



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

## REGULAR MEETING of the BOARD OF DIRECTORS

### MINUTES

WEDNESDAY, MARCH 27, 2024

5:00 P.M.

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

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

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Jill Kirk, David Weisgerber, Linda VanBuskirk,

GENERAL COUNSEL: Andrew Shen, Esq. with Renne Public Law Group

OTHERS PRESENT: None

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

Chair Furst called the meeting to order at 5:00 p.m. All Directors were present, except Director Pierpont, who arrived on the dais at 5:16 p.m. Chair Furst led the Pledge of Allegiance.

2. **PUBLIC COMMENT:** Chair Furst opened the public comment period. There were no speakers, and the public comment period was closed.

#### 3. CONSENT ITEMS:

- 3.1 Approval of the Minutes of the Regular Board Meeting on March 13, 2024;
- 3.2 Approval of the Minutes of the Special Board Meeting: Budget Workshop on March 13, 2024.

#### MOTION:

Moved by Director Palajac, seconded by Director Faltings, approved the Consent Agenda by the following voice vote:

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

**4. DISCUSSION AND ACTION ITEMS**

**4.1 DISCUSSION AND POSSIBLE ACTION REGARDING EMPLOYMENT AGREEMENT BETWEEN LARPD AND THE GENERAL MANAGER, MATHEW L. FUZIE at 02:51**

General Counsel (GC) Andrew Shen provided the staff report and summarized the changes made to the General Manager’s Employment Agreement which resulted in the Second Restated and Amended Employment Agreement between LARPD and the General Manager, Mathew L. Fuzie.

**Public Comment:** Chair Furst opened the public comment period. There were no speakers, and the public comment period was closed.

**RESOLUTION:**

Moved by Director Palajac, seconded by Director Faltings, adopted Resolution no. 2806, approving the Employment Agreement between LARPD and the General Manager, Mathew L. Fuzie, by the following roll call vote:

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

**4.2 STRATEGIC PLAN**

Chair Furst announced that the Board would review the draft Strategic Plan and consider approval of the final version.

Community Outreach Supervisor (COS) David Weisgerber advised that staff had incorporated the comments shared at the last Board meeting. Those changes are reflected in the redlined document.

**Board questions/comments:**

- Director Faltings expressed concern about community confusion regarding LARPD’s identity and suggested emphasizing it in the Strategic Plan’s goals. Chair Furst noted that while the issue is addressed in the plan’s content, it is not explicitly listed as a goal. COS Weisgerber mentioned that the LARPD’s Vision Statement reflects this aspect.
- Director Palajac suggested revising the cover photo to reflect a more formal document so that it is not confused with a recreation guide. Discussion ensued and Board consensus was to change the cover photo before finalizing the plan.
  - COS Weisgerber was tasked with updating the cover photo and sending the new version to the Board prior to publication of the final version.
- Chair Furst raised several editorial points, including verifying the number of parks and facilities (page 6); ensuring consistency in terminology by changing references to “time frame” to “timelines” (page 7); replacing instances of “strategic business plan” to “strategic plan” (page 11); and replacing instances of “manager” with “General Manager” (page 14 and throughout the document.)

[Director Pierpont arrived on the dais at 5:16 p.m.]

**Public Comment:** Chair Furst opened the public comment period. There were no speakers, and the public comment period was closed.

**MOTION:**

Moved by Director Boswell, seconded by Director Faltings, approved the Strategic Plan, with minor changes as discussed, by the following roll call vote:

AYES: *Directors Palajac, Pierpont, Faltings, Boswell, and Chair Furst (5)*  
NOES: *None (0)*  
ABSTENTIONS: *None (0)*  
ABSENT: *None (0)*

**4.3 DISCUSSION AND POSSIBLE ACTION REGARDING AMENDMENTS TO ORDINANCE NO. 8 (ESTABLISHING RULES AND REGULATIONS CONCERNING USE OF DISTRICT FACILITIES AND PARKS)**

General Counsel (GC) Andrew Shen provided an update on the Board's discussion regarding Ordinance 8, which initiates the process of updating the District's ordinances and policies. He explained that the proposed amendments incorporate the rules and regulations that the California Department of Parks and Recreation applies to its facilities and properties. He explained that the proposed amendments do preserve the existing Section 301 in Ordinance 8 regarding hours of operation.

**Board questions/comments:**

- Director Pierpont expressed support for the process of incorporating state rules into Ordinance 8 to ensure consistency and clarity.
- Director Boswell highlighted the need to address enforcement procedures, particularly regarding the escalation of violations to misdemeanors or felonies and emphasized the importance of clear delineation on enforcement responsibilities. GC Shen led a discussion (page 3 at section 103(g)) and explained the potential for violations to be classified as infractions or misdemeanors and acknowledged the need for further discussion on enforcement protocols. Director Pierpont raised concerns about the District's capability to enforce misdemeanor violations without a law enforcement team, and Director Boswell suggested deferring enforcement to local agencies to avoid liability issues.
- Chair Furst proposed deferring the vote on the document to allow for further discussion and collaboration with GM Fuzie, particularly on enforcement-related sections.
- Board consensus was to tailor the document specifically to LARPD's needs.
- Director Palajac suggested the addition of a section addressing drones and model aircraft. GC Shen referenced Section 506(a) of the current Ordinance 8 that mentions Model Crafts/Remote Control Vehicles which generally prohibits the use of . . . drones. Chair Furst agreed to incorporate sections addressing drones and model aircraft into the new version of the ordinance. Director Boswell noted the relevance of state laws and county provisions regarding drones.

**Action:**

No formal action was taken by the Board at this time. It was agreed to return the document to staff for further revisions. Once the revisions are made in consultation with GM Fuzie, the topic will be brought back to the Board for further discussion and a first reading. Board members were encouraged to review the detailed document again, particularly noting any sections that were redlined for removal, and to determine if any sections should be retained in the revised ordinance.

The Board emphasized the need for the revised document to be specific to LARPD's needs. It was agreed that when the document is presented for the first reading at the next (or a future) meeting, a clean version should be provided as well. GC Shen will meet with GM Fuzie to discuss any other necessary additions.

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

**5.1** None.

**6. COMMITTEE REPORTS**

- a) Director Pierpont reported that the March 25, 2024 Finance Committee meeting was cancelled due to a combination of the Finance team members either being out of the country or ill.
- b) Director Boswell reported on his attendance, along with Director Faltings, at the March 14, 2024 Facilities Committee meeting. Its agenda was included in the Board agenda packet. He reported that the main topic centered around facility rentals, specifically fields, and the issues that come up around that. The Committee had recommended that item come to the Board for a discussion on revising the policy to discourage rental cancellations at the last minute.
- c) Director Pierpont reported that he was not able to attend the March 19, 2024 Livermore Downtown Inc. meeting due to a personal matter.
- d) Director Palajac reported on her attendance at the March 18, 2024 Alameda County Ag Subcommittee on Trails. Diana Roberts, Conservation Manager from the Tri Valley Conservancy was a guest. She is looking at opportunities for them to provide funding to purchase some parcels that may help connect trails. Another committee member provided updates on some of the city gap connections.

**7. FUTURE AGENDA ITEMS/MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS**

- a) Director Boswell discussed opportunities for acquiring land from various entities, including the city, private entities, and other public agencies. He emphasized the need to assess these opportunities comprehensively, considering factors such as liability and potential benefits like trails. He proposed framing the issue, gathering information, and forming a recommendation for the Board. Some entities are willing to donate land, but concerns exist regarding liability. He acknowledged the confidential nature of some information involved and suggested involving staff to compile data and make recommendations to the Board. Chair Furst recommended discussing the matter in a Closed Session due to its property-related nature. Director Boswell agreed to consult with GM Fuzie before determining the next steps.

- b) Director Pierpont commended staff for organizing a successful event, “Muffins with Bunny,” held over the weekend. The event featured two different sessions for photo opportunities with the Easter Bunny, plus muffins, snacks, games, and crafts. He spoke with many parents who really enjoyed themselves, as well as their kids. The public was very happy!
- c) Director Pierpont apologized for being late to the meeting. He encountered heavy traffic from Rohnert Park, resulting in nearly a three-hour delay. He also expressed regret for his recent health issues and other personal challenges over the past six months.
- d) Director Faltings complimented LARPD employees Kathy Lake and Phyllis Ihle from our Senior Services Department for delivering an outstanding presentation at Heritage Estates on Monday. They highlighted LARPD’s Senior Services and the available amenities. While acknowledging some overlap with activities at Heritage Estates, Director Faltings emphasized that LARPD offers a broader range of activities and trips on a larger scale.

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

Community Services Manager Jill Kirk made the following announcements:

- a) We had a very successful first day of summer registration. COS Weisgerber provided the statistics: Over 2200 individuals signed up today, resulting in a significant increase in program revenue compared to last year. By 4:30 p.m., revenue had reached \$532k, compared to \$453k on the first day last year. Impressively, within just five minutes of opening this morning, revenue had already exceeded \$100k. This rapid response from the community demonstrates strong recognition of LARPD’s offerings, particularly evident in events like Muffins with Bunny and our summer camps. CSM Kirk noted substantial growth in “littles” – preschool-age group registrations, indicating the success of our expanded programs in meeting community demand. COS Weisgerber pointed out that these revenue figures did not include swim lessons or non-residents!
- b) Executive Assistant Linda VanBuskirk reminded everyone that Form 700s will be due by next Tuesday, April 2<sup>nd</sup>.

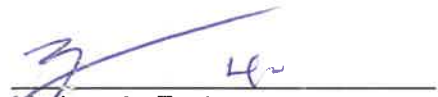
**9. ADJOURNMENT:** The meeting was adjourned at 5:53 p.m.

APPROVED,



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David Furst  
Chair, Board of Directors

ATTEST:



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

/Lvb