

**LIVERMORE AREA RECREATION AND PARK DISTRICT**

**MINUTES**

**REGULAR MEETING OF THE  
BOARD OF DIRECTORS**

**WEDNESDAY, DECEMBER 10, 2008**

**ROBERT LIVERMORE COMMUNITY CENTER  
4444 EAST AVENUE, LIVERMORE, CALIFORNIA  
7:00 P.M.  
CRESTA BLANCA BALLROOM**

**DIRECTORS PRESENT:** Director Faltings, Director Furst, Director Kamena and Director Wilson and President Goodman

**DIRECTORS ABSENT:** None

**STAFF MEMBERS PRESENT:** Tim Barry, Sheryl Hardin, Michael Kyle, John Lawrence, Gretchen Sommers

**1. CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE**

Meeting was called to order by President Goodman at 7:02 p.m. All Directors were present except Director Kamena.

**2. PUBLIC FORUM**

President Goodman opened public comment. No public comment received. President Goodman closed public comment.

**3. CONSENT AGENDA**

**3.1 BOARD MINUTES**

3.1.1 Meeting of November 12, 2008.

**3.2 COMMUNICATIONS:**

3.2.1 General Manager's Monthly Report (#62/5).

3.2.2 Letter to County of Alameda regarding reclamation work by CEMEX.

President Goodman asked if Directors wished to remove any items from the Consent Agenda. No items removed. On a motion by Director Furst, seconded by Director Wilson, approved the Consent Agenda, passing 4-0. Director Kamena was absent.

**4. CONSENT AGENDA RESOLUTIONS**

4.1 Resolution No. 2152, a resolution approving an application for a California Integrated Waste Management Board, Tire-Derived Product Grant.

4.2 Resolution No. 2150, a resolution recommending reappointment of Gloria Retzlaff-Taylor as LARPD's representative on the City of Livermore Commission for the Arts.

4.3 Resolution No. 2151, a resolution supporting the Tri-Valley Conservancy's efforts to obtain grant funding to purchase the Bobba property.

4.4 Resolution No. 2153, a resolution approving an agreement for a grant from East Bay Regional Park District to fund the CEQA process for Holdener Park.

President Goodman asked if Directors wished to remove any items from the Consent Agenda Resolutions. Director Furst requested that Items 4.1 and 4.4 be removed.

Director Kamena arrived at 7:05 p.m.

On a motion by Director Faltings, seconded by Director Furst, adopted Resolution No. 2150, recommending reappointment of Gloria Retzlaff-Taylor as LARPD's representative on the City of Livermore Commission for the Arts, and adopted Resolution No. 2151, supporting the Tri-Valley Conservancy's efforts to obtain grant funding to purchase the Bobba property, by the following roll call vote:

**AYES:** *Director Wilson, Director Kamena, Director Faltings, Director Furst and President Goodman*

**NOES:** *None*

**ABSTENTIONS:** *None*

**ABSENT:** *None*

Director Furst asked if the District's grant writing consultant was involved in the tire-derived product grant process in Agenda Item 4.1. Assistant General Manager John Lawrence responded that, no, this is a project being coordinated by LARPD staff.

Director Furst stated that, for agenda item 4.4, regarding the grant from East Bay Regional Park District to fund the CEQA process for Holdener Park, there is a discrepancy between information provided in the staff report and the material placed at Directors' seats for this meeting. Director Furst said that the staff reports says that EBRPD will fund \$40,000; the materials given to the Board tonight, however, says that EBRPD will fund the cost of the CEQA process *up to* \$40,000. General Manager Barry explained that EBRPD will fund *up to* \$40,000. He said that the cost will be slightly more than \$40,000 and that LARPD will pay the overage. Director Furst asked why EBRPD is not funding the entire cost, noting that EBRPD had originally said it would cut the trail, then said it could not afford it and would fund the CEQA process. Director Furst asked if EBRPD is now not willing to fund the whole thing. Mr. Barry said that LARPD's original estimate left out a couple of things and the scope of the process has since been expanded, resulting in costs above the \$40,000. Director Furst asked if staff is satisfied with this. General Manager Barry responded that, yes, this allows the process to move forward.

Resolution No. 2152, approving an application for a California Integrated Waste Management Board, Tire-Derived Product Grant and Resolution No. 2153, approving an agreement for a grant from East Bay Regional Park District to fund the CEQA process for Holdener Park, passed by the following roll call vote:

**AYES:** *Director Kamena, Director Faltings, Director Furst, Director Wilson and President Goodman*

**NOES:** *None*

**ABSTENTIONS:** *None*

**ABSENT:** *None*

**5. BIDS AND PUBLIC HEARINGS**

None.

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

**7.1 ELECTRONIC MEDIA USE POLICY**

President Goodman stated that the Board will consider a resolution adopting a District Electronic Media Use Policy.

General Manager Barry said that the functioning of the District requires the use of various electronic media by its employees. He said that there have been a few cases of abuse by employees, with which the District has dealt. After having spoken to other agencies about their policies, staff decided that the District would be best served by having an electronic media policy. Such a policy, said Mr. Barry, will clarify the District's expectations of staff. Mr. Barry said that former Community Center Director Rich Lange started the process of developing a policy for the District, and that the project has been assumed by Senior Recreation Supervisor Sheryl Hardin.

Ms. Hardin said that one of the functions of this policy is to define the ownership of LARPD work product; this policy states clearly that all work created using LARPD media is the property of LARPD. Ms. Hardin added that the policy clarifies the activities that are never permissible using LARPD equipment, such as gambling, gaining unauthorized access to other employees' e-mail, and using District resources for outside employment—in short, anything disruptive to LARPD business. Ms. Hardin added that some things are permitted, with proper authority, such as watching and/or listening to streaming video/audio and attempting to access files or data. She added that the District's System Administrator must approve any purchases of new software. Ms. Hardin said that violations will be dealt with under the LARPD Personnel Rules and Regulations.

President Goodman invited questions from Directors. Directors inquired about and discussed the following: prohibiting staff to listen to internet radio without permission (takes up bandwidth); the fact that there are some training opportunities on streaming video of which the District might like to avail itself; and whether audits will be performed (the District currently audits every computer for software content).

President Goodman opened public comment. No public comment received. President Goodman closed public comment.

On a motion by Director Faltings, seconded by Director Wilson, approved Resolution No. 2154, adopting a District Electronic Media Use Policy, by the following roll call vote:

**AYES:** *Director Faltings, Director Furst, Director Wilson, Director Kamena and President Goodman*

**NOES:** *None*

**ABSTENTIONS:**     *None*

**ABSENT:**             *None*

**7.2 PERSONNEL COMMISSION APPOINTMENT**

President Goodman stated that the Board will receive a recommendation for appointments to the Personnel Commission.

General Manager Barry stated that two vacancies have come up on the Personnel Commission as a result of the expiration of terms. Mr. Barry reported that the two incumbents, Heidi Kaseff and Michele Walker, expressed interest in remaining on the Commission. He said that staff advertised the vacancies, as required, and received one response. The incumbents and the outside candidate were interviewed by the Personnel Committee, said Mr. Barry. Director Furst stated that the three candidates were very strong. He said that the Personnel Committee interviewed each for half an hour. Director Furst said the Committee was happy that a citizen wanted to apply. He reported that the Personnel Committee, comprised of Director Wilson and himself, recommends that Heidi Kaseff and Michele Walker be reappointed to the Personnel Commission.

President Goodman invited comments and questions. Director Faltings said that she values the recommendation to retain the incumbents, but hates to lose the outside candidate, who has great qualifications. Director Faltings said she appreciates the other candidate coming forward.

Director Furst made a motion, seconded by Director Wilson, to adopt Resolution No. 2155, reappointing Heidi Kaseff and Michele Walker to four-year terms on the Personnel Commission. President Goodman asked if Directors had any questions or comments. No questions or comments.

Resolution No. 2155, reappointing Heidi Kaseff and Michele Walker to the Personnel Commission, passed by the following roll call vote:

**AYES:**                 *Director Furst, Director Wilson, Director Kamena, Director Faltings and President Goodman*

**NOES:**                *None*

**ABSTENTIONS:**     *None*

**ABSENT:**             *None*

**7.3 BOARD MEETING SCHEDULE FOR 2009**

President Goodman stated that the Board will set the time and place for Board meetings and adopt a Meeting Calendar for 2009.

Director Faltings asked if the meeting start time can be changed, and whether the 7:00 p.m. start time is set in stone. General Manager Barry replied that it seems best to keep it consistent, but that the start time can be changed, and that a Special Meeting can be called any time.

General Manager Barry referred to the proposed meeting schedule drafted by the Administrative Assistant and said that this is a good time to ask for any changes to the proposed schedule.

Director Wilson requested that the April 8 meeting, which falls during Passover, be moved to April 15. She said that the second meeting of the month would be on April 29, so there would be a two-week space in between the meetings.

Director Faltings made a motion, seconded by Director Furst, to adopt the proposed meeting schedule, with the April 8 meeting being changed to April 15.

Director Kamena made an amending motion, seconded by Director Wilson that, of the two options suggested in the schedule, the first June meeting be held on June 3 not June 17, and that, of the two options suggested, the November meeting on be held on November 18, not November 4. Director Kamena said that meeting earlier in June will gives staff more time for budget preparations and changes. He added that it seems to make sense to have the November meeting later rather than sooner since November is a slow time, and holding a meeting a week after the second September meeting would be too soon.

Relating to the meeting start time, Director Kamena said that the President of the Board can call a meeting when he/she likes. The Directors discussed changing meeting times. President Goodman said that the Board may want to hold some meetings in parks, as has been done in the past, and it would be better to do so when it is light outside. Director Kamena asked Legal Counsel Michael Kyle if start times should be removed from the meeting schedule. Mr. Kyle responded that it seems the schedule should list a start time. He suggested that the Board might hold a work session that starts earlier than the Board meeting, as has been done in the past. He suggested that it could be considered a special meeting in advance of the regular meeting.

President Goodman called the amending motion. The motion to approve the 2009 Board meeting schedule, with the first April meeting being held on April 15, the first June meeting being held on June 3 and the November meeting being held on November 18, passed 5-0.

Director Faltings restated the original motion, seconded by Director Furst, to approve moving the April 8 meeting to April 15, passing 5-0.

#### **7.4 ANNUAL BOARD POLICY MANUAL REVIEW**

President Goodman stated that the Board will discuss suggested changes to the Board Policy Manual.

Director Faltings suggested that there be an addition to Section 4010, "Code of Ethics," on page 9. She stated that all of the Directors are subject to AB 1234, which requires them to participate in biannual ethics training. Director Faltings said she felt this requirement should be mentioned in this section of the Board Policy Manual. President Goodman noted that changes will not be made now, but that suggestions will be taken now; staff will incorporate the changes and bring them back to Board for a vote.

General Manager Barry said that, when Dale Turner resigned as President of the Board, the District had to come up with a procedure for filling that position. He said he would like staff

to prepare wording for dealing with that situation and bring it back to the Board for consideration. There was some discussion regarding the fact that the District is subject to the Uniform District Election Law when a vacancy occurs on the Board. The General Manager clarified that he would like to see some instruction in the Board Policy Manual regarding the course of action when an *officer* of the Board resigns.

Director Faltings said that she would like to see the Board Policy Manual used as a stepping stone for the development of a District Policy Manual. General Manager Barry responded that a draft Administrative Policy Manual has been created and is under review.

#### **7.5 ELECTION OF BOARD OFFICERS FOR 2009**

President Goodman stated that the Board will elect a President and Vice President of the Board of Directors for calendar year 2009.

President Goodman opened the floor for nominations for the office of President. Director Kamena nominated Director Faltings. No further nominations for President were made. President Goodman called a vote and Director Faltings was approved as the 2009 President of the Board of Directors, passing 5-0.

President Goodman opened the floor for nominations for the office of Vice President. Director Faltings nominated Director Furst. No further nominations for Vice President were made. President Goodman called a vote and Director Furst was approved as the 2009 Vice President of the Board of Directors, passing 5-0.

#### **8. COMMITTEE REPORTS**

None.

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

- 1) Director Wilson asked for an update on the clarification of the District's western boundary.
- 2) Director Furst requested an update on the status of signage for trails that have been named.
- 3) Director Kamena said he has had a request by constituents that skate board classes be conducted at the Skate Park. He said he spoke to staff and was told that it is not a facility that the District reserves. He said he would like staff to look at creating a policy that would allow the District to rent out the facility to an outside party for the purposes of conducting a class, or offer an LARPD class.
- 4) Director Faltings announced the annual Ravenswood Victorian Yuletide event from noon – 4:00 p.m. on December 14. She said that admission is free to this event, which offers crafts, a gift shop, live music and many fun Victorian things.
- 5) Director Faltings announced that the District Ranger staff created an absolutely fabulous 2009 calendar with photos of Sycamore Grove. She said that it is available for purchase at the RLCC and at Sycamore Grove Park.
- 6) Director Faltings said that a vigil was held at Robertson Park a couple of weeks ago for two murdered therapy horses. The vigil was coordinated by Hoofprints on the Heart and the Alameda County SPCA. She said it was a moving, well-done ceremony. The reward for catching the

perpetrators is over \$20,000 right now. Director Faltings said she thinks LARPD's support of the event was well worth it.

7) President Goodman talked about the calendars. He said the cost is \$6 plus tax for people who purchase or have purchased 2009 parking passes to Sycamore Grove and Veterans Park, and \$8 plus tax for those who do not have a pass. He would recommend that the calendar be submitted for an award to the different state recreation organizations.

8) President Goodman thanked his fellow Directs and the staff for their indulgence during his time as President of the Board.

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

1) General Manager Barry thanked President Goodman on behalf of the staff, for his service as President of the Board.

2) Mr. Barry announced that LARPD is hosting a conference, "Caregiving for Today and Tomorrow: Family Caregiver's Workshop," at the RLCC on January 24, 2009 from 9:00 a.m. to 3:00 p.m. The cost is \$25 per person. Mr. Barry said that the workshop has to do with caregiving for the elderly, and providing information on respite and resources to families and caregivers. Mr. Barry said that the registration deadline is January 6, 2009, and it is likely that the conference will sell out. There is information on the conference on the LARPD website, as well.

3) Mr. Barry wished the Directors happy holidays. He said that the staff had a nice party this morning. Mr. Barry said that LARPD has great employees who enjoy working together, and it is very uplifting.

Meeting adjourned to Executive Session at 7:47 p.m.

**11. EXECUTIVE SESSION**

**11.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Pursuant to section 54954.5 of the Government Code

Name of case: Star Construction, Inc. vs. J.W. Riley & Son Inc., Financial Pacific Insurance Company, Livermore Area Recreation and Park District, et al

Case Number: Alameda County Superior Court No. VG 06257265

**12. RECONVENE TO OPEN SESSION**

Meeting reconvened to Open Session at 8:16 p.m.

**13. REPORT ON ACTION TAKEN IN EXECUTIVE SESSION**

On a motion by Director Kamena, seconded by Director Faltings, the Board voted to authorize the General Manager to sign a settlement agreement with Financial Pacific Insurance Company, settling all matters between the parties, passing 5-0.

**14. ADJOURNMENT**

Meeting adjourned at 8:17 p.m.

APPROVED,



Steve P. Goodman  
President, Board of Directors

ATTEST:



Timothy J. Barry  
General Manager and ex-officio  
Clerk to the Board of Directors