

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- a. Approval of District Check Listing for the Period of June 6, 2009
Through June 19, 2009 (Rubaloff/O'Brien)

RECOMMENDATION

It is recommended that the Board of Directors approve the Check Listing for the period of June 6, 2009 through June 19, 2009.

Per Resolution No. 1992-1-40, adopted by the Board on January 21, 1992, a copy of the Check Listing has been provided to the Board Treasurer for review. A copy of the Check Listing has also been provided to the Clerk of the Board, and will become a part of the Official District Records.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

APPROVAL OF DISTRICT CHECK LISTING FOR THE PERIOD OF
JUNE 6, 2009 THROUGH JUNE 19, 2009

WHEREAS, District Resolution No. 1992-1-40, adopted by the Board of Directors on January 21, 1992, requires that a listing of District checks be provided to the Board Treasurer for review;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby approves the check listing for the period of June 6, 2009 through June 19, 2009.

Moved by Director _____, seconded by Director _____, and adopted this 7th day of July, 2009 by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- b. Authorization to Negotiate with Various Property Owners
(Wenninger/Doyle)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the General Manager and the Assistant General Manager, Land Division, to negotiate with:

<u>APN/ADDRESS</u>	<u>PROPERTY OWNER</u>	<u>PARK/TRAIL</u>
<u>Alameda County</u> 543-0361-005-05 543-0366-004-03 543-0366-004-02 543-0439-032-01 8000 Patterson Ranch Road Fremont, CA	Alameda County Flood Control And Water Conservation District	Coyote Hills Regional Park
<u>Contra Costa County</u> 368-020-005 and 368-020-006 2650 Franklin Canyon Road Martinez, CA	Robinson, Harry A, Trustee Robinson, Irene – Heirs and Deviseses	Carquinez Strait Regional Shoreline
APN 273-212-025 Villanova Drive, Orinda, CA	East Bay Regional Park District	Huckleberry Regional Preserve

REVENUE/COST

Items of cost, terms or conditions of any option are subject to negotiation and would be presented to the Board for formal approval at a later date.

BACKGROUND

The proposed resolution for this item is in direct response to the Brown Act. According to District Counsel, "...the Board may meet in Closed (Executive) Session prior to or during

negotiations to give instructions to its negotiator regarding the price and terms of payment for the purchase or the lease of the property only after it has identified the parcels of concern, and has identified the people with whom this negotiator may negotiate in open session."

ALTERNATIVES

None are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO NEGOTIATE WITH VARIOUS PROPERTY OWNERS

WHEREAS, Government Code Section 54956.8 requires that prior to or during the negotiations concerning the acquisition of real property, the Board of Directors, in closed session, may give instructions to its negotiator regarding the price and terms of payment of such property; and

WHEREAS, prior to the Closed Session, the legislative body of the local agency shall hold an open and public session in which it identifies the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiator may negotiate;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby approves the authorization to negotiate as presented to the Board of Directors on July 7, 2009; and

BE IT FURTHER RESOLVED, that the General Manager and the Assistant General Manager, Land Division, are hereby authorized by the Board of Directors on behalf of the East Bay Regional Park District and in its name to negotiate the price and terms of payment of the following parcels of real property:

<u>APN/ADDRESS</u>	<u>PROPERTY OWNER</u>	<u>PARK/TRAIL</u>
<u>Alameda County</u> 543-0361-005-05 543-0366-004-03 543-0366-004-02 543-0439-032-01 8000 Patterson Ranch Road Fremont, CA	Alameda County Flood Control And Water Conservation District	Coyote Hills Regional Park
<u>Contra Costa County</u> 368-020-005 and 368-020-006 2650 Franklin Canyon Road Martinez, CA	Robinson, Harry A, Trustee Robinson, Irene – Heirs and Devises	Carquinez Strait Regional Shoreline
APN 273-212-025 Villanova Drive, Orinda, CA	East Bay Regional Park District	Huckleberry Regional Preserve

Moved by Director _____, and seconded by Director _____ and
adopted this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

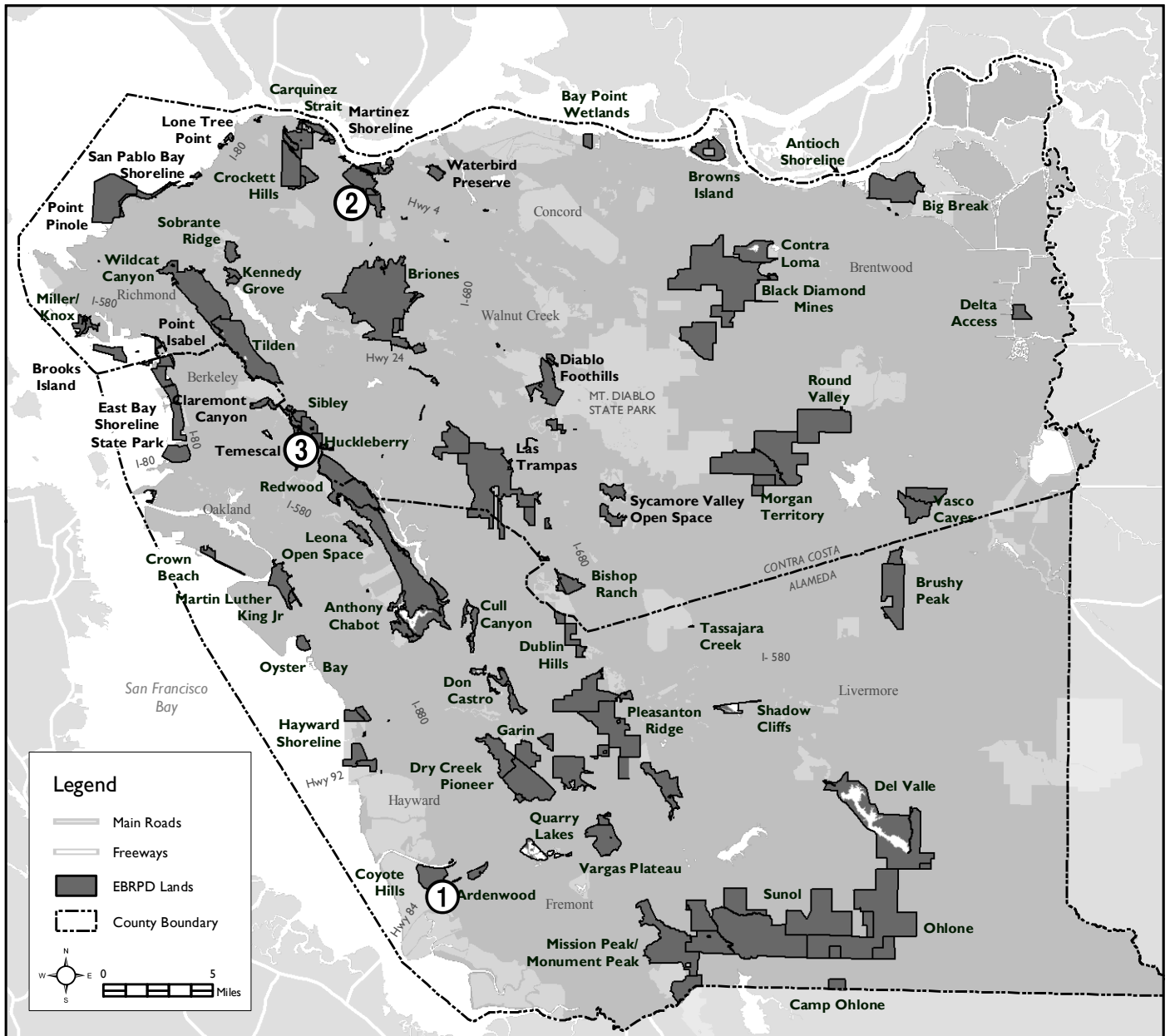
ABSENT:



AUTHORIZATION TO NEGOTIATE

Date: July 7, 2009

Land Acquisition Division
Environmental Programs
& GIS Applications
t:\bstonel\mxd projects\A2N\
A2N-July 7-09.mxd



ALAMEDA COUNTY

- ① Park/Trail: Coyote Hills Regional Park
 Owner: Alameda County Flood Control & Water Conservation District
 APN: 543-0361-005-05
 543-0366-004-03, -02,
 543-0439-032-01
 Location: 8000 Patterson Ranch Road

CONTRA COSTA COUNTY

- ② Park/Trail: Carquinez Strait Regional Shoreline
 Owner: Robinson, Harry A., Trustee
 Robinson, Irene - Heirs & Devises
 APN: 368-020-005, -006
 Location: 2650 Franklin Canyon Road
 Martinez, CA.
- ③ Park/Trail: Huckleberry Regional Preserve
 Owner: East Bay Regional Park District
 APN: 273-212-025
 Location: Villanova Drive,
 Orinda, CA.

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- c. Authorization to Obtain Out-of-State Criminal History Information for Employment Purposes (Gonzales/O'Brien)

RECOMMENDATION

The General Manager and Board Executive Committee (by unanimous vote) recommend that the Board of Directors authorize the East Bay Regional Park District's Human Resources Division to obtain criminal history information for employment purposes as necessary for employees who have a significant amount of out-of-state work experience.

REVENUE/COST

Staff estimates that cost increases from the proposed amendment would be less than \$500 per year and is available in the existing departmental budget.

BACKGROUND

Presently, the District conducts fingerprint checks through the State of California's Department of Justice on all new employees. The fingerprint check extends only to arrest and conviction records within the state of California. With society as mobile as it is today and people going to where the jobs are located, staff anticipates occasional occurrences of employees who have work experience outside of California.

As a public agency employer the District desires to conduct a thorough background check on potential employees regardless of their recent state residence history. Staff cannot presently accomplish this on out-of-state candidates without the authorization of the Board to allow access to other states' Department of Justice records for employment purposes only.

Adoption of the attached resolution will give the District's Human Resources Division, authority to access out-of-state Department of Justice arrest and conviction records on prospective employees who have significant out-of-state work histories.

ALTERNATIVE

The District may elect to not obtain out-of-state information; this is not recommended as it would hinder staff's ability to conduct a thorough background investigation.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO: 2009 - 7 -

July 7, 2009

AUTHORIZATION TO OBTAIN OUT-OF-STATE CRIMINAL
HISTORY INFORMATION FOR EMPLOYMENT PURPOSES

WHEREAS, staff has determined that it is in the District's interest to conduct background investigations, including fingerprinting checks, on all prospective District employees and volunteers; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes; and

WHEREAS, staff has recommended that in order to conduct a thorough background investigation on candidates for employment with significant out-of-state work experience, it is necessary to obtain Board of Director approval via this resolution;

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes the General Manager or his designee to access state and federal level summary criminal history information for employment (including volunteers and contract employees) purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution. Further, that the East Bay Regional Park District shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), except that such conviction may be

disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, or volunteer in question.

Moved by Director _____, seconded by Director _____, and approved this 7th day of July 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- d. Authorization to Appropriate Funds and Accept Proposal for Rebuilding of Insured Fire Loss to Gillespie Group Camp Structures: Tilden Regional Park (Moss/Radosevich)

RECOMMENDATION

The General Manager recommends that Board of Directors authorize the appropriation of funds received from the California State Association of Counties – Excess Insurance Authority (CSAC-EIA Authority), and the acceptance of the proposal to rebuild the Gillespie Group Camp structures at Tilden Regional Park.

REVENUE / COST

This action proposes to appropriate CSAC-EIA Authority funds in the amount of \$475,000 to Project No. 150600 and accept the proposal of Bruce Boyd as the sole-source architect/project manager for re-construction of the Gillespie Group Campground in the amount of \$200,000 for RomTec toilets; \$140,000 for the reconstruction of the shade structure \$44,000 for professional services; \$54,000 for site work; and \$37,000 in contingency fees. Insurance-eligible expenditures to-date will be moved with the budget.

SOURCES OF FUNDS:

Authorized Insurance proceeds from Authority Funds	\$450,000
Transfer of funds from Litigation budget (Acct. 101-2120-000-6111) to fund the insurance deductible for the project	<u>\$ 25,000</u>
TOTAL SOURCES OF FUNDS	\$475,000

USES OF FUNDS:

Appropriated/transferred to: Rebuild Group Campground Structures Project (Acct. 333-7110-105-7020/150600 INSR-009 and DS10-009)	
Proposed construction contract base bid	\$340,000
Proposed architect, project manager and other fees	\$ 98,000
Construction contingency	<u>\$ 37,000</u>
	\$ 475,000

BACKGROUND

The Gillespie Group Campground bathrooms and shade structure were burned down by arsonists on May 19, 2008 and has been closed since. Reopening of the camp is dependent on installation of new toilets, a new septic system, redesign of the site layout for ADA accommodation, and rebuilding of the burned shade structure. Required build code upgrades will increase use and access.

The rebuilding after an insured loss such as this is distinct from the usual construction contracting requirements, as the ultimate payer is the insurer. As an insured loss, the selection of a sole-source architect/project manager to design, obtain permits, determine specifications and other related project work is considered as the best option for which the District can maximize the recovery for the value of services rendered. Staff has determined that Bruce Boyd, as architect/project manager, is most qualified and the most economical resource to manage the reconstruction of the site. The architect/project manager will oversee services related to installing a septic system to accommodate the toilets, purchase and installation of new toilets, obtaining permits, redesigning the pathways between structures, rebuilding the shade structure, and selecting /hiring a contractor for project completion. District Counsel has reviewed and approved this sole source determination.

As an insured loss, the CSAC-EIA's insurance carriers for fire losses will reimburse the District as expenses are incurred. Accordingly, and as in prior fire losses, the District must initially fund the project cost which is estimated at \$475,000. Reimbursement of these expenses will not include the \$25,000 standard deductible for such a loss. The Risk Department will request a pre-funded amount from the authority/insurers so that the cash flow will minimize the time before reimbursement and possibly pre-fund expenses.

ALTERNATIVES

The camp site can be closed permanently and the District would receive the actual cash value of the burned structures, which would be nominal. The value of the rebuilding will enhance the use of the campground as well as its value. Accordingly, rebuilding is recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO APPROPRIATE FUNDS AND ACCEPT
PROPOSAL FOR REBUILDING OF INSURED FIRE LOSS TO
GILLESPIE GROUP CAMP STRUCTURES: TILDEN REGIONAL PARK

WHEREAS, the District's has property insurance to reimburse for expenses greater than \$25,000 to rebuild fire damaged structures; and

WHEREAS, the District has evaluated the options for rebuilding Gillespie Group Camp structures that were burned by arsonists on May 19, 2008; and

WHEREAS, staff has determined that the most expeditious and cost-effective means to rebuild the site is to select Bruce Boyd as the sole-source architect/project manager to direct the rebuilding of the site; and

WHEREAS, whereas District Counsel advises that use of a sole-source architect/project manager to contract on behalf of the District is appropriate and authorized; and

WHEREAS, to reconstruct this facility the District needs to undertake the work and seek reimbursement, less the \$25,000 deductible, from the insurer upon completion;

NOW, THEREFORE, BE IT RESOLVED that Board of Directors hereby directs that the Gillespie Group Campground structures burned on May 19, 2008 be rebuilt; and

BE IT FURTHER RESOLVED THAT, the Board authorizes the establishment of a capital account (333-7110-105-7020/150600INSR-009) in the amount of \$475,000; that \$450,000 of the project costs be appropriated from insurance proceeds and that an amount equal to the insurance deductible of \$25,000 be transferred from the 2009 Litigation Account (#101-2120-000-6111) to the project account (333-7110-105-7020/150600DS10-009), according to the attached Budget Change form; and

BE IT FURTHER RESOLVED, that the Board authorizes the General Manager to enter into a sole source contract with Bruce Boyd to provide architectural and project management services for this work; 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 _____, seconded by Director _____, and
adopted this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

EAST BAY REGIONAL PARK DISTRICT BUDGET CHANGE FORM

NEW APPROPRIATIONS		BUDGET TRANSFERS	
	From Unappropriated Fund Balance		Between Projects
X	From New Revenues	X	From Another Department

DECREASE BUDGET ACCOUNT	AMOUNT	INCREASE BUDGET ACCOUNT	AMOUNT
		Account Name: EXPENSE: Capital Fund-Design/Construction Dept-Tilden-Construction in Progress-Rebuild Gillespie Group Camp Structures –Insured Loss Proceeds Funding	
		Acct # 333-7110-105-7020/ 150600INSR-009	\$ 450,000.
Account Name: EXPENSE: General Fund-Legal Division-District Wide-Professional Legal Services		Account Name: EXPENSE: Capital Fund-Design/Construction Dept-Tilden-Construction in Progress-Rebuild Gillespie Group Camp Structures –District Funding	
Acct # 101-2120-000-6111	\$ 25,000.	Acct # 333-7110-105-7020/ 150600DS10-009	\$ 25,000.

REASON FOR BUDGET CHANGE ENTRY:

As presented to the Board of Directors on July 7, 2009, the General Manager recommends the appropriation of \$450,000 County Supervisors Association of California-Excess Insurance Authority/California Public Entity Insurance Authority insurance reimbursement and \$25,000 from the Legal Division General Fund services budget be transferred and appropriated to be used to rebuild the fire damaged structures at Gillespie Group Camp in Tilden Regional Park.

As Approved at the Board of Directors Meeting on:		Date:	07/07/2009
Board of Directors Resolution		No.	2009-07
Posted By:		Date:	
	Signature		

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- e. Authorization to Amend the 2009 Budget to Transfer Funds and Enter Into an Agreement with Clean Harbors Environmental Services For Hazardous Waste Removal: District-wide (Myli/Collins)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the following:

- 1) An amendment of the 2009 Budget to transfer funds from four (4) District accounts to the Office Services Hazardous Waste Disposal account, which would a) offset emergency waste removal costs encumbered from January to June of this year, and b) fund Contract for Services for hazardous waste removal, referred to in (2) below; and
- 2) A Contract For Services agreement with Clean Harbors Environmental Services (Clean Harbors) for District-wide hazardous waste removal.

REVENUE/COST

This action proposes to transfer funds from the Office Services and General Manager's budgets as follows:

Transfer From Accounts:

101-4160-000-6414 (Office Services Repair & Maintenance Services)	\$ 20,000
101-4160-000-6434 (Office Services Grounds Repair & Maintenance)	5, 000
101-4160-000-6444 (Office Services Maintenance Contracts)	20,000
101-2010-000-6191 (General Manager Professional Services)	<u>\$ 35,000</u>

TOTAL: \$ 80,000

Transfer to Account:

101-4160-000-6642 (Office Services – Hazardous Waste Disposal)	
TOTAL:	<u>\$ 80,000</u>

BACKGROUND

In the past several years, the frequency and cost of illegally dumped waste on District property has increased significantly. The Hazardous Waste Disposal account was created late in 2008 to track these costs. District staff was not able to change the proposed 2009 Budget prior to its adoption to reflect this increase; thus no budgeted funds were allocated in the 2009 Office Services Hazardous Waste Disposal account.

In early 2009, the Office Services and Risk Departments worked cooperatively to undertake a comprehensive look at District waste procedures. One recommendation was to consolidate waste disposal expenses into one department. Office Services was designated as the primary department to handle waste disposal expenses.

In an attempt to control disposal costs and liability, District staff, after negotiating Contract For Services agreements with multiple vendors, recommends a Contract For Services agreement with Clean Harbors for a cost of a maximum of \$75,000 per year. This amount is a maximum, and the District is not required to spend the entire amount. The contract would take effect on July 1, 2009 and would continue through December 31, 2010, with an option to extend the contract for two more years in 2011.

Additional agreements with other hazardous waste haulers are still in negotiations and will be presented to the Board upon completion. The transfer of funds in this action should cover all other negotiated agreements for the balance of 2009.

To pay for previously-incurred expenses and to control the future costs of hazardous material clean-up, Office Services requires \$80,000 from the aforementioned budget transfer: \$32,752 of the total will pay for existing expenses and \$47,248 will pay for the prorated Contract for Services with Clean Harbors and other vendors, contracts for which will be presented to the Board for approval upon completion of term negotiations.

For the 2010 budget process, District staff will be recommending the consolidation of various department funds into a single account and the allocation of additional funds for the Hazardous Waste Disposal object code in the 2010 Office Services budget.

ALTERNATIVES

The Board could choose to not approve the budget transfer and/or choose not to approve the related Contract for Services agreements. This will cause the continuation of a deficit in the Office Services' Hazardous Waste Disposal object code and contribute to higher costs for ongoing waste removal, and is not recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO AMEND THE 2009 BUDGET TO TRANSFER FUNDS AND
ENTER INTO AN AGREEMENT WITH CLEAN HARBORS ENVIRONMENTAL
SERVICES FOR HAZARDOUS WASTE REMOVAL: DISTRICT-WIDE

WHEREAS, the East Bay Regional Park District is required to dispose of illegally dumped hazardous waste by trained and certified waste haulers per Federal and State regulations; and

WHEREAS, the Hazardous Waste Disposal budget object code was created late in 2008 to track increasing hazardous waste disposal costs but currently has no funding; and

WHEREAS, District staff, in an attempt to control disposal costs and liability, has negotiated a Contract For Services agreement with Clean Harbors Environmental Services and other vendors, contracts for which will be presented to the Board for approval upon completion of term negotiations; and

WHEREAS, funding is available from the Office Services and the General Manager's budgets due to savings generated by conservative department expenditures in 2009;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes the amendment of the 2009 Budget and the transfer of \$35,000 from the General Manager's Budget – Professional Services (101-2010-000-6191), \$20,000 from the Office Services Department – Repair and Maintenance (101-4160-000-6414), \$5,000 from the Office Services Department – Ground Repair & Maintenance (101-4160-000-6434) and \$20,000 from the Office Services Department – Office Services Maintenance Contracts (101-4160-000-6443) for a total of \$80,000 transferred to Office Services Department – Office Services Hazardous Waste Disposal (101-4160-000-6642) per the attached Budget Change form; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and approved this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

**EAST BAY REGIONAL PARK DISTRICT
BUDGET CHANGE FORM**

NEW APPROPRIATIONS		BUDGET TRANSFERS	
	From Unappropriated AA Bond Funds	X	Between Departments and Object Codes
	From New Revenues		From Another Department

TRANSFER FROM:	AMOUNT	TRANSFER TO:	AMOUNT
Account Name: EXPENSE: General Fund-General Manager-District Wide-Professional Services Account # 101-2010-000-6191	\$ 35,000.	Account Name: EXPENSE: General Fund-Office Services-District Wide- Hazardous Waste Disposal Account # 101-4160-000-6642	\$ 80,000.
Account Name: EXPENSE: General Fund-Office Services-District Wide- Repair & Maintenance Services Account # 101-4160-000-6414	\$ 20,000.		
Account Name: EXPENSE: General Fund-Office Services-District Wide- Grounds Repair & Maintenance Account # 101-4160-000-6434	\$ 5,000.		
Account Name: EXPENSE: General Fund-Office Services-District Wide- Maintenance Contracts Account # 101-4160-000-6444	\$ 20,000.		

REASON FOR BUDGET CHANGE ENTRY:

As being presented at the Board of Directors meeting on July 7th, 2009 the General Manager recommends that the Board of Directors authorize the budget transfer of \$80,000 from the General Manager's and Office Services service class budgets to fund a separate line item budget for hazardous waste disposal.

As Approved at the Board of Directors Meeting on:		07/07/2009
Board of Directors Resolution		No. 2009-07
Posted By:		Date:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- f. Authorization to Apply for Grant Funds from the Pacific Forest and Watershed Lands Stewardship Council for Restroom Construction: Wildcat Canyon Regional Park (Rasmussen/Collins)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize an application to the Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) for grant funds to assist with the cost of constructing restrooms at Wildcat Canyon Regional Park.

REVENUE/COST

This action proposes a grant application not to exceed \$200,000. The installation of restrooms at Wildcat Canyon Regional Park will not increase operational costs to the District. Although the project adds yearly maintenance and future repair costs, the project eliminates the need for weekly sanitation truck service of the existing chemical toilets.

BACKGROUND

Currently there are only chemical toilets at Wildcat Canyon. There is a Measure CC project plan to install new restrooms and sewage lift station for a budget of \$400,000; however, staff estimates that at least \$100,000 in additional funds are needed to complete the project. Design staff continues to review the project estimate to determine any additional costs, which requires the District to request the full \$200,000.

The Stewardship Council is a private, nonprofit foundation that was established in 2004 as part of a Pacific Gas and Electric Company (PG&E) settlement. The Stewardship Council awards grants for infrastructure that supports outdoor experiences. Staff believes that increasing park amenities such as restrooms will enhance the park's value to the public.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO APPLY FOR GRANT FUNDS FROM THE
PACIFIC FOREST AND WATERSHED LANDS STEWARDSHIP COUNCIL
FOR RESTROOM CONSTRUCTION: WILDCAT CANYON REGIONAL PARK

WHEREAS, currently there are only chemical toilets at Wildcat Canyon Regional Park; and

WHEREAS, there is a Measure CC project plan with a \$400,000 budget allocated to install new restrooms and a sewage lift station; and

WHEREAS, staff estimates that at least \$100,000 in additional funds, and possibly another \$100,000, are needed to complete the project; and

WHEREAS, the Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) is a private, nonprofit foundation that awards grants for infrastructure that supports outdoor experiences; and

WHEREAS, the East Bay Regional Park District is seeking \$200,000 from the Stewardship Council to assist with the cost of restroom construction;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby:

1. Approves the filing of an application with the Stewardship Council; and
2. Appoints the General Manager or Assistant General Manager of Finance and Management Services as agent of the East Bay Regional Park District to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendment, payment requests and so on, which may be necessary for the completion of the aforementioned project;

BE IT FURTHER RESOLVED, that the Chief Finance Officer is authorized to establish a capital project account upon receipt of an executed contract with a budget appropriation equal to the value stipulated in the contract.

Moved by Director _____, seconded by Director _____, and approved this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- g. Authorization to Amend the 2009 Capital Budget to Meet Prop. 40 Grant Requirements (Rasmussen/Collins)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the establishment, transfer or reduction of budgeted Capital Project funds from various Capital Project accounts in order to balance grant contracts and meet project matching, close-out, re-scoping and budgeting requirements for the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2002 (Prop 40) grant funds.

REVENUE/COST

This item will have no cost to the District.

BACKGROUND

December of 2010 is the final deadline for expenditure of the remaining Prop 40 grant funds that the District acquired in 2003. To ensure maximum utilization of these funds, staff has reviewed the status of development projects with remaining Prop 40 funds. The proposed strategy will transfer funds from projects that are completed and do not require the entire appropriation or are not likely to be completed by the deadline, to projects in process that require additional funds to complete. Acquisition projects funded with Prop 40 funds are planned for full expenditure before the deadline and are not part of this action. The proposed action would amend projects as follows:

Location / Project Description	Current Total	Final Total	Budget Change	Comment
PROJECTS PROPOSED FOR CANCELLATION				
Ardenwood, Renovate Brown House	\$200,000.00	\$0.00	-\$200,000.00	Project not viable.
PROJECTS PROPOSED FOR ADDITION / DELETION OF FUNDS				
Las Trampas, Little Hills Improvements	\$468,951.19	\$340,799.38	-\$128,171.81	Costs less than anticipated.
Del Valle, Water Tank #2	\$394,266.38	\$415,438.19	\$21,171.81	Project over budget.
Tilden, Lake Anza Concession	\$54,615.00	\$221,615.00	\$167,000.00	Project over budget.
NEW PROPOSED PROJECTS				
Tilden, Brazil Room Ceiling	\$0.00	\$140,000.00	\$140,000.00	Needed to reduce sound in room.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO AMEND THE 2009 CAPITAL BUDGET
TO MEET PROP. 40 GRANT REQUIREMENTS

WHEREAS, the East Bay Regional Park District has made a commitment to complete specific projects as part of the Capital Improvement Program; and

WHEREAS, the District must meet grant expiration deadlines, leverage grant funds, and comply with grant contract requirements; and

WHEREAS, to ensure maximum utilization of the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2002 (Prop 40) grant funds, staff has reviewed the status of development projects with underutilized funds and brought forth several proposed amendments; and

WHEREAS, the proposed strategy would transfer funds from projects that are completed and do not require the entire appropriation or are not likely to be completed by the deadline, to projects in process that require additional funds to complete;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes the budget change form attached hereto; 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 intentions of the above resolution.

Moved by Director _____, seconded by Director _____, and approved this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

**EAST BAY REGIONAL PARK DISTRICT
BUDGET CHANGE FORM**

NEW APPROPRIATIONS		BUDGET TRANSFERS	
From Undesignated Urban Acquisition		<input checked="" type="checkbox"/> Between Projects	
DECREASE BUDGET ACCOUNT	AMOUNT	INCREASE BUDGET ACCOUNT	AMOUNT
EXPENSE: Capital Fund-Design /Construction-Ardenwood-Renovate Brown House Prop 40 per Capita- Contracted Services # 333-7110-585-7020/129600GS30-009	\$ 200,000.00	EXPENSE: Capital Fund-Design /Construction-Tilden-Brazil Room Ceiling Replacement-District Funds- Contracted Services # 333-7110-105-7020/XXX00GS30-009	\$ 140,000.00
EXPENSE: Capital Fund-Design /Construction-Las Trampas-Little Hills Improvements- Prop 40 RZH Per Capita-Contracted Services # 333-7110-585-7020/126200GS33-009	\$ 128,171.81	EXPENSE: Capital Fund-Design /Construction-Tilden-Lake Anza Concession- Prop 40 Per Capita- Contracted Services # 333-7110-105-7020/172700GS30-009	\$ 60,000.00
		EXPENSE: Capital Fund-Design /Construction-Tilden-Lake Anza Concession- Prop 40 RZH Per Capita- Contracted Services # 333-7110-105-7020/172700GS33-009	\$ 107,000.00
		EXPENSE: Capital Fund-Design /Construction-Del Valle-Water Tank #2 Replacement Prop 40 RZH Per Capita-Contracted Services # 333-7110-203-7020/120502GS33-009	\$ 21,171.81
REASON FOR BUDGET CHANGE ENTRY:			
As being presented at the Board of Directors meeting on July 7, 2009, the General Manager recommends that the Board of Directors authorize the transfer of Prop 40 Per Capita and Prop 40 RZH Per Capita grant funds between projects to augment the existing budgets, or, create new projects as indicated above.			
As Approved at the Board of Directors Meeting on:		Date:	07/07/2009
Board of Directors Resolution		No.	2009-07-
Posted By:		Date:	
	Signature		

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- h. Authorization for Budgetary Closure of Completed Projects and
Related Amendments to the 2009 Budget (Burnor/Rubaloff)

RECOMMENDATION

The General Manager and the Board Finance Committee (by unanimous vote) recommend that the Board of Directors authorize the budgetary closure of 43 completed projects and related amendments to the 2009 budget as needed to address projects that may either be over- or under- budget.

REVENUE/COST

This action will close 43 completed projects budgeted at \$7,441,172 will result in the return of a total of \$362,565 to the respective funding sources.

Budget adjustments are proposed to offset expenditures exceeding budget for 3 of the 43 completed projects. The overage amount totals \$ 49,679.13 for the 3 projects, which amount is being offset by 25 projects coming in under budget. Remaining amounts after offsetting for project overages are returned to the original funding source and will be available for future appropriation by the Board. The net unexpended appropriations to be returned or redistributed are:

Measure AA Bond	\$ 79,267.53
Measure AA Interest	16,385.88
General Fund	237,002.26
Resource Enhancement Program	<u>29,909.71</u>
TOTAL	\$ 362,565.38

BACKGROUND

This report has been prepared to identify to the Board of Directors the multi-year projects proposed for budgetary closure. This procedure removes projects from the active list and prevents any further charges to be allocated to the project. By this action these projects will be removed from the District's budget and so reflected in the 2010 Budget Document.

The projects to be closed are accounted for within three funds, the Mitigation Special Revenue Fund (257), the Capital Fund (333) and the Other Than Asset Fund (336). **Exhibit A** attached, describes

the detail of each project proposed to be closed, including the project name, location, budget, total expense and balances.

The budgetary closure of a project requires that the project revenues balance with expenditures. This requires that funds be transferred to remove unused revenue or to ensure that the projects which were over budget are completely funded. This balancing is accomplished by applying funding from other projects that finished under budget. Consistent with past practice, project overages were offset from available funding within the same funding source and the same project area. In five instances, staff is requesting transfer of unused funds into another project. In all other instances where unused funds remain, those funds are proposed to be returned to the source and to become available for appropriation by the Board in the future.

On June 24, 2009, the Board Finance Committee reviewed this item and recommended its favorable consideration by the Board of Directors.

ALTERNATIVES

No alternatives are recommended.

2009 PROJECT CLOSURES

Exhibit A

Note: Negative values in the "Balance Remaining" column are projects that require funding.

Line Project	Park/Location	Proj Description	Total Budget	Total Expenses	Balance Remaining	Bond	Bond Int	District	Grant	Resource Enhancement Program	Note
1	110202	Oyster Bay	77,921.24	77,921.24	-	-	-	-	-	-	Project completed.
2	120500	Del Valle	298,359.34	298,359.34	-	-	-	-	-	-	Project completed.
3	122500	Roberts	567,000.00	563,288.44	3,711.56	3,711.56	-	-	-	-	Return \$3,711.56 to Measure AA Bond.
4	122701	Co Co Canal Trail	-	-	-	-	-	-	-	-	The unused project budget was moved to project 149400 via Board resolution 2007-5-99.
5	131800	Redwood	427,199.83	427,199.83	-	-	-	-	-	-	Project completed.
6	132100	Tassajara Creek	39,902.85	39,902.85	-	-	-	-	-	-	Project completed.
7	132700	Tilden	114,121.36	114,600.45	(479.09)	-	-	(479.09)	-	-	Transfer in District funding from 224800.
8	138600	Bay Point Shoreline	19,500.00	19,500.00	-	-	-	-	-	-	Project completed.
9	172200	Briones	-	48,326.00	(48,326.00)	-	-	(48,326.00)	-	-	Transfer in District funding from 224800.
10	201901	Vargas Plateau	75,790.00	76,664.04	(874.04)	-	-	(874.04)	-	-	Transfer in District funding from 224800.
11	202301	Vargas Plateau	49,250.00	49,249.08	0.92	0.92	-	-	-	-	Return \$.92 to Measure AA Bond
12	204300	Bay Point Shoreline	10,000.00	4,913.00	5,087.00	5,087.00	-	-	-	-	Return \$5,087 to Measure AA Bond
13	207400	Shadow Cliffs	15,000.00	8,720.68	6,279.32	6,279.32	-	-	-	-	Return \$6,279.32 Measure AA Bond
14	208400	Carquinez Strait	5,000.00	335.39	4,664.61	-	4,664.61	-	-	-	Return \$4,664.61 to Measure AA Bond Interest
15	214900	Black Diamond	200,000.00	200,000.00	-	-	-	-	-	-	Donated land recorded as District asset.

2009 PROJECT CLOSURES

Exhibit A

Note: Negative values in the "Balance Remaining" column are projects that require funding.

Line	Project	Park/Location	Proj Description	Total Budget	Total Expenses	Balance Remaining	Bond	Bond Int	District	Grant	Resource Enhancement Program	Note
16	215200	Black Diamond	Chaparral Spring	1,415,500.00	1,414,455.93	1,044.07	-	1,044.07	-	-	-	Return \$1,044.07 to Measure AA Bond Interest.
17	215700	Round Valley	Johnston	-	-	-	-	-	-	-	-	The budget for this project was consolidated into project 212100 that was assigned the same name.
18	220100	Briones to Las Trampas Trail	Briones to Las Trampas-General	11,129.09	10,182.55	946.54	946.54	-	-	-	-	Return to Lafayette allocation area, Local Grant Measure AA Bond.
19	220900	Del Valle/Shadow Cliffs Trail	General / Del Valle/ShadowClif	203,888.00	23,030.13	180,857.87	-	-	180,857.87	-	-	Transfer to 150500 to build and pave a trail at between DelValle and Shadow Cliffs
20	222100	Niles Canyon Trail	Niles Canyon/Phase I / Niles	11,000.00	6,290.95	4,709.05	4,709.05	-	-	-	-	Transfer to 228700 Niles Canyon Trail Feasibility Study
21	222400	Briones to Las Trampas Trail	De Silva Property	2,528.38	2,528.38	-	-	-	-	-	-	Project completed.
22	223600	District-Wide	Narrow Gauge Trail / District	16,332.00	10,983.58	5,348.42	-	-	5,348.42	-	-	Transfer to 228700; budget represents Lighting and Landscape District funding.
23	223900	Claremont Canyon/Tilden Trail	Claremont Prop. Exchange	94,000.00	93,641.59	358.41	-	358.41	-	-	-	Return \$358.41 to Measure AA Bond Interest.
24	224700	Del Valle	Newbury Property	652,840.00	613,939.29	38,900.71	3,073.00	-	35,827.71	-	-	Return \$35,827.71 to General Fund.
25	224800	San Francisco Bay Trail	BioRad / San Francisco Bay Tri	293,000.00	283,146.01	9,853.99	9,853.99	-	50,756.75	-	-	District fund source is escrow interest earned. \$49,679.13. will be used to augment the budgets of projects on line 7, 9 and 10.
26	226400	Point Molate	Feasibility Study	50,000.00	33,619.62	16,380.38	16,380.38	-	-	-	-	Return \$16,380.38 to Measure AA Bond.
27	227700	Wildcat Creek Trail	Edgewater Tr. Feas. Study/ Wildcat	125,000.00	112,351.86	12,648.14	12,648.14	-	-	-	-	Return \$12,648.14 to Measure AA Bond.
28	227800	Brushy Peak-Del Valle Trail	Trail Feasibility Study/Brushy	-	-	-	-	-	-	-	-	Budget and expenses were moved to Brushy Peak Loop Trail project 119100
29	227801	Brushy Peak-Del Valle Trail	Trail Feasibility Study/Brushy	-	-	-	-	-	-	-	-	Budget and expenses were moved to Brushy Peak Loop Trail project 119100
30	228300	Eastshore	ICI Americas(Zeneca)/Eastshore	15,000.00	8,597.43	6,402.57	6,402.57	-	-	-	-	Return \$6,402.57 to Measure AA Bond.

2009 PROJECT CLOSURES

Exhibit A

Note: Negative values in the "Balance Remaining" column are projects that require funding.

Line	Project	Park/Location	Proj Description	Total Budget	Total Expenses	Balance Remaining	Bond	Bond Int	District	Grant	Resource Enhancement Program	Note
31	229400	Dublin Hills	Feasibility Study/Dublin Hills	15,000.00	11,123.85	3,876.15	-	3,876.15	-	-	-	Return \$3,876.15 to Measure AA Bond.
32	230300	Pleasanton Ridge	Yunus/ Pleasanton Ridge	220,000.00	9,985.51	210,014.49	10,014.49	-	-	200,000.00	-	Habitat Conservancy Grant could not be utilized before the expiration date.
33	233500	Pleasanton Ridge	Tyler Ranch/Roberts/ King	1,502,000.00	1,501,839.43	160.57	160.57	-	-	-	-	Return \$160.57 to Measure AA Bond
34	234000	Redwood	Lorimer Property	10,000.00	9,979.61	20.39	-	20.39	-	-	-	Return \$20.39 to Measure AA Bond Interest.
35	234200	Redwood	Mueller	845,000.00	838,577.75	6,422.25	-	6,422.25	-	-	-	Return \$6,422.25 to Measure AA Bond Interest.
36	234500	Black Diamond-Round Valley Tr	Arata/ECCC-HCP	30,000.00	16,109.36	13,890.64	-	-	13,890.64	-	-	To be returned to the Designated for Land Fund
37	503400	Diablo Foothills	Group Picnic Site	-	-	-	-	-	-	-	-	Budget and actuals moved to project 103400 when it was determined this project would be capitalized.
38	515928	Redwood	Fire Hazard Mgmt	-	-	-	-	-	-	-	-	Fire Dept decided not to fund this project
39	515929	Redwood	Fire Hazard Mgmt	-	-	-	-	-	-	-	-	Fire Dept decided not to fund this project.
40	543500	Point Pinole	Construct Group Camp Facility	-	-	-	-	-	-	-	-	Budget and actuals moved to project 149500 when it was determined this project would be capitalized.
41	RP0110	Eastshore	Berkeley Meadow Phase 1	14,624.12	-	14,624.12	-	-	-	-	14,624.12	Resource Enhancement Program funding to be transferred to REP Administrative Account RP0000
42	RP0112	Eastshore	Berkeley Meadow Phase 2	14,970.46	-	14,970.46	-	-	-	-	14,970.46	Resource Enhancement Program funding to be transferred to REP Administrative Account RP0000
43	RP0140	Briones	Whipsnake fund	315.13	-	315.13	-	-	-	-	315.13	Resource Enhancement Program funding to be transferred to REP Administrative Account RP0000
Totals				7,441,171.80	6,929,363.17	511,808.63	79,267.53	16,385.88	237,002.26	200,000.00	29,909.71	

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION FOR BUDGETARY CLOSURE OF COMPLETED PROJECTS
AND RELATED AMENDMENTS TO THE 2009 BUDGET

WHEREAS, project budget appropriations may be made in one fiscal year and the expenditures may occur over multiple fiscal years; and

WHEREAS, the final budgetary closure of completed projects sometimes requires an adjustment to the original appropriation to account for variances between initial estimates and actual project expenditures; and

WHEREAS, a variety of funding sources may have been transferred into the project fund to accomplish a specific project; and

WHEREAS, in the event funds were not fully expended on the project an action must be taken to return the remaining budget appropriation to the original funding source which will make these funds available for a future appropriation; and

WHEREAS, staff has reviewed the District's Project Schedule and identified 43 projects that are complete or otherwise ready for closure; and

WHEREAS, the Board Finance Committee reviewed the recommended closures and additional appropriations at their meeting on June 24, 2009 and recommended favorable consideration of this item by the Board of Directors;

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorizes the closure of capital projects identified on the attached Exhibit A; and

BE IT FURTHER RESOLVED, that in cases where there are unexpended funds remaining, the remaining funds shall be transferred to other projects as indicated on the attached Budget Change Form or returned to the originating fund; and

BE IT FURTHER RESOLVED, that the General Manager and the Chief Financial Officer are hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____ and
adopted this 7^h day of June 2009, by the following vote:

FOR:

AGAINST:

ABSENT:

ABSTAIN:

**EAST BAY REGIONAL PARK DISTRICT
BUDGET CHANGE FORM**

NEW APPROPRIATIONS		BUDGET TRANSFERS	
X	Between Funds	X	Between Projects
	From New Revenues		From Another Department

DECREASE BUDGET ACCOUNT	AMOUNT	INCREASE BUDGET ACCOUNT	AMOUNT
Account Name: Expense: Capital-Land Acquisition-Arata/ECCC-HCP-Black Diamond to Round Valley Trail-Designated Land Fund Account: 333-6330-637-7010 / 234500DSLF-100	\$ 13,890.64		
Account Name: Expense: Mitigation Fund-Land Department-Resource Enhancement Program-Berkeley Meadow Phase I-Eastshore Account: 257-6350-423-3711 / RP0110-601	\$ 14,624.12		
Account Name: Expense: Mitigation Fund-Land Department-Resource Enhancement Program-Berkeley Meadow Phase II-Eastshore Account: 257-6350-423-3711 / RP0112-601	\$ 14,970.46		
Account Name: Expense: Mitigation Fund-Land Department-Resource Enhancement Program-Whipsnake Fund-Briones Account: 257-6350-130-3711 / RP0140-601	\$ 315.13		

REASON FOR BUDGET CHANGE ENTRY:
As being presented at the Board of Directors meeting on July 7, 2009 the General Manager recommends that the Board of Directors authorize the budget adjustments to projects with variance listed on this form to finalize the closure of these projects. These list of projects to close were reviewed and recommended by the Board finance Committee on June 24, 2009.

As approved at the Board of Directors Meeting on: Date:	
Board of Directors Resolution Number:	2009-7-
Posted By: _____	Date: 7/7/2009
Signature	

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- i. Authorization to Enter into a Special Use Agreement with Eden Medical Center for Overflow Parking Lot Use: Lake Chabot Regional Park

(Waluch/Escobar)

RECOMMENDATION

The General Manager and the Board Operations Committee (by unanimous vote) recommend that the Board of Directors authorize a three-year Special Use Agreement with Sutter Health affiliate, Eden Medical Center in Castro Valley, to provide employee temporary parking for approximately 100 cars Monday through Friday at the Lake Chabot Regional Park overflow lot during the construction of its new hospital facilities.

REVENUE/COST

The District will receive a monthly use fee of \$2,000 coded to Other Parking Account No. 101-5141-216-3429. The District will provide directional signage and parking access identification placards as needed.

BACKGROUND

The District was approached by Eden Medical Center to use the Lake Chabot Regional Park overflow parking lot to provide employee temporary parking for approximately three years during the construction of its new hospital facilities. Staff believes it is feasible to offer daily use of the overflow parking lot, excluding holidays and weekends. The District will have the discretion and authority to grant the renewal of the initial term for two one-year options.

The District will provide 100 parking spaces in the Lake Chabot Regional Park overflow lot, directional signage, retain the option to re-route traffic as needed, and require parking access identification placards to be visibly placed in each car permitting specific lot use. Eden will provide a minimum of two shuttle vehicles to transport their employees to and from Eden Medical Center, as well as periodic security patrols and security lighting using portable generators.

ALTERNATIVES

None recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO ENTER INTO A SPECIAL USE AGREEMENT WITH EDEN MEDICAL CENTER FOR OVERFLOW PARKING LOT USE: LAKE CHABOT REGIONAL PARK

WHEREAS, the District was approached by Eden Medical Center in Castro Valley to use the Lake Chabot Regional Park overflow parking lot to provide employees temporary parking for approximately three years during the construction of its new hospital facilities; and

WHEREAS, staff believes that it is feasible to offer daily use of the overflow parking lot, excluding holidays and weekends, by providing 100 parking spaces, directional signage, the option to re-route traffic as needed, and require parking access identification placards to be visibly placed in each car permitting specific lot use; and

WHEREAS, Eden Medical Center will provide a minimum of two shuttle vehicles to transport their employees to and from the medical center, periodic security patrols and security lighting using portable generators; and

WHEREAS, the Board Operations Committee, at their June 18, 2009 meeting, reviewed and unanimously recommended approval to enter into an agreement with Eden Medical Center;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorize the General Manager to enter into an Agreement with the Eden Medical Center in Castro Valley to provide employee temporary parking in the overflow lot in Lake Chabot Regional Park, for three years with two one-year options, with a monthly fee of \$2,000, to be coded to Other Parking Account No. 101-5141-216-3429; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary and appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- j. Authorization to Enter Into an Agreement with Cindy and Gary Wilkinson to Operate Las Trampas Stables: Las Trampas Regional Park
(Waluch/Escobar)

RECOMMENDATION

The General Manager and the Board Operations Committee (by unanimous vote) recommend that the Board of Directors authorize entering into a three-year concession agreement with Cindy and Gary Wilkinson to operate the Las Trampas Stables.

REVENUE/COST

The District can expect annual revenue of approximately \$15,000 from this concession agreement. There is no cost involved to the District.

BACKGROUND

Las Trampas Stables provide a variety of equestrian services for the general public, including two horse boarding stables, trail rides, lessons, summer day camp programs, two arenas, and on-site trailer parking and storage. The current operator's agreement was nearing the end of its term and due to lack of compliance with various provisions of the concessionaire agreement, staff elected not to offer the current operator the final option period permitted under the agreement.

On February 6, 2009, the District issued a Request For Proposal seeking an experienced operator to manage the Las Trampas Stables equestrian facilities. Seven proposals were requested resulting in three submittals from the following prospective operators: the current stable management team of Jennifer Case and Nick Batteate, current boarders Rebecca and Rolando Martello, and current concessionaires at Sunol Regional Wilderness, Cindy and Gary Wilkinson of Western Trail Riding Service. District staff reviewed all three proposals, checked references, and interviewed parties to determine how they would best accomplish the defined expectations, acceptance of District's Concessionaire Agreement requirements, and their proposed transition plan if awarded the contract.

After review of the most suitable operation for Las Trampas Stables, it was determined that Cindy and Gary Wilkinson of Western Trail Riding Service met all of the criteria established; therefore, Cindy and Gary Wilkinson are being recommended by District staff. In an effort to ensure a smooth transition, the departing stable managers are working with staff to transition the facility to the new operators. An agreed upon schedule to ensure changeover in July 2009 includes elements of site clean up, vacating the residence, verification of completed concessionaire maintenance fund projects, and close-out of unpaid concession and maintenance fees. Operations staff is working with District Legal Counsel to complete the transition.

ALTERNATIVES

None are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH CINDY AND GARY WILKINSON TO OPERATE LAS TRAMPAS STABLES: LAS TRAMPAS REGIONAL PARK

WHEREAS, the current Las Trampas Stables operator's agreement was nearing the end of its term and due to lack of compliance with various provisions of the agreement, it was determined by staff not to extend the contract into the final option period; and

WHEREAS, a Request For Proposal was distributed to bid for administration and operation of equestrian services for the general public, including horse boarding, trail rides, lessons, summer day camp programs, and on-site trailer parking at Las Trampas Stables; and

WHEREAS, the District solicited Requests For Proposal and received three responses on March 16, 2009; and

WHEREAS, the submittal of Cindy and Gary Wilkinson met all of the requirements of the Request For Proposal and was rated above the other submittals;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorize the General Manager to enter into a three-year Concessionaire Agreement, with two three-year option periods, with Cindy and Gary Wilkinson for the operation of Las Trampas Stables; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary and appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- k. Authorization to Enter into a Special Use Agreement with Row Chabot for a Pilot Program for Youth Rowing: Lake Chabot Regional Park
(Waluch/Escobar)

RECOMMENDATION

The General Manager and the Board Operations Committee (by unanimous vote) recommend that the Board of Directors authorize a two-year Special Use Agreement with Row Chabot for a pilot program for youth rowing at Lake Chabot Regional Park.

REVENUE/COST

The \$300 Special Use Agreement fee for the first year will be waived, as unanimously recommended by the Board Operations Committee at its March 24, 2009 meeting. The revenue received the second year of the term will be coded to Account No. 101-5141-216-3791, Other Property Usage. There is no cost to the District.

BACKGROUND

The Board has supported Row Chabot's efforts to establish a youth rowing program at Lake Chabot Regional Park for several years. Staff has been working for some time with Row Chabot on both fund raising efforts and facility development at Lake Chabot. A recently completed feasibility study has determined that the needed improvements necessary to support a fully ADA accessible rowing program will require a number of shoreline and dock improvements, which will cost well in excess of the currently available funding. In the interim, Row Chabot would like to implement a small pilot rowing program utilizing the existing public dock. Row Chabot will need to enclose a portion of the area under the marina café deck in order to provide the pilot program with secure storage. Row Chabot will pay all costs associated with enclosing the storage area.

At its March 24, 2009 meeting, the Board Operations Committee unanimously voted to recommend a Row Chabot Pilot Program to test its impacts on the marina operation. The purpose of Row Chabot is to encourage East Bay youth to participate in sculling and sweep rowing programs by providing instruction and access to equipment. The program will be limited to twenty participants with no more than seven on the water at any given time. Adult instructors

will be on site at all times. A maximum of four sculls and a motorized chase boat will be stored on-site in cooperation with the marina and food concessionaire operation. Row Chabot will pay for all costs associated with necessary improvements for storage and security of their equipment. The Program will have limited access to the lake in order to minimize impacts on existing recreational uses.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

**AUTHORIZATION TO ENTER INTO A SPECIAL USE AGREEMENT WITH ROW CHABOT
FOR A PILOT PROGRAM FOR YOUTH ROWING: LAKE CHABOT REGIONAL PARK**

WHEREAS, the purpose of the Row Chabot Pilot Program is to promote opportunities for youth rowing at Lake Chabot Regional Park; and

WHEREAS, the Board Operations Committee unanimously recommended entering into a special use agreement with Row Chabot to test the impacts of the program on the marina operation and other recreational activities;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby approves a two-year Special Use Agreement with Row Chabot for a pilot program for youth rowing at Lake Chabot Regional Park with the \$300 annual revenue waived year one, and year two revenue coded to Account No. 101-5141-216-3791, Other Property Usage; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to revise and amend such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and approved this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- I. Authorization to Amend the 2009 Budget and Appropriate Funds From the MLK Intern Program Fund to the Youth Work Programs Budget
(Kenny/Escobar)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize the appropriation of funds from the undesignated fund balance in the MLK Intern Program Fund for back-fill and Acting pay for two Acting Alternative Work Program Supervisors to manage a youth internship program as well as program supplies.

REVENUE/COST

The total estimated cost for this project is \$16,600. This action proposes use of \$8,600 in MLK Intern Program funds, with the balance provided from the GM and Operations contingencies.

A special fund was created to hold donations collected on Martin Luther King Jr. Day. Funds are undesignated and must be allocated and appropriated for each use.

SOURCE OF FUNDS:

Martin Luther King Jr. Intern Program Fund

Undesignated Balance 255-0000-000-2901	\$	46,113
Appropriate to multiple expense budgets		<u>8,600</u>
Remaining Undesignated Fund Balance	\$	37,513

General Fund General Manager Department

General Manager Contingency 101-2010-000-5831	\$	4,000
Maint/Operations Contingency 101-2010-000-5833		<u>4,000</u>
	\$	8,000

USE OF FUNDS:

Back-fill and Acting pay for Two Acting Work Program Supervisors		
Wages & Taxes 101-5XXX-XXX-4XXX	\$	14,600
Uniforms & Supplies for interns 255-5212-000-5XXX		<u>2,000</u>
	\$	16,600

BACKGROUND

The District would like to facilitate a summer internship program for teens in two of Oakland's youth groups, Youth UpRising (YU) and Youth Employment Partnership Incorporated (YEP). The purpose of the program will be to provide work experience similar to the responsibilities of a District Student Laborer and provide opportunities to also experience the District's recreational and interpretive programs.

YEP provides employment training for Oakland youth and have partnered with YU to offer a wide range of programs and services that develop youth leadership in order to transform the community. YU is supported with core programs and capital funding by Alameda County and the City of Oakland and many other agencies and groups. YU is committed to the advancement of youth leadership development as a means of affecting positive community change. YU's mission is to ensure that youth and young adults are supported in actualizing their potential by exposing them to a broader set of realities to develop their capacity to think critically about personal and community experiences; change their capacity to transform experiences of trauma and oppression into opportunities for positive personal and community change; and increase their creativity, strengths, and skills as effective leaders who are competitive in the marketplace.

This youth work program was confirmed at the Meet and Confer on June 11, 2009. The District will provide two Alternative Work Program Supervisors for the interns, and supplies for program administration. There will be two crews of up to six interns, ages 16 to 18. The program will begin July 13, 2009 and last six weeks. Each intern will work up to twenty hours per week with a maximum of 120 hours paid by Youth Uprising.

Budget transfers will be processed at completion of the intern program, so that only those funds expended will be transferred out.

ALTERNATIVES

None are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

AUTHORIZATION TO AMEND THE 2009 BUDGET AND APPROPRIATE FUNDS FROM
THE MLK INTERN PROGRAM FUND TO THE YOUTH WORK PROGRAMS BUDGET

WHEREAS, the East Bay Regional Park District desires to partner with youth groups to enhance community potential; and

WHEREAS, the District has developed a business partnership with Youth UpRising (YU) and Youth Employment Partnership Incorporated (YEP) to provide a six-week youth internship program; and

WHEREAS, the District will supply two supervisors to manage the interns employed by the program;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorize the appropriation of \$8,600 from the undesignated fund balance in the MLK Jr. Intern Program Fund to the Park Operations budget to cover a portion of the cost of back-fill and acting pay for two Acting Alternative Work Program Supervisors, and intern program supplies; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and approved this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- m. Authorization to Amend the 2009 Budget to Adjust the Salary of the Facilities Supervisor (Kassebaum/Escobar)

RECOMMENDATION

The General Manager recommends that the Board of Directors authorize an amendment to the 2009 Budget to adjust the salary of the Facilities Supervisor position in support of the General Manager's reorganization of the Recreation Services Unit. This reflects the additional duties being assigned to the position by the addition of the supervision of Camp Arroyo.

REVENUE/COST

Fiscal impact for the reorganization will result in a \$4,167 increase to the annual budget. Funding is available to meet the remainder of this year's expense of \$1,763 within the Recreation Services Unit - Facilities Budget Account # 5227-101-000-4112.

BACKGROUND

Camp Arroyo is currently managed by the Park Operations Lakes Unit as a sub-unit of Del Valle Regional Park. The recent addition of the Quagga Mussel inspection program at Del Valle has increased the demands on Del Valle supervisory staff. To balance supervisory staff workload and better serve the overall management needs of Camp Arroyo, staff is recommending the transfer of grounds and facility maintenance from the Lakes Unit to the Recreation Services Unit Facilities Department. Camp Arroyo, a complex facility managed by a collaborative partnership between the YMCA, the Taylor Family Foundation, and the District, will benefit greatly from the more specialized rental facilities expertise of the District's Facilities Supervisor and Recreation Services Unit.

The Facilities Supervisor currently manages the other four indoor facilities: Temescal Beach House, MLK Shoreline Center, Fern Cottage, and Brazil Room. Consolidating all indoor event facilities, including Camp Arroyo, under one supervisor would improve management responsiveness and communications with the Camp Arroyo partners, adherence to maintenance standards, problem-solving, and provide more consistent oversight of park policies and operational guidelines.

The assigned workgroup for Camp Arroyo includes a full-time Park Crafts Specialist and 0.5 FTE Temporary Park Ranger II. Staff has reviewed this change with union representatives, who are in agreement with the proposed changes. Staff recommends the reorganization and 4% salary adjustment effective as of August 1, 2009.

ALTERNATIVES

No alternatives are recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 - 7 -

July 7, 2009

AUTHORIZATION TO AMEND THE 2009 BUDGET TO ADJUST THE
SALARY OF THE FACILITIES SUPERVISOR

WHEREAS, the need currently exists to transfer the management of Camp Arroyo from the Lakes Unit to the Recreation Services Unit - Facilities Department; and

WHEREAS, consolidating all indoor event facilities, including Camp Arroyo, under one supervisor would improve management responsiveness and communications with the Camp Arroyo partners, adherence to maintenance standards, problem-solving, and provide more consistent oversight of park policies and operational guidelines; and

WHEREAS, the cost impact for 2009 associated with this adjustment represent a salary and benefits budget increase of approximately \$1,763 with available 2009 budget funding within the Recreation Services Unit to meet the expense;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby approves the 4% salary adjustment for Facilities Supervisor and the transfer of budgeted funds of the full time Camp Arroyo Park Crafts Specialist and 0.5 FTE Temporary Park Ranger II as shown on the attached Budget Change Form; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to revise and amend such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and approved this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

**EAST BAY REGIONAL PARK DISTRICT
BUDGET CHANGE FORM**

NEW APPROPRIATIONS		BUDGET TRANSFERS	
	Appropriate from General Fund		Between Object Codes
	From New Revenues	<input checked="" type="checkbox"/>	From Another Department

DECREASE BUDGET ACCOUNT	AMOUNT	INCREASE BUDGET ACCOUNT	AMOUNT
Account: General Fund-Lakes Unit- Arroyo Del Valle Camp-Salary & Benefits		Account: General Fund-Facilities Department –District Wide-Salary & Benefits	
101-5141-204-4XXX	\$ 58,000.	101-5227-000-4XXX	\$ 58,000.

As being presented at the Board of Directors meeting on July 7, 2009 the General Manager recommends that the Board approve the transfer of 1.50 FTEs from the Lakes Unit, Arroyo Del Valle Camp to the Facilities Department as part of a Recreation Unit reorganization. Additionally, the Facilities supervisor position salary range will be increased by 4%, funded by unused overtime budget in that department for 2009. All changes are effective 8-1-2009, pay period 17 for 2009. The supplies, services and capital asset budget and actuals will remain in the 2009 budget as part of the Lakes Unit. The 2010 budget will show all base budget moved to the Facilities unit, including supplies and services.

As approved at the Board of Directors Meeting on:	Date:	07/07/2009
Board of Directors Resolution	No.	2009-07
Posted By:	Date:	

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- n. Approval of the City of Alameda Dog Park Special Use Agreement:
Crown Memorial State Beach (Patterson/Escobar)

RECOMMENDATION

The General Manager and Board Operations Committee (by unanimous vote) recommend that the Board of Directors approve a five-year Special Use Agreement with the City of Alameda (City) for the City of Alameda Dog Park located within Crown Memorial State Beach. An additional two-year extension may be requested in writing by the City, and if granted by the District, it will extend the term of the agreement to December 31, 2016.

REVENUE/COST

There is no fee for the use of the area and there are no costs incurred by the District. The City works with a volunteer group, the "Alameda Dog Park Committee", to fund improvements and to assist in the operation of the use area by the City.

BACKGROUND

Under an agreement with the District, the City of Alameda has operated a 5.78 acre fenced off-leash dog exercise area since May of 1996, on a designated portion of Crown Memorial State Beach. The District operates Crown Beach under a master agreement with the State of California, Department of Parks and Recreation. The State approved the use of the site as a dog exercise area for the duration of the District's operating term (May 28, 2017). The City assumes primary responsibility for the enforcement of all rules and regulations and all City-sponsored activities and participating individuals are subject to the provisions of the District's Ordinance No. 38.

ALTERNATIVES

None recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 – 7 -

July 7, 2009

APPROVAL OF THE CITY OF ALAMEDA DOG PARK SPECIAL USE AGREEMENT:
CROWN MEMORIAL STATE BEACH

WHEREAS, the City of Alameda has operated a 5.78 acre off-leash dog exercise area on a designated portion of Crown Memorial State Beach since May of 1996; and

WHEREAS, the District operates Crown Memorial State Beach under a master agreement with the State of California, Department of Parks and Recreation and the State has authorized the District to permit the use of the designated portion as a dog exercise area for the duration of the District's operating term ending May 28, 2017; and

WHEREAS, the Board Operations Committee, at their June 18, 2009 meeting, reviewed and unanimously recommended approval of a dog park special use agreement with the City of Alameda;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby authorize the General Manager to enter into a five-year Special Use Agreement with a two-year option with the City of Alameda for the dog exercise area, at no cost to either agency; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary and appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 7th day of July, 2009, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- o. Resolution to Support Pending State Legislation ACA 9 to Amend the California Constitution to Change the 2/3rds Voter Approval Requirement For Special Taxes and General Obligation Bonds (Pfuehler/O'Brien)

RECOMMENDATION

The General Manager and Board Legislative Committee (by unanimous vote) recommend the Board of Directors adopt a resolution to support ACA 9.

REVENUE/COST

There would be no cost impact as a result of this action.

BACKGROUND

At the June 19, 2009 Legislative Committee meeting, members voted to support proposed state legislation, ACA 9, authored by Assembly Member Jared Huffman. This bill would change the two-thirds voter-approval requirement for both special taxes and general obligation bonds by cities, counties or special districts to 55 percent of voters voting on the tax. Local governments could use the voter approved revenue for the following purposes:

- a) The construction, rehabilitation, or replacement of public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities;
- b) The construction, rehabilitation, or replacement of facilities used exclusively to provide sheriff, police, or fire protection services to the public;
- c) The development of housing affordable to lower and moderate-income households; and,
- d) The acquisition or lease of real property for the public improvements, facilities and housing described above.

The legislation is supported by the Californian Association of Recreation and Park Districts, the California Park and Recreation Society and the California Special Districts Association.

ALTERNATIVES

None recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 - 7 -

July 7, 2009

RESOLUTION TO SUPPORT PENDING STATE LEGISLATION ACA 9
TO AMEND THE CALIFORNIA CONSTITUTION TO CHANGE THE 2/3^{RDS} VOTER
APPROVAL REQUIREMENT FOR SPECIAL TAXES AND GENERAL OBLIGATION BONDS

WHEREAS, ACA 9 (Huffman) amends the California Constitution to change the 2/3^{rds} voter approval requirement for special taxes and general obligation bonds by cities, counties or special districts to 55 percent of voters voting on the ballot measure; and

WHEREAS, this amendment would enhance the ability of special districts, including East Bay Regional Park District, to raise revenue for park and recreation facilities, as well as for facilities used by District police and fire services; and

WHEREAS, this amendment will allow voters to determine the importance of improvements to their local infrastructure; and

WHEREAS, the voters of Alameda and Contra Costa Counties have consistently supported the District's special tax and general obligation bond measures by more than 2/3rds of the vote – including most recently Measure WW; and

WHEREAS, support for this legislation would be consistent with the District's history of responding to the vision and interests of citizens of the East Bay;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby support ACA 9; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents, and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 7th day of July, 2009 by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT:

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, July 7, 2009

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

- p. Resolution to Support Pending Federal Legislation S. 866 (Reed) and H.R. 2054 (Sarbanes) – The No Child Left Inside Act (Pfuehler/O'Brien)

RECOMMENDATION

The General Manager and Board Legislative Committee (by unanimous vote) recommend the Board of Directors adopt a resolution to support S. 866 and H.R. 2054.

REVENUE/COST

There would be no cost impact as a result of this action.

BACKGROUND

At the June 19, 2009 Legislative Committee meeting, members voted to support proposed federal legislation, S. 866, authored by U.S. Senator Jack Reed and H.R. 2054, authored by U.S. Representative John Sarbanes. Both bills are commonly referred to as the 'No Child Left Inside Act (NCLI).' These companion bills were re-introduced on Earth Day, April 22, 2009. The bi-partisan legislation, if passed, would mark the first environmental education legislation to pass Congress in more than 25 years.

Research shows that when environmental education is integrated into the curriculum, student achievement increases in core academic areas including science, math and reading. Additional research finds schools teaching core subjects using the environment as an integrating context also demonstrate reduced discipline and classroom management problems; increased engagement and enthusiasm for learning; and greater student pride and ownership in accomplishments.

The bill authorizes new funding for states to provide high-quality, environmental instruction. Funds would support outdoor learning activities both at school and in non-formal environmental education centers, teacher professional development and the creation of state environmental literacy plans. The District will continue to work with Rep. George Miller's office (he is the Chair of the House Education and Labor Committee which has jurisdiction over this bill) and the National Recreation and Park Association (NRPA) to ensure Park and Recreation District's are eligible for funding through this initiative.

ALTERNATIVES

None recommended.

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2009 - 7 -

July 7, 2009

RESOLUTION TO SUPPORT PENDING FEDERAL LEGISLATION
S. 866 AND H.R. 2054 - THE NO CHILD LEFT INSIDE ACT

WHEREAS, both S. 866, authored by U.S. Senator Jack Reed, and H.R. 2054, authored by U.S. Representative John Sarbanes, are commonly referred to as the 'No Child Left Inside Act (NCLI)'; and

WHEREAS, these companion bills were re-introduced on Earth Day, April 22, 2009; and

WHEREAS, the bi-partisan legislation, if passed, would mark the first environmental education legislation to pass Congress in more than 25 years; and

WHEREAS, this legislation recognizes the important role environmental education can play in the mental and physical development of children; and

WHEREAS, the version of this legislation introduced in the 111th Congress specifically states that regional or local natural resource or environmental agencies are eligible for Environmental Education Professional Development Grants; and

WHEREAS, the District has an established history of providing environmental education and professional development training to thousands and thousands of children and teachers each year; and

WHEREAS, this legislation could directly benefit the District by creating a competitive grant program for environmental education resources; and

WHEREAS, support for this legislation is consistent with the District's core mission to provide environmental education programs to families of the East Bay;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Bay Regional Park District hereby support S. 866 and H.R. 2054; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents, and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, seconded by Director _____, and adopted this 7th day of July, 2009 by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: