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OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education  
**From** Jacqueline Minor, General Counsel  
**Board Meeting Date** January 23, 2013  
**Subject** Amendment to Chabot Space and Science Center Joint Powers Agreement ("JPA")

**Action Requested** Approval by the Board of an Amendment to the JPA for Chabot Space and Science Center ("Chabot")

**Background** Chabot is a JPA created in 1989 by the City of Oakland, OUSD and the East Bay Regional Park District ("Park District"). Each JPA member has 3 representatives on the Board of the JPA, one of whom must be an elected official. The Park District believes that now that Chabot is operational, it has no role in the day to day operations and provides no financial support. The Park District requests that the requirement that one of its representatives be an elected official be eliminated.

**Discussion** Approval by the Board of Education of the amendment to the Chabot JPA to eliminate the requirement that one of the Park District representatives on the Chabot Board be filled by an elected official of the Park District.

**Recommendation** Approval by the Board of Education of the amendment to the Chabot JPA to eliminate the requirement that one of the Park District representatives on the Chabot Board be filled by an elected official of the Park District.

**Fiscal Impact** None

**Attachments**

- East Bay Regional Park District letter to President London and Superintendent Smith dated June 12, 2012
- East Bay Regional Park District, Board of Directors, Regular Meeting Agenda for Tuesday May 15, 2012
- East Bay Regional Park District Resolution No. 2012-05-117 dated May 15, 2012



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**

2012 JUN 15 A 10:31

Jody London  
President  
Oakland Unified School District  
1025 2<sup>nd</sup> Avenue, Suite 320  
Oakland, CA 94606

Tony Smith  
Superintendent  
Oakland Unified School District  
1025 2<sup>nd</sup> Avenue, Suite 320  
Oakland, CA 94606

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

Dear President London and Superintendent Smith:

The East Bay Regional Park District ("Park District") is requesting that the Oakland Unified School District ("School District") 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 School District and the City of Oakland 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 School District 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.



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 6	Ted Radke Ward 7	Robert E. Doyle General Manager
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Jody London, President  
Tony Smith, Superintendent  
June 12, 2012

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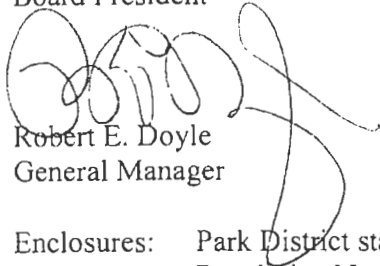
We would appreciate you placing this item on the Board of Education's agenda at your earliest opportunity. If you have any questions or need further information regarding this matter, please contact Carol R. Victor, Assistant District Counsel, at 510 544-5007 or cvictor@ebparks.org.

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 Board of Education  
Alice Spearman, School District Representative to Space and Science Center  
Christopher Dobbins, School District Representative to Space and Science Center  
Caleb Cheung, School District 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

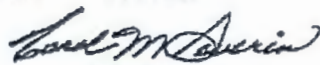
NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes and approves an amendment to the Chabot Space and Science Center Joint Powers Agreement attached hereto as Exhibit A; and

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:

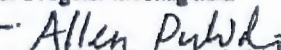
FOR: Directors Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, John Sutter, Ted Radke and Ayn Wieskamp.

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: 2/12/2013

**Approved as to Form**

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

**Oakland Unified School District**

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

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

**Approved as to Form**

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



**City of Oakland**

By: Deanna J. Santana  
City Manager

Date: 2/13/13  
Deanna J. Santana  
City Administrator

**East Bay Regional Park District**

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

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

**Oakland Unified School District**

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

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

**Approved as to Form**

By: Mark Morodomi 2/13/13  
City Attorney

Mark Morodomi  
Supervising Deputy City Attorney

**Approved as to Form**

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

**Approved as to Form**

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

City of Oakland

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

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

Approved as to Form

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

East Bay Regional Park District

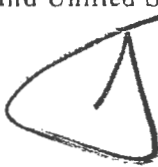
By: \_\_\_\_\_  
General Manager

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

Approved as to Form

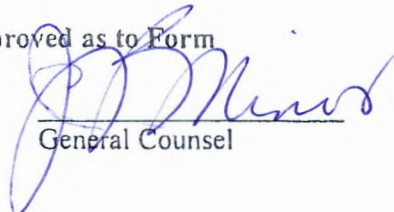
By: \_\_\_\_\_  
District Counsel

Oakland Unified School District



\_\_\_\_\_  
David Kakishiba, President, Board of Education

Approved as to Form

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



\_\_\_\_\_  
Edgar Rakestraw, Secretary,  
Board of Education

File ID Number: 13-0173

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Enactment Number: 13-0243

Enactment Date: 1-23-13

By: 