



Livermore Area
Recreation and Park District
An independent special district

REGULAR MEETING of the BOARD OF DIRECTORS

MINUTES

WEDNESDAY, DECEMBER 13, 2023

5:00 P.M.

Robert Livermore Community Center
4444 East Avenue, Livermore, California
Sycamore Room

DIRECTORS PRESENT: Directors Maryalice Faltings, Jan Palajac,
Vice Chair David Furst, Chair James Boswell

DIRECTORS ABSENT: Philip Pierpont

STAFF MEMBERS PRESENT: Mathew Fuzie, Fred Haldeman, Jill Kirk, Kendyl Hettick,
Linda VanBuskirk

DISTRICT COUNSEL: Gary Bell, Esq. with Colantuono, Highsmith & Whatley, PC

OTHERS PRESENT: None

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

Chair Boswell called the meeting to order at 5:00 p.m. All Directors were present, except Director Pierpont. Chair Boswell led the Pledge of Allegiance.

2. PUBLIC COMMENT: None.

3. CONSENT ITEMS:

- 3.1 Approval of the Minutes of the Special Board Meeting on November 6, 2023;
- 3.2 Approval of the Minutes of the Regular Board Meeting on November 8, 2023;
- 3.3 Approval of the Minutes of the Special Board Meeting on November 15, 2023;
- 3.4 Approval of the Minutes of the Special Board Meeting on November 16, 2023;
- 3.5 Approval of the Minutes of the Special Board Meeting on December 6, 2023;
- 3.6 General Manager's Monthly Update to the Board on Issues and Projects – December 2023;
- 3.7 Board Meeting Schedule for 2024

General Manager (GM) Fuzie asked if the Board would pull item 3.7 Board Meeting Schedule for 2024 for further discussion.

MOTION:

Moved by Director Furst, seconded by Director Palajac, approved the Consent Agenda items 3.1 through 3.6, by the following roll call vote:

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

In clarifying Item 3.7 Board Meeting Schedule for 2024:

GM Fuzie stated that following the Board's directive at the November 8, 2023 meeting, Staff was instructed to make revisions to the draft schedule and present a final version to the Board at its Annual Organizational Meeting on December 13, 2023. During this process, the Board provided guidance to staff with flexibility for decision-making. GM Fuzie highlighted that, as a result of these revisions, two board meetings on April 24th and October 30th will commence earlier at **1:00 p.m.** to encourage LARPD employee attendance. The approach to make this adjustment comfortable for everyone involved was discussed with staff. Consequently, a 1:00 p.m. start time was incorporated into the schedule for these two regular board meetings. Additionally, an employee and Board luncheon will precede the formal Board meeting, fostering social interaction. The proposed setting for the luncheon and Board meeting is the Cresta Blanca Room. During the Board meeting, employees are encouraged to utilize the Public Comment period to address the Board in any manner they prefer. This adjustment represents a significant change in meeting times, aimed at enhancing employee participation. The Board expressed no objections to this proposal.

MOTION:

Moved by Director Palajac, seconded by Director Furst, approved Consent Agenda Item 3.7 Board Meeting Schedule for 2024, by the following roll call vote:

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

4. DISCUSSION AND ACTION ITEMS

4.1 SELECTION OF FIRM TO PROVIDE PROFESSIONAL LEGAL SERVICES TO THE DISTRICT

In the selection of a firm to provide professional legal services to the District, Chair Boswell communicated that the Ad Hoc Committee, responsible for overseeing the Request for Proposals, had put forth a recommendation. Director Palajac conveyed that the District received a substantial response to the RFP, with eight firms responding. From this pool, three firms were selected for interviews. Despite facing a challenging decision, a recommendation was made by the Ad Hoc Committee, consisting of Directors Palajac and Pierpont, to propose the hiring of the Renne Public Law Group to the entire Board. The Board was recommended to endorse this selection.

Board Comments/Questions:

- The Renne Public Law Group is a good choice.

MOTION:

Moved by Director Faltings, seconded by Director Furst, approved the selection of the Renne Public Law Group to provide professional legal services to the District, by the following roll call vote:

AYES: *Directors Palajac, Furst, Faltings (3)*

NOES: *Chair Boswell (1)*

ABSTENTIONS: *None (0)*

ABSENT: *Director Pierpont (1)*

4.2 CAYETANO PARK ARTIFICIAL TURF PROJECT

GM Fuzie reported that the Board approved the budget for the Cayetano Park Artificial Turf Project, with work scheduled to commence next year according to the Capital Improvement Program (CIP) schedule. Parks and Facilities Manager (PFM) Fred Haldeman provided insights into price quotes, mentioning that AstroTurf, a CMAS contractor previously used for the turf project at Robertson Park, submitted a quote of \$992,000 for Cayetano Park. PFM Haldeman explained the increase, attributing it to higher costs of raw materials, labor, and the now mandatory recycling of old turf, which has tripled disposal expenses. GM Fuzie noted that although the cost has risen significantly, it remains within the budget and emphasized the project's importance. GM Fuzie highlighted the positive strides in field maintenance and expressed the goal of continuing this forward progress.

Board Comments/Questions:

- Director Furst inquired about the budget discrepancy, noting the original estimate of \$800,000 vs. the received quote of \$992,000, representing a 20% increase, which was confirmed.
- Director Faltings questioned if this would impact other planned projects, receiving assurance that it would not.
- Chair Boswell sought information on the method of disposal and recycling, with the response indicating uncertainty about the specific recycling partner but confirming the mandatory nature of recycling.
- Director Furst inquired about negotiation possibilities, clarified as limited under the CMAS contract.
- Chair Boswell queried the age of the current turf, learning it is the original turf installed just over 10 years ago and is in poorer condition than the product at Robertson Park.
- Chair Boswell summarized the situation, emphasizing the necessity of turf replacement, a \$200,000 increase within the approved budget, and no adverse impact on other projects.
- Director Palajac asked about the timeline, with the response indicating a target completion in July or August '24, with no commitment to payments until the work is completed.

Consensus:

- The consensus among Board members was to support moving ahead with the project.

DIRECTION: The Board directed Staff to move ahead with the turf replacement project at Cayetano Park.

4.3 ANNUAL BOARD POLICY MANUAL REVIEW

The Board reviewed policy changes made throughout 2023 as reflected in the staff report. Additionally, GM Fuzie reported that he took the liberty of making revisions to Board Policy 2000 – “Personnel” and led the group on a review of the redlined version which removed references to the Personnel Commission and the Assistant General Manager.

Board Comments/Questions:

- It was pointed out that on page 8 at paragraph 3 there is still a reference to the Assistant General Manager that needs to be removed. There will be a period after “service” and the rest of the sentence will be removed.
- All policies previously revised in 2023 are included in the Board Policy Manual attached to the staff report.

No further recommended changes were suggested by the Board.

DIRECTION: The Board directed Staff to make the discussed changes to Board Policy 2000 – Personnel and bring it back to the next meeting on the Consent Agenda.

4.4 ELECTION OF BOARD OFFICERS FOR 2024

The Board elected a Chair and Vice Chair of the Board of Directors for calendar year 2024 according to its succession policy -- Board Policy 4040, which stipulates who the incoming Chair and Vice Chair will be according to a set of criteria.

MOTION:

Moved by Director Faltings, seconded by Chair Boswell, accepted the policy rotation so that Vice Chair David Furst will serve as Chair of the Board of Directors for 2024, and that Director Jan Palajac will serve as Vice Chair of the Board of Directors for 2024, by the following roll call vote:

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

5. COMMITTEE REPORTS

- a) Chair Boswell stated that the Program Committee meetings on November 14th and December 12th were cancelled so there is nothing to report on those.
- b) Chair Boswell reported on his attendance, along with Director Pierpont, at the November 20, 2023 Finance Committee meeting. Its agenda was included in the Board agenda packet.

- c) Chair Boswell reported on his attendance, along with Director Palajac, at the November 14, 2023 Personnel Committee meeting. Its agenda was included in the Board agenda packet.
- d) Director Faltings asked if there have been any recent Intergovernmental Committee meetings. Director Furst replied that there is one coming up next week on December 19, 2023 to be held at the Livermore Joint Unified School District office.
- e) Director Furst reported on his attendance at the December 6, 2023 Chamber of Commerce Business Alliance meeting. The guest speaker was Kevin Sheridan, Executive Director/CEO of the Tri-Valley San Joaquin Regional Rail Authority. Mr. Sheridan gave an update on the Valley Link Project.
- f) Director Palajac reported on her attendance at the December 4, 2023 meeting of the LARPD Foundation. Its agenda was included in the Board agenda packet. She stated the majority of the meeting was spent discussing its 2024 fundraiser “Wine Down in the Grove” to be held on Friday, June 21, 2024 at Ravenswood Historic Site beginning at 5:30 p.m. As of January 2024, Connie Campbell will take the seat as Chair of the Foundation with Dave Muela as Vice Chair. They plan to prioritize annual memberships at \$100 which will entitle members to four free passes to Open Recreation Swim at the Robert Livermore Aquatics Center or May Nissen Swim Center, a parking pass at Sycamore Grove Park, and free Member-only special events and park tours.
- g) Director Furst reported that he did not attend the December 6, 2023 Livermore Cultural Arts Council meeting because it conflicted with the LARPD Special Board meeting. It was essentially a holiday party without a clear focus on substantive matters.
- h) Director Pierpont was absent from this evening’s meeting and therefore unable to report on the November 21, 2021 Livermore Downtown, Inc. meeting.
- i) Director Palajac reported on her attendance at the November 13, 2023 Alameda County Ag Subcommittee on Trails meeting. Assemblymember Rebecca Bauer-Kahan’s representative attended, and the group spoke with her about what the Subcommittee on Trails is trying to accomplish. Assemblymember Bauer-Kahan is very supportive of trails, especially if they are multi-use. We need to tell her office how she can help write letters of support.

6. FUTURE AGENDA ITEMS/MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Director Furst encouraged his fellow Board members to read up on Rosenberg’s Rules of Order over the holiday break since the Board will be utilizing them for future meetings to ensure everyone is aligned.

7. FUTURE AGENDA ITEMS/MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

GM Fuzie made the following announcement:

- a) Donuts with Santa is coming up on Saturday, December 16th. Join us for a morning of holiday cheer at the Robert Livermore Community Center. Donuts, Games, Santa Letters, Adopt-a-Stuffed Pet, Santa Pictures, and more!

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

District Counsel Gary Bell announced that the LARPD Board of Directors would be convening into Closed Session. Tonight, there are two different Closed Session items on the agenda. Item 9.1 is a public employee performance evaluation for the General Manager.

Item 9.2 is regarding two separate litigation items. The Brown Act requires an oral report if it is not included on the agenda, so Mr. Bell provided the following: The first case is regarding *Rands vs. Livermore Valley Joint Unified School District and Livermore Area Recreation and Park District*. Those are the parties named and also the case name. The case number is 22CV021324, and is searchable at the Alameda County Superior Court. The second case is based on facts and circumstances that the District believes might result in litigation but are not yet known. Open Session was adjourned at 5:40 p.m.

9. CLOSED SESSION

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: General Manager

9.2 CONFERENCE WITH LEGAL COUNSEL – LITIGATION


Pursuant to California Government Code Section 54956.9(d)(1): (2 cases)

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

The Board of Directors returned from Closed Session at 6:27 p.m. and Chair Boswell announced that there was no reportable action. Chair Boswell then adjourned the meeting without a vote and by unanimous consent.

11. ADJOURNMENT: The meeting was adjourned at 6:27 p.m.

APPROVED,


James Boswell
Chair, Board of Directors

ATTEST:


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

/Lvb