  
Oakland City Attorney's Office

11 JUN -8 PM 12:28

## OAKLAND CITY COUNCIL

RESOLUTION No. 83399 C.M.S.

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A TEN-YEAR PROFESSIONAL SERVICES AGREEMENT AND TO NEGOTIATE A THIRTY-YEAR LEASE, WHICH WILL BE APPROVED BY ORDINANCE, FOR TWO MUSEUM BUILDINGS AT THE RENT OF \$1.00 PER YEAR, BETWEEN THE CITY OF OAKLAND AND THE OAKLAND MUSEUM OF CALIFORNIA FOUNDATION TO PERFORM SERVICES RELATED TO THE CARE, CONSERVATION, STEWARDSHIP, AND PRESENTATION OF THE CITY'S COLLECTION OF ART WORKS, HISTORICAL ARTIFACTS AND NATURAL SCIENCES SPECIMENS RELATED TO CALIFORNIA'S CULTURAL AND ENVIRONMENTAL HISTORY, WITH AN INITIAL CITY ANNUAL PROFESSIONAL SERVICES AGREEMENT PAYMENT OF \$5 MILLION ON JULY 1, 2011 THAT DECLINES ANNUALLY TO \$3 MILLION OVER THE TEN-YEAR PERIOD.**

**WHEREAS**, the Oakland Museum of California, located at 1000 Oak Street, Oakland California, is owned by and in the custodial care of the City of Oakland, and

**WHEREAS**, since its founding more than forty years ago and with a history dating back one hundred years, the Oakland Museum of California ("Museum") has been a public institution, owned by the City of Oakland and committed to a broad civic mission serving local, statewide and national audiences, and

**WHEREAS**, the Museum's landmark facility was constructed through a public bond measure in the 1960s and is currently being renovated through a \$63 million capital campaign, funded in part through a \$23.6 million parcel tax measure that has been supported by Oakland voters, and

**WHEREAS**, the Oakland Museum of California Foundation ("Foundation") is a California 501c(3) non-profit corporation dedicated to raising and generating funds for the Museum's exhibitions, education programs, marketing efforts, earned revenue enterprises and other Museum services, and is currently providing more than 55% of the Museum's annual operating budget and employing more than 55% of the Museum's staff, and

**WHEREAS**, the City of Oakland and the Foundation have jointly operated the Museum in a public/private partnership as formalized in October 2006 through a Management &

Operations Agreement that will expire in 2011, and

**WHEREAS**, the growth and development of the Museum through its major renovation project have made it a more complex organization requiring additional funding and staff, and

**WHEREAS**, the City of Oakland's serious financial challenges demand that it focus on core services to determine what services it is able to continue, and what operations are better performed by another entity, and

**WHEREAS**, the City has determined that it will cease operating and managing the Museum and will continue to own the Museum facilities and collection and lease the facilities at 1000 Oak Street and 450 Lancaster Street to the Foundation in order to ensure the Museum's long-term viability and sustainability and, therefore be it

**RESOLVED:** that the City authorizes the City Administrator to negotiate and execute a Professional Services Agreement with the Foundation for a period of ten years that sets forth the terms under which the Foundation will care for, conserve, steward, research and provide scholarly and interpretive expertise in support of the Museum's collection of close to two million art works, artifacts, and natural science specimens related to California's cultural and environmental history, and be it

**FURTHER RESOLVED**, that the City authorizes the City Administrator to negotiate and execute a thirty-year lease with the Foundation for two Museum buildings at the rent of \$1.00 per year, and be it

**FURTHER RESOLVED**, that all services performed by the Foundation will be in accordance with the standards of the American Association of Museums, and that the City and Foundation agree to abide by and comply with the standards of the American Association of Museums on all regulations concerning accessions to and deaccessions from the collection, and be it

**FURTHER RESOLVED**, that the City will make an annual payment on July 1 of each year commencing 2011 through and including 2020 for these services, with an amount of \$5 million in FY 2012 which declines to \$3 million in over the ten-year of the Professional Services Agreement , and be it

**FURTHER RESOLVED**, that the City will receive annual reports on the Foundation's performance of the required Scope of Services, as well as reports on the Foundation's financial condition, and be it

**FURTHER RESOLVED**, that the City will make every effort to place all City employees currently working at the Museum in positions at the Museum or in the City, and be it

**FURTHER RESOLVED**, that pursuant to Oakland Municipal Code Section 2.04.051 B and findings set forth in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the best interests of the City to waive the competitive process for the Professional Services Agreement and so waives the requirement, and be it

**FURTHER RESOLVED**, that the City Administrator is authorized to award the Professional Services Agreement to the Oakland Museum of California Foundation.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 7 2011, 2011

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and  
PRESIDENT REID - 8

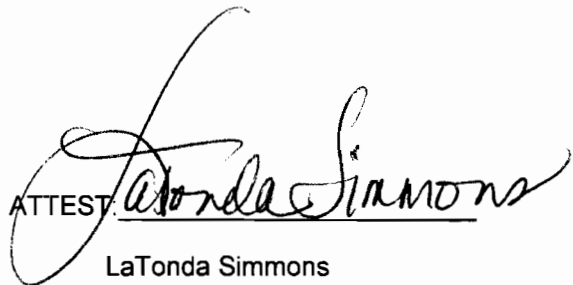
NOES - 0

ABSENT - 0

ABSTENTION - 0

\_\_\_\_\_

ATTEST



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