

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

13  
TO: Rules Committee  
ATTN: PICARDI President Kernighan and Committee Members  
FROM: Councilmember Libby Schaaf  
DATE: January 17, 2013

RE: **A RESOLUTION AUTHORIZING AMENDMENT OF THE CHABOT SPACE AND SCIENCE CENTER JOINT POWER AUTHORITY AGREEMENT TO ELIMINATE THE REQUIREMENT THAT ONE OF THE EAST BAY REGIONAL PARK DISTRICT'S REPRESENTATIVES TO THE CENTER'S BOARD MUST BE FILLED BY A MEMBER OF THE PARK DISTRICT'S BOARD OF DIRECTORS**

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**RECOMMENDATION**

Councilmember Schaaf recommends that the Rule Committee approve and authorize an Amendment to the Chabot Space Science Center (Science Center) Joint Power Authority (JPA) authority agreement to eliminate the requirement that one of the East Bay Regional Park Districts (Park District) representatives to the Science Center's Board include an elected official.

**OUTCOME**

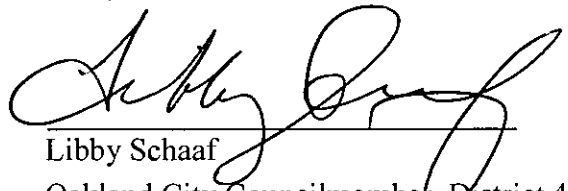
The proposed amendment to the JPA agreement will not impact the City of Oakland. The amendment will merely allow the East Bay Regional Park District to have more flexibility in choosing its representatives to Science Center Board.

**SUMMARY**

During the planning and construction of the Science Center, the Park District assisted in obtaining funding for the Center's construction and land for the parking structure. Now that the Science Center is fully operational, the Park District's role is more limited to providing some environmental education programming. The Park District elected board members have many competing responsibilities. This amendment will provide the Park District with a greater opportunity to ensure that they can provide representation to the Science Center JPA. This amendment will not preclude the Park District from appointing an elected official to serve on the Science Center JPA Board, but would no longer make such an appointment necessary. The proposed amendment has already been approved by the Science Center JPA Board of Directors on February 23, 2012. The Park District's Board of Directors approved the Amendment on May 15, 2012. In order to take effect, the City of Oakland must also approve the Amendment. (Attachment A to the this Report includes two letter requests from the Park District, Minutes from the Park District's May 15, 2012, board meeting, and Park District Resolution 2012-05-117.)

Item: \_\_\_\_\_  
Rules Committee  
February 1, 2013

Respectfully submitted,



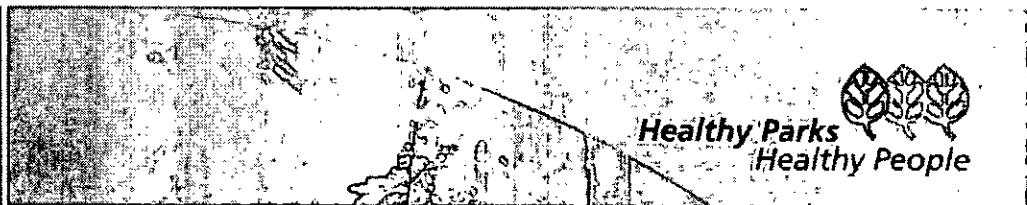
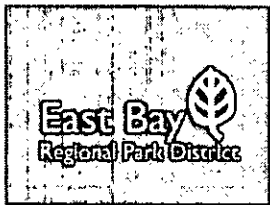
Libby Schaaf  
Oakland City Councilmember, District 4

Prepared by:  
Bruce Stoffmacher, Policy Analyst  
Office of Oakland Councilmember Libby Schaaf

Item: \_\_\_\_\_  
Rules Committee  
February 1, 2013

**Attachment A**

Item: \_\_\_\_\_  
Rules Committee  
February 1, 2013



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TOD: 510-633-0460 WWW.EBPARKS.ORG

January 11, 2013

**SENT VIA U.S. MAIL AND E-MAIL**

Libby Schaaf  
Councilmember, District 4  
City of Oakland  
City Hall, 6th Floor  
1 Frank Ogawa Plaza  
Oakland, CA 94612

**Office of the District Counsel**  
Ted C. Radosevich, District Counsel  
Carol R. Victor, Asst. District Counsel  
Becky K. Pheng, Paralegal  
✉ tradosevich@ebparks.org  
✉ cvictor@ebparks.org  
✉ bpheng@ebparks.org  
☎ (510) 544-2005  
☎ (510) 569-1417

**Subject: Amendment to Joint Powers Agreement for Chabot Space and Science Center**

Dear Councilmember Schaaf:

This letter is in follow-up to East Bay Regional Park District ("Park District") Director John Sutter's recent conversation with you and your staff requesting your assistance on processing an Amendment to the Joint Powers Agreement for Chabot Space and Science Center ("Science Center"). On February 23, 2012, the Science Center's Board approved an amendment to the Joint Powers Agreement ("the Amendment") eliminating the requirement that the Park District's representatives to the Science Center Board include an elected official. The Park District's Board of Directors approved the Amendment on May 15, 2012. In order to take effect, the City of Oakland ("City") and Oakland Unified School District must also approve the Amendment.

The purpose of the Amendment is to provide flexibility to the Park District in its choice of a representative to the Science Center Board and to help relieve the burden on our Directors from the many competing obligations in serving a large-two county district. The change is appropriate in light of the Park District's very limited role in the Science Center's operations.

The Park District sent the Amendment to the City for approval in June 2012. To date no action has been taken. I have enclosed the earlier correspondence, as well as a copy of the Park District's Resolution approving the Amendment for your reference.

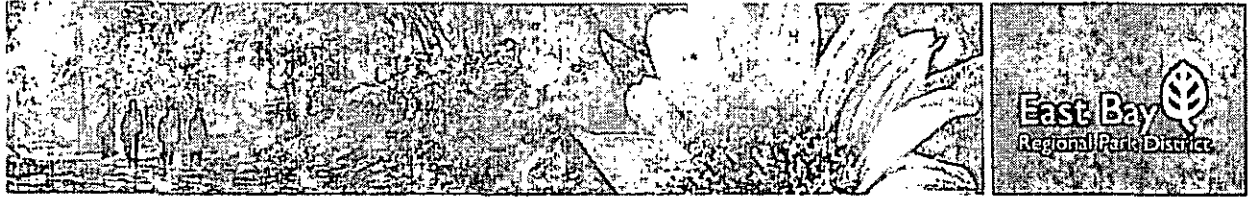
We would greatly appreciate your assistance in placing this item on the City Council's agenda for review and approval. If you have any questions or need further information regarding this matter, please contact me at 510 544-2007 or cvictor@ebparks.org.

Very truly yours,  
  
Carol R. Victor  
Assistant District Counsel

Enclosures

cc: John Sutter, Director, East Bay Regional Park District  
Robert Doyle, General Manager, East Bay Regional Park District  
Mayor Jean Quan, City of Oakland  
Deanna Santana, City Administrator, City of Oakland  
Board of Directors

John Sutter President Ward 2	Ayn Wieskamp Vice-President Ward 5	Whitney Dotson Treasurer Ward 1	Ted Radke Secretary Ward 7	Beverly Lane Ward 6	Carol Severin Ward 3	Doug Siden Ward 4	Robert E. Doyle General Manager
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2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T 1 888 EBPARKS F 510 569 4319 TDD 510 633 0460 WWW.EBPARKS.ORG

June 12, 2012

**SENT VIA U.S. MAIL**

Mayor Jean Quan  
Office of the Mayor  
City of Oakland  
1 Frank Ogawa Plaza  
3<sup>rd</sup> Floor  
Oakland, CA 94612

Larry Reid  
President of City Council  
City of Oakland  
1 Frank Ogawa Plaza  
2<sup>nd</sup> Floor  
Oakland, CA 94612

Deanna J. Santana  
City Administrator  
City of Oakland  
1 Frank Ogawa Plaza  
3<sup>rd</sup> Floor  
Oakland, CA 94612

**RE: Amendment to Joint Powers Agreement for Chabot Space and Science Center**

Dear Mayor Quan, President Reid, and Ms. Santana:

The East Bay Regional Park District ("Park District") is requesting that the City of Oakland ("City") approve the enclosed amendment to the Chabot Space and Science Center Joint Powers Agreement to eliminate the requirement that one of the Park District's representatives to the Science Center's Board include an elected official.

The proposal was approved by the Science Center's Board at its meeting on February 23, 2012. The Park District's Board of Directors approved the amendment on May 15, 2012. The next steps in amending the Joint Powers Agreement are for the City and Oakland Unified School District to approve the amendment.

The reason for the proposed amendment is to give the Park District flexibility as to its choice of representatives to the Science Center's Board. During the planning and construction of the Science Center, the Park District assisted in obtaining funding for the Center's construction and land for the parking structure. Now that the Science Center is fully operational, the Park District's role is more limited to providing some environmental education programming. Our Board members have noted that it is becoming increasingly difficult to fulfill the obligations of the Science Center Board in light of numerous competing obligations in serving as an elected official for a large two-county district. Given the Park District's limited role in the Science Center's operations, we are requesting that the City approve the attached amendment to provide the Park District with the necessary discretion to determine who shall serve as the Park District's representatives. This amendment would not preclude the Park District from appointing an elected official to serve on the Science Center's Board, but would no longer make such an appointment a requirement.

  
**Healthy Parks**  
Healthy People

Board of Directors

Carol Severin  
President  
Ward 3

John Sutter  
Vice-President  
Ward 2

Ayn Wieskamp  
Treasurer  
Ward 5

Whitney Dotson  
Secretary  
Ward 1

Doug Siden  
Ward 4

Beverly Lane  
Ward 5

Ted Radke  
Ward 7


Robert E. Doyle  
General Manager

Mayor Jean Quan  
President Larry Reid  
Deanna Santana, City Administrator  
June 12, 2012  
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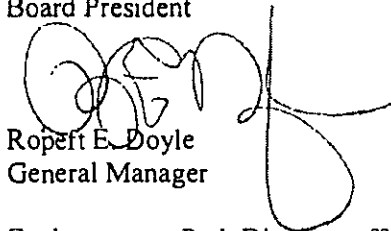
We would appreciate you placing this item on the City Council's agenda at your earliest opportunity. If you have any questions or need further information regarding this matter, please contact Carol R. Victor, Assistant District Counsel, at 510 544-5007 or cvictor@ebparks.org.

The Park District is proud of its role in helping make the Space and Science Center a reality and looks forward to continuing to support the Center's environmental education programs.

Sincerely,



Carol Severin  
Board President



Robert E. Doyle  
General Manager

Enclosures: Park District staff report  
Resolution No. 2012-05-117  
Amendment to Joint Powers Agreement

cc: John Sutter, Park District Director  
Carol R. Victor, Park District, Assistant District Counsel  
Members of the Oakland City Council  
Marisol Lopez, City Representative to Space and Science Center  
Gwen McDonald, City Representative to Space and Science Center  
Alexander Zwissler, Executive Director, Space and Science Center

AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, May 15, 2012

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- i. Approval of Amendment to Chabot Space and Science Center  
Joint Powers Agreement (Victor)

RECOMMENDATION

The General Manager and Board Executive Committee (by unanimous vote) recommend that the Board of Directors approve an amendment to the Chabot Space and Science Center Joint Powers Agreement to eliminate the requirement that one of the Park District's representatives to the Center's Board must be filled by a member of the Park District's Board of Directors.

REVENUE/COST

There is no cost associated with the approval of this item.

BACKGROUND

The Chabot Space and Science Center ("Center") is a joint powers agency created by and between the City of Oakland, the Oakland Unified School District, and the Park District in 1989. The Center is governed by a 22 member Board of Directors. The City of Oakland, the Oakland Unified School District, and the Park District each have three (3) representatives on the Center's Board. Pursuant to the Joint Powers Agreement the seat for at least one of the representatives from each of the three public agencies must be an elected official from that agency.

This proposal would approve an amendment to the Joint Powers Agreement eliminating the requirement that one of the Park District's representatives be a member of the Park District's Board of Directors.

The reason for the proposal is that there is no longer a need for a specially designated Park District Director to sit on the Center's Board of Directors. At the time that the Center was formed, the Park District was a critical partner because its participation was required to receive the federal funds earmarked to construct the Center. In addition, the Park District was a necessary partner in resolving land ownership issues regarding the parking facility. Further, the Park District was deemed the lead agency for purposes of applicable laws. With these

obligations, it was important to have an elected Board member as formal representative. Now that the Center is built and operational, the Park District's role is largely to provide occasional environmental education programming. The Park District has no role in the day-to-day operations of the Center and provides no financial support, but merely serves an advisory role.

Park District Director John Sutter has held the seat on the Center's Board for several years and is recommending the change. The Board Executive Committee considered this item at their meeting on April 26, 2012, and unanimously recommended its approval.

The Center's Board of Directors has already approved the amendment by a vote of 9 ayes with 4 abstentions. Upon approval by the Park District's Board of Directors, the amendment will have to be approved by the City of Oakland and the Oakland Unified School District prior to becoming effective.

#### ALTERNATIVES

As an alternative to approving this amendment, the Park District could withdraw from the Center's Joint Powers Agreement. This alternative is not recommended at this time.

Exhibit A: Proposed Amendment to JPA



EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2012 - 05 - 117

May 15, 2012

APPROVAL OF AMENDMENT TO CHABOT SPACE AND SCIENCE CENTER  
JOINT POWERS AGREEMENT

WHEREAS, the Chabot Space and Science Center ("Center") is a joint powers agency created by and between the City of Oakland, the Oakland Unified School District, and the Park District in 1989; and

WHEREAS, the Joint Powers Agreement that formed the Center gives the Park District three representatives to the Center's Board, and one of these appointments must be filled by an elected member of the Park District's Board of Directors; and

WHEREAS, at the time the Center was built the Park District was a critical partner to help secure federal funds to construct the Center and to help resolve land ownership issues regarding the parking facility; and

WHEREAS, the Park District provides no financial support to the Center, and since the Center has opened the Park District provides only occasional educational programming; and

WHEREAS, in light of the Park District's current advisory role, there is no longer a need for a Park District Director to be required to serve on the Center's Board; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes and approves an amendment to the Chabot Space and Science Center Joint Powers Agreement attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the District and its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intention of this resolution.


Moved by Director Lane, seconded by Director Radke, and adopted this 15<sup>th</sup> day of May, 2012, by the following vote:

FOR: Directors Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, John Sutter, Ted Radke and Ayn Wieskamp.

AGAINST: NONE.  
ABSTAIN: NONE.  
ABSENT: NONE.

  
Carol Severin  
Board President

CERTIFICATION

I, Allen Pulido, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 2012-05-117 adopted by the Board of Directors at a regular meeting held on May 15, 2012. 

AMENDMENT TO  
JOINT POWERS AGREEMENT  
THE CHABOT SPACE AND SCIENCE CENTER

This Amendment to the Joint Powers Agreement the Chabot Space and Science Center is entered into on the \_\_\_\_ day of \_\_\_\_\_, 2012 by the City of Oakland ("City"), the Oakland Unified School District ("District"), and the East Bay Regional Park District ("EBRPD") (collectively referred to as the "Parties").

WHEREAS, the Parties entered into a Joint Powers Agreement ("JPA") on May 26, 1989. The JPA was amended on March 19, 1991; May 22, 1991; May 5, 1994; November 19, 1997; May 26, 1999; July 7, 2000; May 27, 2001; and January 1, 2003; and

WHEREAS, the Parties desire to further amend the JPA, specifically Article 1, Section 1.01. *Board of Directors; Selection of Agency Directors and EAS Directors*, to provide that EBRPD representatives serving as Agency Directors need not include an elected member of EBRPD's governing body.

NOW THEREFORE, the Parties agree to amend Article 1, Section 1.01 as follows:

Section 1.01. Board of Directors; Selection of Agency Directors and EAS Directors. The Center shall be governed by a body known as the Board of Directors ("Board"). Subject to Section 3.01(Withdrawal), there shall be twenty-two (22) Directors on the Board. The nine "Agency Directors" shall be chosen in the following manner.

Three Directors shall be representatives of the District to be appointed by its governing body at least one of whom shall be an elected member of the District's governing body; three Directors shall be representatives of EBRPD, to be appointed by its governing body ~~at least one of whom shall be an elected member of the EBRPD's governing body~~; three Directors shall be representatives of the City to be appointed by its governing body at least one of whom shall be an elected member of the Council. Two Directors shall be representatives of the Eastbay Astronomical Society, ("EAS") to be appointed by that body ("EAS Director") for a total of eleven (11) Directors, nine (9) of whom are Agency Directors and two (2) of whom are EAS Directors.

All other terms of the JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this amended and restated Joint Powers Agreement to be executed by their respective officers, duly authorized as of the day, month, and year first hereinabove written.

(Signature page to follow)

**City of Oakland**

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

**Approved as to Form**

By: \_\_\_\_\_  
City Attorney

**East Bay Regional Park District**

By: \_\_\_\_\_  
General Manager

Date: \_\_\_\_\_

**Approved as to Form**

By: \_\_\_\_\_  
District Counsel

**Oakland Unified School District**

By: \_\_\_\_\_  
Superintendent of Schools

Date: \_\_\_\_\_

**Approved as to Form**

By: \_\_\_\_\_  
General Counsel

INTRODUCED BY COUNCILMEMBER Libby Schaaf

OFFICE OF THE CITY CLERK  
OAKLAND

*J. Meridoni*  
City Attorney

13 JAN 17 PM 4:02 **OAKLAND CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**A RESOLUTION AUTHORIZING AMENDMENT OF THE CHABOT SPACE AND SCIENCE CENTER JOINT POWER AUTHORITY AGREEMENT TO ELIMINATE THE REQUIREMENT THAT ONE OF THE EAST BAY REGIONAL PARK DISTRICT'S REPRESENTATIVES TO THE CENTER'S BOARD MUST BE FILLED BY A MEMBER OF THE PARK DISTRICT'S BOARD OF DIRECTORS**

**WHEREAS**, the Chabot Space and Science Center ("Center") is a joint power agency created by and between the City of Oakland, the Oakland Unified School District, and the Park District in 1989; and

**WHEREAS**, the Joint Powers Agreement ("JPA") that formed the Center gives the East Bay Regional Park District ("Park District") three representatives to the Center's Board, and one of these appointments must be filled by an elected member of the Park District's Board of Directors; and

**WHEREAS**, the Park District provides no financial support to the Center, and since the Center has opened the Park District provides only occasional education programing; and

**WHEREAS**, in hght of the Park District's current advisory role, there is no longer a need for a Park District Director to be required to serve on the Center's Board; and

**NOW, THEREFORE BE IT RESOLVED** that the Oakland City Council authorizes and approves an amendment to the Chabot Space and Science Center Joint Powers Agreement attached hereto as Exhibit A "Amendment to Joint Powers Agreement The Chabot Space and Science Center," removing the requirement that a Park District Director serve on the Center's Board.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_

AMENDMENT TO  
JOINT POWERS AGREEMENT  
THE CHABOT SPACE AND SCIENCE CENTER

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All other terms of the JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this amended and restated Joint Powers Agreement to be executed by their respective officers, duly authorized as of the day, month, and year first hereinabove written.

(Signature page to follow)

**City of Oakland**

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

**Approved as to Form**

By: \_\_\_\_\_  
City Attorney

**East Bay Regional Park District**

By: \_\_\_\_\_  
General Manager

Date: \_\_\_\_\_

**Approved as to Form**

By: \_\_\_\_\_  
District Counsel

**Oakland Unified School District**

By: \_\_\_\_\_  
Superintendent of Schools

Date: \_\_\_\_\_

**Approved as to Form**

By: \_\_\_\_\_  
General Counsel