

The East Bay Regional Park District Board Meeting, which was held virtually on November 6, 2020, called its **Closed Session** to order at 11:00 a.m. by Board President Ellen Corbett.

## ROLL CALL

Directors Remote: Ellen Corbett, President  
Dee Rosario, Vice President  
Beverly Lane, Secretary  
Colin Coffey, Treasurer  
Dennis Waespi  
Elizabeth Echols  
Ayn Wieskamp

The **Open Session** of the Board Meeting was called to order at 11:00 a.m. by President Corbett.

Staff Remote: Robert Doyle, Ana Alvarez, Carol Victor, Anthony Ciaburro, Carol Johnson, Steve Castile, Debra Auker, Lisa Goorjian, Erich Pfuehler, Allison Picard, Aileen Thiele, Jeff Rasmussen, Michael Reeves, Kelly Barrington, Terrence Cotcher, Lance Brede, Tiffany Margulici, Michael McNally, Alan Love, Dave Mason, Jason McCrystle, Brian Holt, Eric Bowman, Mary Mattingly, Dave Mason, Jim Tallerico, Jesse Yung, Keith Southern, Robert Lacey, Leigh Layman, Sydney Erikson (PrimeGov), Andrew Waller (PrimeGov), Matthew James, Sharon Clay

Guests: None

## PLEDGE OF ALLEGIANCE

Director Corbett opened the meeting and stated that consistent with Governor Gavin Newsom's Executive Order N-25-20 issued on March 12, 2020 in response to the threat of COVID-19 and the Alameda County Health Department's Order dated March 16, 2020, the Board of Directors may utilize teleconferencing to remotely participate in meetings.

President Corbett asked if the Board members had any questions about the meeting process. There were none.

### A. APPROVAL OF AGENDA

By motion of Director Wieskamp, and seconded by Director Rosario, the Board voted unanimously to approve the agenda. Roll Call Vote unanimous.

Directors Remote: Ellen Corbett, Colin Coffey, Elizabeth Echols, Beverly Lane, Dee Rosario, Dennis Waespi, Ayn Wieskamp.

Directors Against: None.

Directors Absent: None.

### B. PUBLIC COMMENTS

President Corbett thanked the public and staff for attending the virtual Board meeting that was streaming live on Zoom. Clerk of the Board Knight explained the process for submitting and for speaking at the meeting for public comments.

Public Comments were submitted by Sachin Hajeji who wants to work with the District to allow paragliding at the new Concord Hills park. He submitted a petition with 54 signatories from residents of the Park District.

Donny Largo discussed the impact of the Pandemic on the Park District. Members spoke and sent in comments that were read into the record about the naming of the Concord Hills Regional Park. The following speakers suggested the name Thurgood Marshall Regional Park: Home of the Port Chicago 50. Yolande Knight, Tony Clark, Citizens for Historical Equity: Lewis Thrower, Jonathan Shelton, Fatima Call and Alexander Wills who included a white paper and an addendum on Thurgood Marshall and a petition with over 700 signatures was cited, Royle Roberts – Black Democrats, Willie Mims – Black Political Association, Dimitrius McFadden, Yulie Padmore, Sabrina Pinnell, Virginia Delgado-Martinez, Precious Shelton, Melissa Fowlks, Ruth Middleton, Renee Robinson, Johnathan Shelton, Eva Rose Leavitt, Ron Jordan, Caitlin Stone, Marcus Phinnessee, Kelly Zalana; Martin Luther King Jr. Freedom Center: Mable Minney, Karen Rojas, Amaya Proctor and Nancy Drago. Daniel Maxey and John Muff, Westport Volunteer Fire Department thanked the District for the donation of the fire engine.

## C. SPECIAL UPDATE

### I. General Manager's Update on the Status of the East Bay Regional Park District Emergency During the COVID-19 Pandemic.

GM Doyle said he was proud of the staff and other speakers to use their right to speak to the Board. He reminded everyone that the Concord Hills designation was always temporary. GM Doyle said the District is still in a constant monitoring pattern with the health depts of Alameda, Contra Costa and the State and have been notified that Contra Costa may be reducing its relaxation of rules because they are seeing an increase in hospitalization in CC County. The District is adhering to the recommendations and providing the safest park experience to visitors of the parks. Doyle introduced Steve Castile, acting AGM Operations who presented the Reoperation Plan of the District subject to this dynamic situation. Castile discussed the 4 reopening phases from early November to Spring 2021. These phases include some but not all inclusive listing of the following: water bottle filling stations, playgrounds, more signage on safety protocols, parking lots, picnic sites but since the District is still under the burn ban, no barbecues. Ardenwood and Tilden, showers, trails, fee collection, fishing permits, day use parking and dog fees, visitor centers, camping and swimming. Director Rosario asked if the reservations for different sites are free. Tiffany Margulici, Business Services Manager responded that the fee collection is consistent with what is normally done at that location. Director Lane asked about the volunteer program and Volunteer Safety Patrol who cannot put their identification on because they are not supposed to be volunteering. Can we let them volunteer and we should respect different people's choice to do different things and let them do their service? Chief Ciaburro replied that we are moving into the red and the threat level is too high and as the volunteers are under our purview we need to protect the interactions with our staff, the public and the volunteers. District Counsel Victor said that our Volunteer Trail Patrol is covered under the District's Workers Compensation policy and must be viewed with a Risk Management lens. Director Lane asked about Black Diamond Mine Exhibit and wanted to know the thinking to allow people in and has the air been addressed. Castile said that we need to ensure the protocols are in place and there are air circulation concerns because the exhibit is in a mine.

GM Doyle congratulated Director Echols for her campaign and her success and glad to have her on board permanently as the Director of Ward I.

President Corbett called for a 15-minute break.

## D. BUSINESS BEFORE THE BOARD

### I. CONSENT CALENDAR

By motion of Director Lane, and seconded by Director Wieskamp, the Board voted 6 to 0 y to approve the **Item i.** Director Coffey abstained because his sister-in-law works for Universal Building Services and Supply Company.

Directors For: Ellen Corbett, Elizabeth Echols, Beverly Lane, Dee Rosario, Dennis Waespi,  
Ayn Wieskamp.  
Directors Abstain: Colin Coffey.  
Directors Absent: None.

- i. Authorization to Award a Contract for Janitorial Services to Universal Building Services & Supply Company  
Resolution No. 2020 – 11 - 239 (attached)

Director Rosario inquired about the requirements for service, and if the District requires that the janitorial service offers minimum wage and health care to their employees. Corbett inquired if the District asks about the company's specific safety protocols. AGM Auker replied the District does have purchasing policies that are a part of BOG, however they do not include a minimum wage requirement. Michael McNally, Facilities Manager, said that we require that the service will comply with the City of Oakland minimum wage and follow the Janitorial Opportunity Act. Universal Building Services was selected, and they already are working with us and do follow the safety protocols. They are also offering healthcare. We should state these requirements in the future – the minimum wage and health care. Director Coffey abstained from this item because his sister-in-law works for this company.

By motion of Director Lane, and seconded by Director Wieskamp, the Board voted 6 to 0 approve the **Item L**. Director Echols recused because she lives close to Tilden Park.

Directors For: Ellen Corbett, Colin Coffey, Beverly Lane, Dee Rosario, Dennis Waespi,  
Ayn Wieskamp.  
Directors Recused: Elizabeth Echols  
Directors Absent: None.

- L. Authorization to Grant a 1,040 Square Foot Utility Easement to PG&E as part of the City of Berkeley's Grizzly Peak Utilities Undergrounding Project: Tilden Regional Park  
Resolution No. 2020 – 11 - 240 (attached)

By motion of Director Lane, and seconded by Director Wieskamp, the Board voted unanimously to approve the **Consent Calendar excluding Items I and L**.

Directors For: Colin Coffey, Ellen Corbett, Elizabeth Echols, Beverly Lane, Dee Rosario,  
Dennis Waespi, Ayn Wieskamp.  
Directors Against: None.  
Directors Absent: None.

- a. Approval of District Check Listing for the Period of September 14, 2020 through October 4, 2020  
Resolution No. 2020 – 11 - 241 (attached)
- b. Approval of the Minutes for the Board Meeting of October 20 and November 6, 2020
- c. Resolution to Support H.R. 8246 (Sires D-NJ) – Community Parks Revitalization Act  
Resolution No. 2020 – 11 - 242 (attached)
- d. Resolution to Support H. Res. 1139 (Kind D-WA) – Honoring the 50th Anniversary of the National Park Service Volunteers-In-Parks program  
Resolution No. 2020 – 11 - 243 (attached)
- e. Resolution to Support S. 4401 (Harris D-CA) and H.R. 5986 (Grijalva D-AZ) – Environmental

Justice for All Act

Resolution No. 2020 – 11 - 244 (attached)

- f. Resolution to Support S. 4538 (Durbin D-IL) – RENEW Conservation Corps Act  
Resolution No. 2020 – 11 - 245 (attached)
- g. Resolution to Support the California Recycling and Plastic Pollution Reduction Act  
Resolution No. 2020 – 11 - 246 (attached)

Director Waespi acknowledged the work of Matt Norton, Sanitation Supervisor and Andrew Green, Recycling Supervisor whose effort on the cost savings was tremendous. Kelly Barrington, Chief of MAST agreed with Waespi about Morton and Green and Eric Bowman on this 5-year contract. Barrington added that this is his last board meeting as he is retiring. He congratulated Director Echols on her recent election and supports the speakers on the naming of Concord Hills. Director Lane asked how it was possible for this bid to be low and the others were so high; will we get the same service and why the disparity. Barrington said the District has had experience with this company before at Tilden and have not had any problems; they have always stuck to their bid and the District has a competitive bid process. Corbett said there is a lot of variation in these types of contracts and competition helps. Steve Castile, Acting AGM Operations, agrees with Barrington that when we go off for RFP the numbers can be double or triple with the actual values and getting multiple bids is beneficial to the Park District.

- h. Authorization to Purchase Fifteen Ford Vehicles from Downtown Ford Sales for Vehicle Replacements and as Additions to the Fleet  
Resolution No. 2020 – 11 - 247 (attached)
- i. Authorization to Award a Contract to Bay Cities Refuse Service, Inc. for Recycling, Compost, Trash Collection and Processing Services: Anthony Chabot Regional Park  
Resolution No. 2020 – 11 - 248 (attached)
- k. Authorization to Renew Contract with E2 Strategies, LLC for Federal Legislative Advocate Services  
Resolution No. 2020 – 11 - 249 (attached)
- L. Authorization to Renew Contract with Houston Magnani & Associates for State Legislative Advocate Services  
Resolution No. 2020 – 11 - 250 (attached)
- n. Authorization to Accept the Final Insurance Payment on the 2020 Infirmity Fire Damage Claim and to Execute a Claim Release and Mutual Settlement Agreement with Lexington Insurance Company, Appropriate Funds and Approve Contract: Camp Arroyo  
Resolution No. 2020 – 11 - 251 (attached)
- o. Authorization to Donate Out of Service 1997 International Type 3 Fire Engine to the Westport Volunteer Fire Department  
Resolution No. 2020 – 11 - 252 (attached)

Director Waespi commented it was great that the District is donating the Fire engine; it creates goodwill between agencies.

## 2. EXECUTIVE AND LEGISLATIVE DIVISION

By motion of Director Echols, and seconded by Director Wieskamp, the Board voted unanimously to approve the **Item 2a**.

Directors For: Colin Coffey, Ellen Corbett, Elizabeth Echols, Beverly Lane, Dee Rosario,

Dennis Waespi, Ayn Wieskamp.

Directors Against: None.

Directors Absent: None.

- a. Resolution Changing the Start Time of the December 1, 2020 Regular Board of Directors Meeting to 6:00 pm  
Resolution No. 2020 – 11 - 253 (attached)

AGM Auker reported that at the Finance Committee meeting it was discussed to move the start time of the Board meeting from 1pm to 6pm. Lane said that in the past even though we haven't seen much participation by doing an evening meeting on zoom it will be a good test to see if there is interest from the public. Director Echols said it could increase participation.

### 3. PUBLIC SAFETY DIVISION

- a. Presentation and Report from Assistant General Manager of Public Safety on Police Policies and Procedures

GM Doyle said that this is a high priority of the Board. We were one of the first agencies to provide Uniform worn camera's and we have some of the highest credentialed training through CALEA.

AGM and Chief of Public Safety Ciaburro showed his appreciation for the speakers and the importance for us to hear them and talk about race relations and we are listening. Ciaburro thanked the Board of Directors for supporting Public Safety during this pandemic. Ciaburro thanked GM Doyle for his support and leadership and the women and men of Public Safety and the Police Association who have been dogged determined and on duty. Ciaburro stated in his 4 decades in law enforcement, he had never seen a more difficult time to do police work. Ciaburro's PowerPoint presentation was entitled, Police Update 2020. He explained there are 73 officers, 19 dispatchers and 13 professional staff in Public Safety. Department values are Safety, Service and Stewardship, Governance and Oversight. They are POST (Peace Officer's Standards and Training), CALEA (The Commission on Accreditation for Law Enforcement Agencies)– Fully accredited since 2010, Lexipol Policy Manual and Succession Planning. At the FBI National Academy there is a 6-year waiting list and Public Safety has two of their command officers scheduled to go in the next 2 years for training. Procedural justice contact needs to be fair and transparent. CIT – Crises Intervention Training, De-escalation, AB-392 Rains Lucia Sterns Training, Implicit Bias Training-Districtwide, Bias based POST Training – Annual. Ciaburro detailed each of the 'California Law Enforcement Agencies Advised to Adopt 9 key Reports' which are Intervention, Banning Chokeholds, Required De-escalation, Proportionality, Canine Use, Moving Vehicles, Deadly Force as a last Resort, Comprehensive Reporting and Verbal Warnings.

Director Wieskamp expressed her appreciation for the professionalism and high standards of our police force and a chief who understands modern circumstances and the importance of de-escalation. Director Lane asked about the Lexipol manual and how it relates to what we use. Ciaburro said the Lexipol manual is purchased from them to use and Public Safety checks with District Counsel if any changes need to be made. Director Rosario said he is extremely proud of the department. He asked why the policies are not approved by the Board of Directors. Victor said it is typical for police policies to be administratively done and many are routine. Rosario asked if we can we have significant changes reported to the Board. Victor said those changes do get posted on the website, but there is no reason why the Board can't be notified. Rosario are there any changes to the District's policy on how we deal with immigration and contacting them. Captain Love, Support Services, this is a prudent example where went above Lexipol and wrote some of our policies. Victor said the law changed in California SB54 which was complicated, and we have simplified that. Rosario asked about the canines and if the dogs can be retrained from find and bite to find and bark. Ciaburro replied staff are considering whether or not the use of canines is consistent with a park agency with the current dogs. Rosario asked to be

walked through an officer involved shooting scenario on protocols. Ciaburro went through the entire scenario from the incident scene to the District Attorney and the requirement to release body worn camera footage. Rosario asked if the District has tear gas. Ciaburro replied we have it because officers are trained on it in the academy, but the Chief didn't see an instance for use in the Park District. Director Echols thanked the chief for the report and quick response following the murder of George Floyd. Echols asked what other type of public reporting is done by Public Safety. Capt. Love replied annual reports are done as a part of the CALEA process. Love will provide Echols with a copy. Director Lane commented on the importance of body worn cameras which are a protection for the officer. Lane suggested that the police do a report to the Executive Committee.

GM Doyle agreed it should be institutionalized annually. Director Coffey discussed reallocation of funding of the police budgets that could meet community needs such as mental health services and our police budget is under 15% of the total budget. Director Waespi thanked the Chief for the presentation. Waespi asked if the policies trickle down to the fire department and the lifeguard services. Chief said they do and yet the dynamics are different. Corbett extended her thanks to the Chief for how quickly the chokehold was outlawed. Corbett asked if we are in a joint response whose rules count? Ciaburro replied Public Safety's officers stick to District policies and the laws of California. Ciaburro said Lexipol is quarterly and his experience in San Jose for example is that they do manage it administratively and related to operations procedures. Corbett inquired where is the training for the support for each other and Ciaburro explained the process and their weekly staff meetings.

b. Presentation Outlining Recruitment and Hiring for the East Bay Regional Park District Police Department

GM Doyle said that one of his priorities is to rebuild the Public Safety Department and he has been bullish on hiring. Chief Ciaburro introduced Lt. Terrence Cotcher, Support Services who has been involved in recruitment and hiring for the past 7 years presented this PowerPoint. Cotcher stated the positions that are recruited for are: police officer, dispatcher, police services technician and public safety student aides. In hiring, the goal is to provide an opportunity for an equal and unbiased process. Cotcher walked the Board through this process which includes Recruitment, Application and Testing, a basic physical fitness test, the Oral Board Panel, the Background Phase (which is a 4 -10 week process which includes a personal history) and the CA Post Hiring Dimensions, Hiring and On Boarding Interviews: Chiefs interviews, Conditional Offer, Psychological and Medical exam and the final offer. We do run into Challenges which can be economic, perceptions of law enforcement, generational differences. Organizational Values are critical to our success: safety, service and stewardship. Cotcher highlighted the hiring numbers from 2017-2020. Director Rosario asked about the use of a polygraph when it is not admissible in court? Cotcher replied that they are very good at ensuring truthful answers from applicants. Rosario asked about the 60-unit educational requirement. Cotcher said that being a police officer requires the ability to communicate verbally and in writing. Director Wieskamp said she is impressed with hiring more women and bringing in underrepresented groups. Cotcher said it is important to cast the widest net possible and every officer should think about the opportunity to recruit. President Corbett talked about Pathway to Law Program which works specifically in community colleges as avenues for increased diversity to recruit towards law careers and does PS work with the junior college community. Cotcher replied yes and college is a fertile ground. It has been tough during Covid adding that the PS Student Aide program is comprised of college students. Director Lane asked about physical expectations and are they altered for different populations. Cotcher said they are not and are based on people of average height and weight, etc. Lane asked if having a workforce to reflect the diverse community is on the website and if not, it should be. She also asked about young people and possible teenage challenges and does it affect hiring. Lane suggested police provide an in depth annual report to the Executive Committee. Cotcher said we look at patterns of decision making over a 10-year period and not just one action. Corbett asked how do you handle marijuana use and does it decrease your pool of applicants? Cotcher said in the Park District we do not have a drug use matrix and we do not test officers. Director Rosario noticed we have a lot of applications for dispatcher and only hired one. Cotcher said the 2020 YTD

stats and we are currently short 3 dispatchers with 4 currently in training. Captain Love commended Lt. Cotcher for his dedication. Chief Ciaburro commended Captain Love and Lt. Cotcher.

President Corbett left the board meeting because she had another meeting to attend. Vice President Rosario took the gavel and presided over the meeting.

#### 4. BOARD AND STAFF REPORTS

- a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Doyle discussed items in this report.

#### 5. GENERAL MANAGER'S COMMENTS

- a. Chief Information Officer Jim Tallerico will be presenting an update of the accomplishments made by the Information Services Department over the past year.

GM Doyle introduced Jim Tallerico, Chief Information Officer. Tallerico presented Information Services 2020 Accomplishment: Services, Upgrades Communication and Staff. He introduced his staff who are in his department who were in the meeting: Keith Southern, Jesse Yung, Robert Lacy and Leigh Layman. IS upgraded the District's internet speed, reengineered data backups, park upgrades, Community Employment, Public Safety Improvements, added WIFI connectivity for additional staff, Upgraded software and will launch the District's SharePoint site in December for employees. The District's hosting site (HR and Payroll) is in Las Vegas Switch.com. This is a 5-star hosting site connected via fiber for backups. Director Waespi, Wieskamp and Echols thanked Tallerico and his staff for all their assistance. AGM Auker said that the IS Team is humble, and they are responsible for the success of keeping the park district open during Covid and they are innovative, highly focused on security and responsive. GM Doyle commended the IS staff for keeping our meetings going. Rosario added that this pandemic has shown how dependent we are on technology. Tallerico thanked his staff for their great work.

#### 6. ANNOUNCEMENTS FROM CLOSED SESSION

District Counsel Victor announced there were none.

#### 7. BOARD COMMENTS

Director Rosario reported on meetings attended. Director Rosario

- Attended the Judge John Sutter Regional Shoreline Dedication 10/21;
- Attended the Covid task force 10/22;
- Attended and gave a talk to the Moraga Kiwanis Club 10/22;
- Attended Alameda County's *All In Eats* 10/22;
- Attended Trail User Working Group 10/23;
- Attended and participated in the Lake Merritt 150<sup>th</sup> Anniversary of the Wildlife Refuge 10/23;
- Attended the Special Closed Session Board Meeting 10/29;
- Attended the RPF Diversity, Equity and Inclusion committee 10/29;
- Attended the Special Closed Session Board Meeting 11/4;
- Attended and gave a talk to the Friends of Sausal Creek;
- Attended with Director Lane the viewing of McCosker Creek restoration 10/30;
- Attended a Covid Taskforce meeting;
- Attended Kelly Barrington's retirement 11/4;

- Attended the Executive Board meeting on 11/5.

Rosario appreciated the public comments regarding the naming process for Concord Hills was being taken seriously and in a way it is unfortunate that we have two cultures that have been impacted heavily by history and hopefully we can find a way to acknowledge both.

Director Lane reported on meetings attended. Director Lane

- Attended the Judge John Sutter Regional Shoreline Dedication 10/21;
- Attended the staff meeting with Anne Kassebaum;
- Attended Trail User Working Group 10/23;
- Attended the Special Closed Session Board Meeting 10/29;
- Attended with Director Rosario the viewing of McCosker Creek restoration 10/30;
- Attended the Special Closed Session Board Meeting 11/4;
- Attended the joined Brenda and Thomas at Borel;
- Attended Kelly Barrington's retirement 11/4;
- Attended the CC Mayors Conference 11/5.

Lane went to Sycamore Valley Park and Sutter Shoreline. Delivered some of the ballots on election night.

Lane said the Board is hearing from people about the Concord Hills name and today got an extensive dose of people's opinion. As a Board we need the Wisdom of Solomon. Lane joined staff at Borel to do some sorting of boxes.

Director Coffey reported on meetings attended. Director Coffey

- Attended the Judge John Sutter Regional Shoreline Dedication 10/21;
- Attended the Ecology Committee meeting 10/22;
- Attended Trail User Working Group 10/23;
- Attended the 10/21 PAC meeting 10/26;
- Attended the Finance Committee meeting 10/28;
- Attended the Special Closed Session Board Meeting 10/29;
- Attended the Special Closed Session Board Meeting 11/4;
- Attended Kelly Barrington's retirement 11/4;

Director Waespi reported on meetings attended. Director Waespi

- Attended the CARPD Board of Directors meeting 10/21;
- Attended the Covid task force 10/22;
- Attended the Ecology Committee meeting 10/22;
- Attended the Regional Park Association meeting 10/22;
- Attended the Special Closed Session Board Meeting 10/29;
- Attended the Special Closed Session Board Meeting 11/4;
- Attended Kelly Barrington's retirement 11/4.

Waespi visited Garin and Dry Creek.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Judge John Sutter Regional Shoreline Dedication 10/21;
- Attended Trail User Working Group 10/23;
- Attended the Special Closed Session Board Meeting 10/29;
- Attended the Special Closed Session Board Meeting 11/4;
- Attended Kelly Barrington's retirement 11/4.

Director Wieskamp had to leave the meeting for another appointment.

Director Echols reported on meetings attended. Director Echols

- Attended the meeting with Contra Costa County Supervisor Goia at Wildcat Canyon 10/21;



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- Attended and spoke at the El Cerrito Rotary Club luncheon 10/22;
- Attended the Special Closed Session Board Meeting 10/29;
- Attended the Special Closed Session Board Meeting 11/4.

Director Echols was delighted to be able to serve for at least another 4 years. Echols had to leave the meeting for another appointment.

#### E. ADJOURNMENT

President Corbett adjourned the meeting at 5:30pm.