



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

**BOARD OPERATIONS COMMITTEE**

**Thursday, February 16, 2012 – 12:45 p.m.**  
**Richard C. Trudeau Training Center\***  
**11500 Skyline Boulevard, Oakland**

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee’s purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

**AGENDA**

<b>Status</b>	<b>Time</b>	<b>Item</b>	<b>Staff</b>
(R)	12:45	1. 2012 Recommended Revisions to Ordinance 38	(King)
(R)	1:15	2. Contra Costa County Library Partnership Report	(O’Connor/Kaiser)
(R)	1:45	3. Review of Urban Parks Concessionaires, Inc. Agreement: Las Trampas Regional Wilderness, The Ranch at Little Hills	(O’Connor/Waluch)
(R)	2:00	4. Review Blacksmith Agreement: Ardenwood Historic Farm	(O’Connor/Waluch)
	2:15	5. Public Comments	
	2:30	6. Staff Comments	
	2:45	7. Adjourn	

**Status**

(R) Recommendation  
 (I) Information  
 (D) Discussion

**Board Operations Committee Members**

Doug Siden, (Chair), Ayn Wieskamp, Carol Severin,  
 Beverly Lane (Alternate), Jim O’Connor (Staff Coordinator)

**Next Meeting**

March 15, 2012

**Distribution/Agenda Only**

Board of Directors  
 Mike Anderson  
 Chief Tim Anderson  
 Dave Collins  
 Nancy Wenninger  
 David Dubow  
 Neal Fujita  
 Carol Johnson  
 Lance Brede

Erich Pfuehler  
 Ted Radosevich  
 Cinde Rubaloff  
 Afton Crooks  
 Robert Herrick  
 Michael Kelley  
 Peter Rauch  
 Andy Schanks  
 Norman LaForce

**Distribution/Full Packet**

Clerk of the Board  
 Board Committee  
 Bob Doyle  
 Jim O’Connor  
 Lt. Jon King  
 Jeff Wilson  
 Anne Scheer  
 Rick Parmer/Nancy Kaiser  
 Mimi Waluch  
 Carol Victor

Cliff Rocha/Mark Pearson/2428  
 Sharon Corkin/Dee Rosario/2428  
 Dave Kalahale/R. Spencer/2428  
 Tyrone Davis/Police Association  
 Glenn Kirby/PAC  
 Judi Bank/PAC  
 Jerry Kent

\*Please note location change



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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**12:45 p.m. Item**

**TO:** Board Operations Committee  
**FROM:** Lieutenant Jon King, Police Department  
**DATE:** February 16, 2012  
**SUBJECT:** 2012 Recommended Revisions to Ordinance 38

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I am pleased to present the 2012 recommended revisions to Ordinance 38 for your review and recommendation.

Every two years, the Police Department coordinates a review of Ordinance 38. Suggestions for revisions were received from staff throughout the District, some on behalf of members of the public, and members of the Park Advisory Committee. These revisions have been reviewed and endorsed by Public Safety and Operations staff and are recommended for approval. The revisions have also been reviewed and approved by District Counsel.

Following this meeting, the recommended revisions will be reviewed with the Park Advisory Committee at their February 27, 2012 meeting before being presented to the full Board on March 20, 2012.

Attachment



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**2:00 p.m. Item**

**TO:** Board Operations Committee  
**FROM:** Mimi Waluch, Revenue and Administration Manager  
**DATE:** February 16, 2012  
**SUBJECT: Review Blacksmith Agreement: Ardenwood Historic Farm**

Scott Thomas has been the Blacksmith at Ardenwood Historic Farm since April 1998. Mr. Thomas performs blacksmithing services in a demonstrative and interpretive manner for the enjoyment of the general public visiting the park. In addition, the blacksmithing concession includes manufacturing agricultural, special order, and historical items on the premises, which are sold through the park's Blacksmith Shop.

Ardenwood Historic Farm is a working farm that interprets farming life and techniques in California from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries and offers a variety of educational and recreational opportunities. Park staff, with the help of numerous volunteers and docents, seeks to give visitors an understanding of farm life between the period of 1890 and 1930 through observation and participation in programs centered on farm chores and food and crop production.

The Blacksmith Concession Agreement with Mr. Thomas expired December 31, 2010 and has since been on a month-to-month holdover. Ardenwood is owned by the City of Fremont (City) and is leased to the East Bay Regional Park District. Since the Master Lease was finalized in 2011, renewal of all of associated Ardenwood Agreements are being negotiated.

Staff recommends entering into a Concession Agreement with Scott Thomas for operation of the Blacksmith Concession for a five-year term. The District shall compensate Scott Thomas for blacksmithing services performed not to exceed \$18,000 in the first year, based on the current hourly rate of \$18.51, which will increase annually commensurate with the December San Francisco- Oakland- San Jose CPI-W, not to exceed 3%. The Park District receives a 10% concession fee of all blacksmith gross sales of items sold or manufactured on site, approximately \$900 – \$1,500 annually.



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**1:45 p.m. Item**

**TO:** Board Operations Committee  
**FROM:** Mimi Waluch, Revenue and Administration Manager  
**DATE:** February 16, 2012  
**SUBJECT: Review of Urban Parks Concessionaires, Inc. Agreement: Las Trampas Regional Wilderness, The Ranch at Little Hills**

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East Bay Regional Park District issued a Request for Proposal in August 2007, seeking an experienced concessionaire to operate a reservable picnic facility in Little Hills Regional Recreation Area, Las Trampas Regional Wilderness. The current operator, Urban Parks Concessionaires, Inc., (UPC) in contract with the District since 1994, was the sole submittal and after staff review, was selected to continue to provide a full-service facility including all food and beverage services for corporate and private group picnics and special events for up to 1400 people.

In 2010, it was proposed to increase the promotion of wedding ceremony and reception bookings at Little Hills. Site improvements to help promote this venue included the construction of a gazebo adjacent to the pool area, rearrangement and upgrade to seating areas, and redevelopment of activity areas. In 2010, there were 2 bookings followed by 23 in 2011. Currently, there are 15 wedding events scheduled for the 2012 season – April through October. Due to the interest in and the increased need for a higher level of catering services, UPC is requesting rate increases of 12% - 15% to offset the cost of leasing a mobile kitchen to expand the primarily barbeque catering menu.

The District annually reviews fees and charges by concessionaires and public use facilities. At the time of the fee schedule review for 2012, the expansion of bookings and total cost to facilitate wedding events was not totally realized. UPC is committed to the continued facility improvement and enhancement, high quality group services, stable and effective management, and significant license and maintenance fee generation. They seek to continue innovative park programs and uses, and are committed to maintaining a high profile with ongoing community service projects.

Comparisons to other local area site and catering fees are consistent with, or below, existing fare rates, including the District’s Ardenwood Historic Farm and Tilden Brazil Room. The District would receive up to an additional \$6,000 annually in concession fees. Staff recommends that the Board Operations Committee approve and recommend to the full Board a fee increase for the Little Hills site and catering rates to take effect April 1, 2012. These rates will be further reviewed and folded into the current year Consolidated Fee Schedule.



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**1:15 p.m. Item**

**TO:** Board Operations Committee  
**FROM:** Nancy Kaiser, Interpretive Services Manager  
**DATE:** February 16, 2012  
**SUBJECT: Contra Costa County Library Partnership Report**

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Interpretive Services Manager Nancy Kaiser will provide a presentation about the new partnership opportunity developed with the Contra Costa County Library in 2011.

“Discover and Go” is a program developed by the Contra Costa County Library system that encourages library members to explore their community. East Bay Regional Park District joins 30 other regional organizations to provide quality experiences for families who utilize the library system. This program has received national recognition for the innovative ways libraries are engaged with their communities and their users.



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East Bay Regional Park District  
Public Safety Division

**2012 RECOMMENDED REVISIONS TO ORDINANCE 38**

SECTION	SUGGESTED REVISION	BACKGROUND
106	<u>GENERAL MANAGER. "General Manager" means the General Manager of the East Bay Regional Park District, or his/her designee.</u>	This defines who the General Manager is and allows his/her designee to act in their place, for purposes of the ordinance.
38-200.2	The provisions of the ordinance shall not apply to employees of the District or to its concessionaire or their employees engaged in and acting within the scope of their authorized duties and concession activities <u>or to allied agency emergency personnel in the performance of their official duties.</u> However, District employees and concessionaires and their employees shall abide by the laws of the State of California and all applicable county and municipal ordinances.	This will exempt outside police and fire agencies from Ordinance 38 while engaged in the performance of their duties. Examples of this would be driving emergency vehicles off road or using a personal watercraft in District waters.
38-400.3(a)	No person shall exceed the following family campground restrictions: a) Maximum occupants per site – <del>10</del> <u>8</u> b) Maximum length of stay for each park – 15 consecutive days or 30 total days per year with 2-day minimum break following the first 15-day visit.	This change reflects a policy change made about 3 years ago. The capacity of the sites was downgraded to 8, reducing overcrowding and the related conflicts.
38-409.8(h)	Bicycle and Personal Conveyance Speed Limits: Bicycles and personal conveyances shall not be ridden at a speed exceeding 15 m.p.h. on any trail with a posted speed limit. <u>Other power driven mobility devices shall be operated at a speed not to exceed 10 m.p.h.</u>	Pursuant to Board Resolution 2011-12-279.
38-409.8(j)	Required Equipment <u>3) A properly fitted and fastened helmet must be worn by all persons under the age of 18 when operating bicycles on District lands.</u>	This is similar to the vehicle code section requiring bicycle helmets, but would extend the safety requirement to all areas within District lands.
38-410.1	Alcohol Restrictions. No person shall possess, sell, or consume any alcoholic beverage within any park or facility owned or operated by the East Bay Regional Park District, except that beer and wine may be possessed and consumed within District parklands, except as follows: a) No alcoholic beverage, including beer and wine, may be possessed, sold or consumed at swimming pools, bathing beaches,	Currently, alcohol is prohibited in all group camps, including those in campgrounds and in parks where beer and wine are permitted. This would allow the General Manager to designate group camps where the possession of alcohol, by permit, would be appropriate.

	<p>group campgrounds, or swim areas, <u>with the exception of those reservable group campgrounds specifically designated by the General Manager, where alcohol is allowed by permit only;</u></p>	
38-416 (new)	<p><u>No person shall use marijuana, as defined in Section 11018 of the Health and Safety Code, on District lands.</u></p>	<p>This would make it an ordinance violation to use marijuana on District lands, including medicinal marijuana. As we do with alcohol, this would limit the use of an intoxicant in parks and its effect upon others who are exposed to the secondhand marijuana smoke. Additionally, all violations would be infractions and dealt with in traffic court.</p>
38-503.14	<p><u>Sanitation and Pollution Control – Vessel Removal</u>  a) It shall be illegal for any vessel to remain standing on any shoreline <u>or in any waters</u> owned and/or operated by the District for a period longer than 24 hours. Any vessel in violation of this ordinance may be issued a Notice to Remove by a police officer, which must include a date, not less than 10 days from the date of violation, by which the owner must remove the vessel from the <u>District shoreline or waters.</u></p>	<p>This change now includes vessels abandoned in District waters, not necessarily on shorelines, as subject to this section of the ordinance and would allow for their removal.</p>
38-800.2	<p>Exceptions.  (a) <u>Exception: Waterfowl. Hunting of waterfowl shall be governed by state Fish and Game laws in the waters of the San Francisco Bay. Hunting along East Bay Regional Park District shorelines is permitted only by boat. In order to protect the health, safety and welfare of all park users and park facilities, hunting or discharge of weapons within 150 yards of a trail, levee, road or developed recreation area is prohibited. Hunting of waterfowl is not allowed inside Cogswell Marsh, Oro Loma Marsh or Hayward Marsh at Hayward Shoreline.</u>  (b) Exception: <u>Fishing.</u> Subsection 800.1-<del>of</del> <u>of</u> this section does not</p>	<p>This will bring the District in line with existing State Fish and Game regulations, while increasing public safety for those on the shoreline. It also specifically restricts hunting in sensitive marshlands. This change also corrects some typographical errors in the existing section.</p>

	<p>apply to the taking of fin fish (fin fish does not include crawfish or frogs) from any water area of the district, except within the boundaries of any designated swimming area or any such restricted area as may be designated and posted by the Board, and such fishing shall be in accordance with the rules and regulations established by the Board, <del>provide</del> <i>providing</i>, however, that no person shall utilize a spear or arrow while fishing in the District.</p>	
38-801.2	<p><u>Add Designated sections of the Dunn and Serpentine Prairie Trails in Redwood Regional Park to Attachment C – Specific Parks or Areas of Parks Where Dogs Must Be on Leash.</u></p>	<p>This change will help to reduce conflict between off leash dogs and the large number of horses and riders who access the park from stables on Redwood Road.</p>
38-801.2	<p>No person shall bring into, or permit any dog, cat, or animal, to enter any Developed Area <u>or be within 200 feet of any parking lot, trail head or staging area</u>, unless such animal is securely leashed and under control of that person.</p>	<p>This change is designed to provide a cooling off period for dogs that arrive in a car before they are allowed off leash. It should also improve safety as unleashed, out of control dogs can pose traffic and safety hazards if allowed to run in and around parking and staging areas. Advisory signs will be posted and additional garbage cans installed in these areas.</p>
38-801.3	<p>Leash Optional Areas (Undeveloped Areas). A dog may run at large under the control of the owner or handler within undeveloped areas of the District, provided, however, that the owner or handler shall have a leash for each dog in his/her possession and keep the dog under control at all times.</p> <p>a) This Leash Option does not apply in areas regulated under subsections 801.1 and 801.2 above.</p> <p>b) For the purpose of this subsection, a dog is considered under control when the owner or handler is aware of its conduct and when it returns to the owner or handler when called. The owner or handler may not be aware of the animal's conduct when it is out of sight.</p>	<p>This change is being sought to address dog owners who allow their dogs to run free and out of their sight. It is difficult for owners or handlers to keep most dogs under control if they cannot see the dog.</p>

	<p>c) Dogs are presumed to not be under control when:</p> <ul style="list-style-type: none"> <li>i. They threaten, harass, chase or harm other animals or wildlife. This does not include play chase with other dogs.</li> <li>ii. They display threatening behavior</li> <li>iii. They physically harm people directly or indirectly by their actions.</li> <li>iv. They run at large in leash-required areas or enter dog prohibited areas.</li> <li>v. They touch or jump on other park users who have not invited or engaged in interaction with the dog.</li> <li>vi. <i>They are not within sight of the owner or handler.</i></li> </ul>	
38-801.8	<p>Pt. Isabel Exception. As an exception to the provisions in subsection 801.2, dogs, may be taken off leash at Pt. Isabel Regional Shoreline. Any person allowing their animal to be off leash must:</p> <ul style="list-style-type: none"> <li>a) Carry a leash for each dog in his/her possession.</li> <li>b) Keep their dog or other animal under voice control and within sight at all times;</li> <li>c) Clean up feces deposited by their dog or other animal and place feces in provided and marked containers or garbage cans;</li> <li>d) Immediately leash any dog or other animal showing aggressiveness toward people or other dogs or animals;<del>and</del></li> <li>e) Prevent dogs or other animals from digging or damaging park resources; <i>and</i></li> <li>f) <i>Keep dogs and other animals on leash in parking lots and roadways.</i></li> </ul>	<p>Although dogs are supposed to be on leash in all developed areas, this section creates a question whether that is required at Pt. Isabel. This change would clear up any misunderstanding and increase safety for both people and dogs around the parking lots and roadways.</p>
38-810	<p><u>SPECIAL PROTECTION AREAS. No person shall ride or operate a bicycle or ride a horse within a posted Special Protection Area, except on designated trails. Special Protection Areas are designated by the Board to preserve cultural and/or natural resources.</u></p>	<p>This new section would restrict bicycles and horses within Special Protection Areas and aid in protecting resources within the areas. This will also allow enforcement of the current restrictions in the Brushy Peak Land Use Plan.</p>

38-902.3(d)	This section shall not apply to electric powered wheel chairs <del>or</del> electric powered bicycles or other power-driven mobility devices, while being operated by a person with a medical condition <i>or mobility disability</i> , which impairs normal mobility.	Pursuant to Board Resolution 2011-12-279.
38-906.1	<p><i><u>Daytime Curfew. No minor under the age of 18 years, who is subject to compulsory full-time education or to compulsory continuation education shall enter or remain on District lands between the hours of 8 am and 2 pm on days and hours when the minor's school is in session. Exceptions:</u></i></p> <p><i><u>a.) When the minor is accompanied by a parent, guardian or other adult having care or custody of the minor.</u></i></p> <p><i><u>b.) When the minor is coming or going directly to his or her place of employment or to and from a medical appointment.</u></i></p> <p><i><u>c.) When the minor has permission to leave for lunch or a school –related activity and has a valid, school-issued, off-campus permit.</u></i></p> <p><i><u>d.) When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor.</u></i></p> <p><i><u>e.) When the minor is exempt by law from compulsory education or compulsory continuation education.</u></i></p> <p><i><u>f.) When the minor is authorized to be absent from his or her school under the provisions of California Education Code section 48205, or any applicable state or federal law.</u></i></p>	This change is designed to interdict the issues involving truant students in the parks. Many crimes, including vandalism, thefts and burglaries, have been attributed to truants in District parklands. Currently, truants are instructed to return to school and the school is notified. This will provide an enforcement mechanism to further dissuade this behavior and the impact upon the parks.

Recommended additions are *italicized and underlined*. Recommended deletions are ~~crossed-out~~.

Revised February 7, 2012