



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541
(510) 881-6700

MINUTES

March 8, 2010

MEETING

The Regular Meeting of the Board of Directors of the Hayward Area Recreation and Park District was called to order by President Paul W. Hodges, Jr. at 7:00 p.m. on Monday, March 8, 2010 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

BOARD OF DIRECTORS' CLOSED SESSION

President Hodges announced that the Board of Directors would adjourn the meeting to hold a Closed Session scheduled at 6:00 p.m. to meet with designated Staff representatives on the Hayward Area Recreation and Park District's employee negotiations.

RECONVENE TO REGULAR SESSION

The Board Meeting reconvened at 7:00 p.m. and was followed by the Pledge of Allegiance and Roll Call.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

Directors: Andrade, Hodges, Jameson, Pereira, Waespi

Staff: Shue, Silva, Gouveia, Lepore, Ely, Maharaj

CLOSED SESSION ANNOUNCEMENT

President Hodges reported that there was no announcement to make from the Closed Session held at 6:00 p.m. on this date.

PUBLIC COMMENTS

Items Not
Listed on the
Agenda

President Hodges invited members seated in the audience to address the Board of Directors under Public Comments, if they so wished, on items not appearing on the Agenda. He said that the law prohibits the Board of Directors from discussing or taking action at the meeting on items not on the Agenda.

Mr. Bill Patton,
Member, USPTA -
Outlined Problems
And Solutions to
Provide Great
Opportunity for
H.A.R.D. Tennis
Program - *Tennis
Concession for
H.A.R.D.*

Mr. Bill Patton, 18236 Maffey Drive, Castro Valley, and a member of the United States Professional Tennis Association, requested to address the Board of Directors about a problem and a solution that would offer a tremendous opportunity for the District to serve its constituents with great tennis, which is gaining popularity. He outlined his concerns for lack of room on the District's tennis courts for the residents to learn and grow in the sport, and presented statistics on the tennis courts throughout the District getting full with non-resident tennis players, along with resident and non-resident percentages on the USTA playing on the Hayward Area Recreation and Park District's tennis courts. Mr. Patton presented his proposal for a *Tennis Concession for H.A.R.D.* under one vendor, which he

PUBLIC COMMENTS
(Continued)

Mt. Eden Park and Bay Trees Park to Become Tennis Centers, Offering Many Benefits To H.A.R.D.

said would free up staff time, and allow Mt. Eden Park and Bay Trees Park to become Tennis Centers, thereby helping enhance the reputation of the District, generate a much stronger revenue stream, create a cohesive tennis program for youth and adults, and create the best possible stewardship of resources, in addition to creating a cohesive tennis program for youth and adults. He also pointed out that the tennis concession would provide full supervision of the tennis sites and instructions, which the program is currently deficient in. For the Board's information, Mr. Patton referred to the team rosters for H.A.R.D. and the U.S.T.A., which he pointed out clearly documents the number of resident and non-resident players who play on the tennis courts of the District.

Mr. Patton Requested Invitation To Attend A Future Board Meeting

In conclusion, Mr. Patton requested an invitation to come back to a future Board of Directors' meeting to discuss and enhance the tennis experience for all residents of the Hayward Area Recreation and Park District.

Tennis Concession Proposal Referred To Staff

Following the conclusion of Mr. Patton's comments, Director Andrade referred Mr. Patton's proposal to Staff for their review and a meeting with Mr. Patton in the future to discuss his Tennis Concession for the Hayward Area Recreation and Park District.

CONSENT CALENDAR

It was moved by Director Pereira, second by Director Jameson, and unanimously carried to approve the Consent Calendar as set forth below.

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, February 22, 2010 at 7:00 p.m.

Finance

The Invoices payable and Warrants paying the Invoices were prepared and presented for Board of Directors' approval.

R-0910-50
Personnel

Adoption of Resolution No. R-0910-50, authorizing appointments and the separation of Hourly Employees.

EDENDALE PARK

Off-Leash Dog Area Fencing

Staff reported that the addition to Edendale Park, a part of the Jack Holland Sr. Park development project, includes an off-leash dog area. The off-leash area requires fencing, which was identified as an Additive Alternate in the bidding process. Staff said that all the contractors who submitted a bid for the development of Jack Holland Sr. Park submitted a bid for the Additive Alternate. In order to provide the most cost-effective pricing, at the request of Staff, Bay Area Fence Company submitted a proposal in the amount of \$24,436, which was \$3,064 below the lowest responsible bidder. Funds for fencing the off-leash dog area are available from the California State Parks and Recreation Grant. Staff requested authorization to expend funds not to exceed \$24,436 for the off-leash dog area fencing at Edendale Park.

Bay Area Fence Company Submitted Proposal in the Amount of \$24,436

EDENDALE PARK
(Continued)

It was moved by Director Pereira, second by Director Jameson, and unanimously carried to adopt the following:

Authorization
To Expend
Funds -
\$24,436

Authorization to expend funds not to exceed \$24,436 for the off-leash dog area fencing at Edendale Park, in accordance with Article V, Section 4 of the District's Bylaws.

SEWER BILLING

Staff presented the following informational item to the Board of Directors. Staff further reported that the item did not require any action by the Board, but offered to answer questions from the Board, if any, for clarification.

City of Hayward
And the Castro
Valley Sanitary
District -
Informational
Item Only

Staff reported that on Friday, January 29, 2010 the Hayward Area Recreation and Park District received a request under the California Public Records Act for sewer and garbage disposal charges in fiscal years 2008/2009 and 2009/2010 for all District facilities within the boundaries of the Castro Valley Sanitary District. In fulfilling the request, Staff discovered that no billings for sewer charges were received from the Castro Valley Sanitary District who was then informed of the oversight. Staff stated that sewer charges for the Castro Valley residents are included in their property tax billings. Since the Hayward Area Recreation and Park District is exempt from paying property taxes, billings for the Hayward Area Recreation and Park District facilities, which are done manually, were not done. Staff was informed that the oversight apparently began in 2003 when the Castro Valley Sanitary District converted to a new accounting system. Staff reported that they are working with the Sanitary District to remit any unpaid balances. Staff noted that although it is their understanding that there may be some limitations as to how far back the Castro Valley Sanitary can go, they will continue to work with their staff to pay whatever amount the Hayward Area Recreation and Park District is obligated to remit under the law. Staff further reported that during the course of their examination of the Castro Valley Sanitary District billing, Staff also discovered that the City of Hayward was billing the Hayward Area Recreation and Park District for sewer services at the Hayward Area Senior Center and the Douglas Morrisson Theater, which are within the City limits; however, as the water and sewer service area of the City of Hayward does not extend that far, they fall under the jurisdiction of the Castro Valley Sanitary District.

Sewer and Garbage
Disposal Charges
For Fiscal Year
2008/2009 and
2009/2010 from the
Castro Valley
Sanitary District

Staff Working with
Sanitary District
To Remit Unpaid
Balances Allowable
Under the Law

Staff Reported
Billing Errors of the
City of Hayward for
Hayward Area Snr.
Center and the
Douglas Morrisson
Theater Under the
Jurisdiction of the
Castro Valley
Sanitary District

Staff stated that they are working with the City of Hayward to help determine the exact amount of the refund due to the Hayward Area Recreation and Park District as a result of the billing errors and in accordance with the three years statutory limit to receive credit, or re-invoiced, to reflect the credit.

SEWER BILLING
(Continued)

H.A.R.D. Staff
Working with the
C.V. Sanitary Dist.
And City of Hayward
To Correct and
Resolve Errors

In conclusion, Staff said that the Hayward Area Recreation and Park District, the Castro Valley Sanitary District and the City of Hayward are working to correct and resolve the billing errors as soon as possible. With reference to the Hayward Area Recreation and Park District facilities that exist on school district properties, Staff responded that each agency is billed separately for their respective facility, and all bills monitored closely and verified by staff. Staff said that the Adobe Park in Castro Valley is a good example of a Recreation and Park District facility that exists on a school property. Staff noted that the Hayward Area Recreation and Park District paid the connection fee to have a separate sewer line at that location, and, therefore, is billed separately.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

Alameda County
Local Agency
Formation
Commission
(LAFCo)

Alternate Special
District Seat
On LAFCo Held by
Director Andrade
Up For Re-Election -
Election Process

Resolution Ratifying
H.A.R.D.'s Nominee -
Director Andrade

President's Report: The Board of Directors of the Hayward Area Recreation and Park District in their meeting on January 29, 2009 adopted Resolution No. R-0809-60, supporting the nomination of Director Andrade as a candidate for the Alternate Special District seat on the Alameda County Local Agency Formation Commission (LAFCo). Director Andrade was successfully elected to the Alternate Special District seat at the Independent Special Districts Selection Committee meeting/election on February 27, 2009, said term to expire on May 1, 2010. Fourteen (14) Independent Special Districts in Alameda County have had two (2) Regular seats and one (1) Alternate seat on (LAFCo) since July 1994. Director Andrade expressed his willingness to continue serving on LAFCo as the Alternate Member, said election to be held by LAFCo, in conjunction with the Alameda County Chapter of the California Special Districts Association, on Wednesday, April 14, 2010 at 10:00 a.m. at the Hayward Area Recreation and Park District, only if other nominations are submitted for the Regular and the Alternate Member seats. Otherwise the incumbents would automatically be re-nominated, and the April 14, 2010 meeting cancelled.

Staff recommended that the Board of Directors adopt a Resolution ratifying the Hayward Area Recreation and Park District's nominee for the Alternate Special District seat on LAFCo, said election to be held on April 14, 2010, should nominations be received.

It was moved by Director Pereira, second by Director Waespi, and unanimously carried to adopt the following:

R-0910-51
Director Andrade's
LAFCo Nomination
For Alternate Special
District Seat

Resolution No. R-0910-51, placing and supporting the nomination of Director Louis M. Andrade as a candidate for the Alternate Special District seat, on the Alameda County Local Agency Formation Commission ending on May 1, 2010.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**
(Continued)

The Board of Directors extended their thanks to Director Andrade for seeking re-election and for his interest to continue serving on LAFCo on behalf of the District.

**REPORT ON BOARD
MEMBER ACTIVITIES**

Director Pereira reported that she thoroughly enjoyed the *Don't Dress for Dinner* currently playing at the Douglas Morrison Theatre, which she said is amusing and wonderfully produced.

Zucchini Festival -
Status of Payments
To H.A.R.D. for Use
Of Kennedy Park
For the Festival

Director Jameson referred to information sent to the Board by Staff via the weekly General Manager's Report on the status of payments made to the Hayward Area Recreation and Park District by the Zucchini Festival for their use of Kennedy Park for the annual Zucchini Festival held in August. She requested that the Board President appoint a Zucchini Ad Hoc Committee to further review the subject with Staff. Directors Jameson and Pereira were appointed to serve on the Zucchini Festival Ad Hoc Committee.

Formation of B.O.D.
Ad Hoc Committee

Comments -
Director Waespi -
H.A.R.D. Functions
And Events, and
Beautiful, Diverse
And Great Parks
And Facilities

Director Waespi reported that as a Board Member of the Hayward Area Recreation and Park District, now serving his 14th month, he has had an opportunity to attend many District functions and events, all of which he has enjoyed immensely and amazed at what the Hayward Area Recreation and Park District does. He referred to the many beautiful, diverse, and magnificent parks, along with their characteristics and spectacular views, which he had an opportunity to visit recently.

In-Service Training
For Students and
Volunteers for 2010
Summer

For the Board of Directors' information, and as reported in a recent General Manager's Report, Staff stated that the in-service training for students and volunteers, both returning and new, for H.A.R.D. summer jobs will take into consideration the year-end closing schedule of the neighboring school districts, and alternative training arrangements will be made to accommodate interested students.

President Hodges -
Presentation on
Hayward Volunteer
Program – 3/4/10

President Hodges complimented Ms. Donna Fitzwater, Hayward Volunteer Coordinator, for her excellent presentation on the Volunteer Program at the Hayward Local Agencies Committee Meeting on Thursday, March 4, 2010, including the trivia test on volunteerism, which he said was enjoyable.

President Hodges -
Youth Leadership
Summit – 3/3/10 and
3/4/10 at the City of
Hayward – H.A.R.D.
Youth & Teen Program
Representation

President Hodges referred to the Youth Leadership Summit hosted by the City of Hayward, H.A.R.D. and the Hayward Adult School on Wednesday, March 3rd and Thursday, March 4th, at the City of Hayward. He was pleased to report that the Hayward Area Recreation and Park District was well represented by the Youth and Teen Program staff and participants from the Matt Jimenez Community Center, who were active throughout the two-day event.

Upcoming Events -
Alameda County
Chapter CSDA and
Hayward Area
Historical Society

Staff reminded the Board of Directors that the 20th Anniversary Banquet of the Alameda County Chapter California Special Districts Association will be held on Thursday, March 25, 2010 in Pleasanton, and the Hayward Area Historical Society's 11th Annual History Awards is scheduled on Friday, April 23, 2010 at the Stonebrae Country Club.

Next B.O.D. Mtg.;
3/22/10; 7:00 p.m.

The next meeting of the Board of Directors will be held on Monday, March 22, 2010 at 7:00 p.m. at the District Administration Office, 1099 'E' Street, Hayward.

ADJOURNMENT

There being no further business to conduct, President Hodges adjourned the Board of Directors' meeting at 7:29 p.m.

DENNIS WAESPI, Secretary
Board of Directors