

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

# OAKLAND CITY COUNCIL

*Jana A. Aronson*  
City Attorney

RESOLUTION No. 80155 C.M.S.  
2006 AUG 31 PM 6:13

## RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A TEN-YEAR MANAGEMENT/OPERATIONS AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE OAKLAND MUSEUM OF CALIFORNIA FOUNDATION

**WHEREAS**, the City is the owner of the Museum’s facility at 1000 Oak Street and is the owner of the Museum’s growing collection of objects and artifacts both valuable and significant to the documentation of California’s art, history and natural environment; and

**WHEREAS**, the City employs qualified personnel to ensure the continued education and enjoyment of the collections for the citizens of the City of Oakland, the San Francisco Bay Area, the State of California, and visitors from around the world; and

**WHEREAS**, the Oakland Museum of California Foundation (the “Foundation”) is a non-profit corporation originally established in 1989 to raise private funds to support the Museum; and

**WHEREAS**, the Foundation receives for the benefit of the Museum grants, contributions, fees, and earned revenue, manages its endowments to support Museum activities, engages in fundraising activities, and employs staff who provide various services to the Museum; and

**WHEREAS**, the Foundation provides services to the Museum, and manages projects pursuant to expenditure of \$23.6 Million in Measure G Funds designated for Museum improvements; and

**WHEREAS**, the Foundation is undertaking a multi-million dollar capital campaign to complete the renovation, expansion, and reinstallation of the Museum’s building and galleries as well as to enhance educational programs and opportunities for a larger and more diverse population of students and visitors; and

**WHEREAS**, in order to further the mutual goals of the City and Foundation of ensuring the success of the Museum for current and future generations and to successfully accomplish the annual and special fundraising efforts, both parties wish to enter into a management/operations agreement (the “Agreement”); now, therefore be it

**RESOLVED:** That the City and Foundation shall cooperate in sustaining the Museum pursuant to various terms and conditions set forth in the Agreement; and be it

**FURTHER RESOLVED:** That the City will continue to make the Museum facility and its collections available for educational and cultural purposes and provide curatorial and other staff as it deems necessary for this purpose; and be it

**FURTHER RESOLVED:** That the City shall maintain the Museum buildings and grounds and provide necessary security personnel for the facility, including providing the Foundation with office space for its activities in support of the Museum; and be it

**FURTHER RESOLVED:** That the City, in recognizing that the Museum is a vital cultural institution, will make best efforts to fund the Museum at the 2005-07 level of service for a period of five years; and be it

**FURTHER RESOLVED:** That the Foundation will undertake functions including raising and administering funds to support the Museum, shall manage projects funded by Measure G, shall employ staff necessary to support other Museum purposes, and shall operate various Museum functions, such as visitor services, the store, facility rental, and the Conservation Lab; and be it

**FURTHER RESOLVED:** That the Foundation Board of Trustees shall include a designee of the City Administrator, the selection of which shall be subject to discussion between the City Administrator and the Foundation Chair; and be it

**FURTHER RESOLVED:** That the City will collaborate with the Foundation on annual strategic, budget, and operational planning; and be it

**FURTHER RESOLVED:** That the City and the Foundation will be assigned oversight, management, and allocation of revenues from distinct and various Museum functions, with the City retaining revenues from the parking and restaurant concession, until future renegotiation or review of these contracts during future budget cycles, and the Foundation retaining revenue from admissions, the store, memberships and fundraising, and Conservation Lab functions; and be it

**FURTHER RESOLVED:** That the Agreement shall be for ten years commencing upon its execution; and be it

**FURTHER RESOLVED:** That the City Administrator is duly authorized by this Resolution to execute the Agreement and is hereby authorized to take whatever action is necessary with respect to the Agreement in accordance with the basic purpose of this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 19 2006, 20

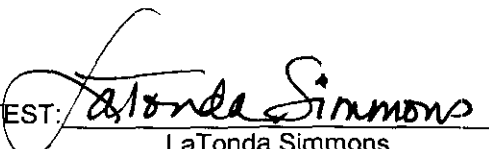
**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~BRUNNER, BRUNNER~~, CHANG, KERNIGHAN, ~~QUAN~~, QUAN, REID, and PRESIDENT DE LA FUENTE - 5

NOES - Brunner - 1

ABSENT -

ABSTENTION - Brooks, Nadel - 2

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