rate at \$37.90 for FY 2022-23, a 2%, or \$0.74 increase per EDU over the FY 2021-22 rate of \$37.16.

**Director Questions/Comments:** No further Board questions/comments were received.

#### **RESOLUTION :**

Moved by Director Palajac, seconded by Director Furst, approved Resolution No. 2756, authorizing the renewal of Special Tax 97-1 and setting the Equivalent Dwelling Unit (EDU) rate at \$37.90 for FY 2022-23, by the following roll call vote:

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

#### 4.2 **RODEO COMPLAINTS**

The Board reviewed and discussed the fact that several Directors had received complaints related to the 2022 rodeo event. As Lessee of the property, the Livermore Stockmen's Rodeo Association (LSRA) Board, who has sole control over the rodeo grounds for the period of the Rodeo event, are responsible for responding directly to any complaints that arose from the event and for sharing the specifics of each complaint and their responses with the LARPD.

##### **Director Questions/Comments:**

- Director Furst asked if we have been in contact with the LSRA and if we know whether they responded to any of the complaints. GM Fuzie responded that he has been in contact with Don Staysa and Sheila Fagliano. They are aware of all the complaints we have received and are fielding additional complaints as well. This also included Director Faltings concerns regarding access at the rodeo. They have a plan to address all the complaints in the near future and a plan to provide us with all the information.
- Director Boswell recused himself from commenting further, as he is a stockholder in the LSRA Board.
- Director Palajac shared that a few people had contacted her and/or wrote letters to *The Independent*. These individuals were appreciative of the fact that the LSRA had responded to them. They also want to know what the LARPD is doing, as owners of the property, to ensure the issues do not recur. She requested that any plan by the LSRA to address the complaints be brought to the Board for discussion, to ensure they sufficiently address the specific complaints we are concerned about. GM Fuzie responded that in conjunction with LARPD Legal Counsel, extensive research has been done this past week concerning a 1970's era court case that specifies that the LSRA has sole use and control of the property for three weeks each June. He added, except for addressing any law violations, we have very little standing over the operation of the Rodeo and any complaints received. He emphasized, that does not mean we cannot rely on our good relationship with the LSRA and work with them to address or remedy any issues. He also noted, it has been two years since the Rodeo has been able to take place, with more interest and attendees than ever. The LSRA was also unaware of any political statements that anyone was planning to express or that other actions that occurred during the event were going to take place. The LSRA intends to fix these things and will work with the LARPD on the access issues.
- Legal Counsel Rod Attebery commented that his associate Tom Terpstra, Jr. is in the process of reviewing the files received from our previous Counsel as well as any current files related to the LSRA and Rodeo operations. He agreed with GM Fuzie that we have very little control but will research further prior to commenting substantively. Mr. Terpstra, Jr. commented, they are still researching more information.
- Director Palajac requested, when Legal Counsel has enough information, they bring it back to the Board along with any information from the LSRA Board. Mr.

Attebery acknowledged the request, adding that as soon as more information is available, it will be brought to the Board for an appropriate Closed Session discussion. Director Palajac commented that the Board had received a copy of the 1975 judgment, but none of the exhibits were attached. Mr. Attebery responded that the exhibits would need to be pulled and copies would be provided.

- Director Pierpont commented that regardless of what the contract says about any leverage we may have we are the property owner and thus can terminate the agreement with the Lessee if necessary.
- GM Fuzie commented that collectively, the LARPD Board has been very clear about their concerns and desire to resolve the issues. Based on his discussion with two key members of the LSRA Board, he is satisfied that we are all on the same page.
- Director Boswell added that the LSRA has no desire to do anything to jeopardize their standing in the public or with the continuance of the rodeo.

**Direction:** No Board action was taken.

## 5. INFORMATIONAL ITEMS (No Action Required)

### 5.1 GENERAL FINANCIAL UPDATE

BSM Schneider reported that the District's net operating result through May is \$85k better than Budget, and Year-to-date results are \$339k favorable, which is the result of better-than-expected Property Tax inflows in April that made up for a modest negative revenue result on the operations side. Salary and benefits through May are \$323k favorable due primarily to a few full-time vacancies, unemployment expense reductions and below-budgeted part-time non-benefited staffing levels. For Services and Supplies, water and PG&E spend are beyond budget, though offsetting positive variances are evident across many other expense areas

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

GM Fuzie introduced Michelle Kleman, the District's new HR Officer. HRO Kleman introduced herself to the Board. She reported that since she came on board on June 13<sup>th</sup>, the District has seen a surge in COVID-19 cases, 18 in total. Overall, LARPD staff have been managing this very well by taking proper measures, i.e., social distancing, taking extra precautions, and not coming to work when sick. GM Fuzie added that, due to reporting requirements, HRO Kleman has developed a good relationship with the County Health Department. We continue to work very closely with them.

Community Services Manager Jill Kirk agreed that there has been an uptick in COVID cases and has seen the biggest impact in Aquatics. The first session of swim lessons had to be cancelled, partly based upon staffing levels, the age of the kids (most were under five) and the inability to wear a mask and socially distance due to being in the water. Lessons were able to begin again on Monday and have been going well. Both staff and participants in other areas also experienced COVID, but other programs did not have to be closed. Staff has been working within the county and state guidelines as far as notifications,

isolations, and quarantine. Consistent communication via a newsletter to parents has been well-received.

CSM Kirk highlighted the following summer program happenings:

- Youth Services Administrator Nancy Blair has been very successful in licensing the additional space LARPD will use at its existing ESS sites. This will help to build capacity.
- Summer is going well. Kids are now able to go on field trips once again. They are using the pools, both at May Nissen and the Robert Livermore Aquatic Center (RLAC).
- We will be moving into the Michell Buildings within the next couple of weeks.
- Preschool Camp is going well. We are preparing for fall Preschool with a full program. The new program at Rancho is already full and YSA Blair has hired staff for that program.
- In Recreation: “Movie in the Park” was held at Max Baer Park as a kick-off to the Little League World Series. This was a free family-friendly event. The LARPD sports team staff were on-site to lead games/activities. This event was a huge success with 200+ people in attendance!
- Our camps are full, and we have added additional sessions and camps to help provide more programming due to the wait list.
- Livermore Little League held two post-season tournaments at the RLCC fields. In a span of 3 weeks, the sports maintenance team completed field prep for 40 games in addition to their daily work.
- In Facilities and Operations: Contract camps are approximately 85% full.
- Rentals are picking up again. We’re booked every weekend in the summer. Staff are finding that the banners we have out front have been driving quite a bit of inquiries for our programs and rentals.
- In Aquatics: We are back on track with swim lessons. Lap swimming is offered throughout the day at both the RLAC and May Nissen.
- Friday Night Recreation Swim is back.
- In Community Services: For this month’s senior trip, Kathy Lake and Gayle Thorsen-McCune escorted over 50 participants to the beautiful Santa Cruz mountains where they boarded the Roaring Camp train to the Santa Cruz Beach Boardwalk and enjoyed a lunch among the trees.
- The senior services team had several fun activities for the community including a sold-out Flower Arranging Social on June 7 and a Lawn Party at the beautiful Ravenswood Historic Site which included the rangers grilling hot dogs and music by retired General Manager, Tim Barry and Brad Sekhala.
- We have about 50 volunteers this summer working in various camps and programs. Overall, our volunteer numbers are up to about 200.
- Mark your calendars for August 17, 2022 for the Volunteer Appreciation Event.
- In Open Space: Camps are full, and we have about 60-70 kids/week.
- We are running our first ever Counselor-In-Training (CIT) program the first two weeks of camp, and then they will volunteer for part of the summer. We are looking forward to those kids being potentially future staff members. They are very energized and excited to do what they are doing.

BSM Schneider recognized the efforts of Administrative Assistant Michelle Newbould and Finance Officer Julie Dreher for their efforts to get the Café up and running.

Director Furst stated that on July 6<sup>th</sup> the Livermore Valley Chamber of Commerce (LVCC) Business Alliance meeting (open to the public) will host the Alameda County Public Health Officer, Dr. Nicholas Moss who will address the group and give an update on COVID-19. If you'd like to attend, you must register in advance with the LVCC.

Director Boswell praised staff for an outstanding job on the Café. He appreciated the ice cream!

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

#### **6. COMMITTEE REPORTS**

- a) Director Palajac reported her attendance, along with Chair Faltings, at the June 15, 2022 Program Committee. The agenda was included in the Board packet. One of the primary topics discussed was the Rodeo Recap.
- b) GM Fuzie reported his attendance, along with Chair Faltings, at the June 16, 2022 Intergovernmental Liaison Committee meeting. The agenda was included in the Board packet.
- c) Director Boswell reported his attendance, along with Director Pierpont, at the June 20, 2022 Finance Committee meeting. Draft minutes from that meeting were included in the Board packet. Topics discussed were the FY 22-23 Appropriations Limit, the FY22-23 401(h) Contribution Renewal, and the renewal of the Special Tax 97-1 for FY 22-23. The Committee also discussed a draft review of an investment/treasury policy. More information will be provided to the Board as the process is refined.
- d) Director Pierpont reported his attendance at the June 21, 2022 Livermore Downtown, Inc. meeting. They discussed financials from the recent and future Street Fests, and the upcoming 4<sup>th</sup> of July celebration.

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

- a) Director Boswell reported his attendance, along with GM Fuzie, at the City of Livermore's ribbon cutting ceremony for Livermorium Park. The park will pay a perpetual tribute to the Livermore Lab's work on element 116, Livermorium, and features a five-foot floating granite sphere, representing the nucleus of a Livermorium atom. Coincidentally, the park is located at 116 S. Livermore Avenue.

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

GM Fuzie made the following announcements:

- a) Of the \$4 million spent on Livermorium Park, \$1.5 million was spent on remediation of old uses there, to clean up the site.
- b) Tomorrow LARPD will meet with Zone 7 to discuss the Patterson Ranch Trail and fencing.
- c) GM Fuzie met with Jeff Kaskey with the Livermore Heritage Guild (LHG). Mr. Kaskey would like to make a presentation to the Facilities Committee on placement of the Midway School at Hagemann Park. The school currently sits on Mulqueeny

Ranch near the PG&E power station off Patterson Pass Road and LHG wants to move it to Livermore. There are several reasons why LHG cannot place the school at Hagemann Ranch. They have been working with the City of Livermore (COL) and the COL said they will not approve it until they get LARPD to agree.

- Director Furst requested that staff provide a staff report with background information from previous committee meetings held on this topic.
- d) Cal Water would like to put in a well at Robertson Park and would like to discuss how LARPD would like to partner with them. We will meet with them and report out to the Board or take it to the Committees.

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

District Counsel Rod Attebery announced the Board would adjourn to Closed Session pursuant to Item 10.1 listed below. Open Session was adjourned at 7:52 p.m.

**10. CLOSED SESSION:**

**10.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraphs (2) and (4) of subdivision (d) of Section 54956.9 of the California Government Code. (1 Potential Case)

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


The Board came out of Closed Session at 8:14 p.m. and GM Fuzie announced that no reportable action had been taken in Closed Session.

**12. ADJOURNMENT:** The meeting was adjourned at 8:14 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