

INTRODUCED BY COUNCILMEMBER Libby Schaaf

OFFICE OF THE CLERK OF THE CITY OF OAKLAND

J. Mordam
City Attorney

13 JAN 17 PM 3:02 **OAKLAND CITY COUNCIL**

RESOLUTION NO. 84200 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 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 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, FEB 5 2013

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES- *0*

ABSENT- *0*

ABSTENTION- *0*

ATTEST: *LaTonda Simmons*
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**

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