



DATE: November 18, 2008

TO: Board of Directors  
FROM: Pat O'Brien, General Manager  
SUBJECT: Background Information for the November 25, 2008 Board Executive Committee Meeting

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**I. City of Berkeley-CPS Long-Term Use Agreement, Tom Bates Regional Sports Complex**

Ted Radosevich, District Counsel, will make a presentation on this agenda item.

**BACKGROUND**

On July 1, 2008, the City of Berkeley (City) submitted a proposed long-term use agreement with College Preparatory School (CPS) for the Tom Bates Regional Sports Complex for the District's review and approval. Presentation of the agreement terms at this time will enable the Board Executive Committee to provide direction as staff continues to research and analyze the conformance of the proposed agreement to the Ground Lease between the District and City.

The District entered into a 25-year Ground Lease with the City for the construction, operation, and maintenance of the Tom Bates Regional Sports Complex on the District's 16-acre "Magna" property at Gilman Street and Frontage Road, as approved by the Board on March 20, 2007 by Resolution No. 2007-03-70. The appraised fair market value of the Sports Complex land is \$12,000,000 with an additional \$7,000,000 in Phase I capital costs. The Ground Lease provides that, for the purposes of generating revenue for the completion and maintenance of the sports complex, the City may enter into long-term use agreements with non-profit sports users provided that such agreements do not affect the ability of youth groups to use the facilities during peak hours, defined as Monday through Friday from 3:00 pm to 7:00 pm, and Saturday from 8:00 am to 5:00 pm. Any specific proposal for such an agreement must be approved by both the District and State Department of Parks and Recreation.

**Major Provisions of the City-CPS Long-term Use Agreement**

The major terms of the proposed Long-term Use Agreement between the City and CPS (Agreement) include the following provisions. The term of the Agreement is the earlier of 25 years or until the District-City Ground Lease terminates. After ten years, the City may

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Board of Directors

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terminate the Agreement, as long as it reimburses CPS for the pro rata share of the remaining years. Over the term of the Agreement, CPS has exclusive use of one of the complex's two synthetic fields in the fall and spring of each year, Monday through Friday from 3:00 p.m. to 5:30 p.m., as well as the exclusive use of one of the complex's two softball fields in the spring for the same hours and days. To use the fields during these time periods, CPS must pay the standard user fees charged to youth groups according to the complex's annual fee schedule. In addition, CPS will provide capital funds in the amount of \$600,000 according to the following terms: \$300,000 upon execution of the Agreement, \$150,000 when a synthetic field is ready for use, and \$150,000 when a softball field is ready for use.

#### Potential Conflicts with the District-City Ground Lease

To date it appears that the Agreement raises questions when one compares the Agreement with terms of the District-City Ground Lease. The Agreement reserves field time for CPS during the Ground Lease's defined peak usage hours. City staff has not yet provided adequate evidence regarding the lack of demand for the 3:00 p.m. to 5:30 p.m. time slot, and how this demand will change over the course of the proposed 25-year lease term. Press reports from the opening of the sports complex stated that all available times were immediately booked, and more field space was needed to serve public user groups. In addition, CPS is a private, non-profit school, not a sports user organization per se.

It should be noted that the City has represented to the General Manager that the funding from CPS will assist in the completion of the additional athletic fields. Thereby, rendering additional athletic usage in comparison to the current available fields, thus the City believes that the Agreement will help expand field usage to the public. The City believes that the Agreement must be considered in light of the overall field expansion project.

The Agreement also may expose the District to charges of making a gift of public funds in terms of potential usage conflicts, the dollar amount being offered relative to the cost to build the facility (with public funds), and the length of the lease itself. On its face, the Agreement raises the question of whether a long-term lease to a small private school for almost a quarter of the publicly-funded complex's facilities over a 25-year period is an appropriate use of State grant money and the District's Measure AA funds. The stated rationale for the sublease is to help fund Phase II development, which is estimated at \$3,000,000. However, it appears Prop 84 money may potentially fund some of these needs in competitive State grants when grant funds become available. Also, the passage of Measure WW makes available over \$10,000,000 in local grant monies to JPA cities for such a project.

District staff requested additional information from the City pertaining to these issues in a letter dated September 17, 2008, including a review of alternative funding sources for Phase II improvements. The City has not yet provided the requested information.

#### RECOMMENDATION

Staff recommends waiting for the City to provide the information requested in the September 17, 2008 letter prior to completing its analysis and, with the Board Executive Committee's input, making a recommendation to the full Board. In view of potential alternative funding sources for Phase II and the exclusive use of the fields during priority periods, staff believes

some additional funding options should be discussed with City representative to resolve the perceived conformance issues between the Agreement and the Ground Lease.

## **2. Park Advisory Committee Goals for 2009**

Erich Pfuehler, Legislative Administrative Manager, will make a presentation on this agenda item.

### **BACKGROUND**

During 2008, the Park Advisory Committee (PAC) addressed several ongoing goals – including recommendations for the:

- Naming of the Tom Bates Sports Complex
- Comprehensive Annual Financial Report
- Extension of the Regional Park Bond
- Minor Modifications to Ordinance 38
- Pleasanton Ridge Interim Land Use Plan

In addition to its ongoing goals, the PAC received updates and reviewed the District's:

- Natural Resource Management Activities
- Community Relations/Outreach and Branding Plan
- Involvement with the East Contra Costa Habitat Conservation Plan
- Park User Survey
- Grants Program
- Pavement Management Plan

The PAC will be carrying over three goals from 2008 (special uses and concessions, geocaching, and fuels management) and adding eight new goals for 2009. (See section V of the attached PAC Goals, attached hereto as Exhibit A). The PAC will also continue to address ongoing goals as they come up.

On October 27, 2008, the PAC reviewed the attached proposed goals and recommended they be brought before the Board Executive Committee by the PAC Executive Sub-Committee for input and approval.

### **RECOMMENDATION**

The Park Advisory Committee recommends the Board Executive Committee approve the 2009 PAC goals.

## **3. Administrative and Document Fees for 2009**

Dave Collins, AGM for Management Services, will make a presentation on this agenda item.

### **BACKGROUND**

The District maintains two fee schedules that are reviewed annually and updated if necessary. One is a comprehensive schedule of operating fees for parking, program, concession, swim and other park use categories that will be presented to the Board Operations Committee and Board of Directors before year-end. The second is a schedule of document and administrative fees.

Staff has reviewed the Administrative and Document Fees schedule and proposes several minor changes for 2009. Annual revenue received from these document and administrative fees varies from year-to-year based on experience, but is low compared with Park Use Fees. The fees collected do not represent a major source of revenue to the District, and the changes proposed for 2009 will not make a material difference in revenue.

The Administrative and Document Fees schedule proposed for implementation on January 1, 2009 is attached as Exhibit B. Proposed changes as follows, and all within the Public Safety Department:

- Add an “Aquatic Supervisor” charge - synonymous with the hourly “Police Officer” charge of \$85.00/hr.
- Add hourly rate of \$25.00 for Services of a Lifeguard (charge removed from Operations Fee Schedule and placed on this schedule).
- Increase charge for use of helicopter (non-firefighting) from \$783.00 to \$1,104.93/hr (COLA-reflected).
- Increase charge for use of helicopter (fire-fighting) from \$798.00 to \$1,120.15/hr (COLA-reflected).
- Parking fines (surveys of surrounding areas suggested the increases):
  - Ordinance 30 – 901.1 – raise fee from \$30 to \$35.
  - Ordinance 38 – 901.2 – raise fee from \$30 to \$35.
  - VC 22500 – raise from \$30 to \$35.
  - All other state/local parking sections – raise from \$30 to \$35.

#### RECOMMENDATION

Staff recommends the Board Executive Committee approve the proposed Administrative and Document Fees schedule for 2009.

#### **4. Strategy Research Institute Contract Extension**

Dave Collins, AGM for Management Services, will make a presentation on this agenda item.

#### BACKGROUND

Strategy Research Institute (SRI), headed by Dr. George Manross, has for several years been retained by the District to develop surveys, conduct research, consult with staff on policy-level decisions, and assist with development of informational materials related to District-sponsored elections seeking voter support for funding measures. Work by Dr. Manross and his staff was invaluable in shaping the successful Measure VVW ballot measure in November 2008. It is recommended that SRI’s annual retainer contract, which is the same as prior years, be renewed for a two-year period to ensure consistency in tasks that we anticipate to include survey

information on possible future elections involving Murray Township and/or the Oakland Zoo, updating the District's Master Plan, feasibility studies and focus group research. The scope of service is attached as Exhibit C. The contract cost is \$66,000/year and will remain at that level for 2009 and 2010. Funding for this is included in the Draft 2009 Budget.

### RECOMMENDATION

Staff recommends the Board Executive Committee approve the renewal of the SRI consulting contract for a two-year period, and that it be forwarded to the Full Board for favorable consideration.

### **5. Oakland Zoo Ballot Measure Update**

Dave Collins, AGM for Management Services, will make a presentation on this agenda item.

### BACKGROUND

The Oakland Zoo (Zoo) is seeking a consistent source of financial operating support. Earlier in 2008 the Zoo considered seeking voter approval for a parcel tax for this purpose. Preliminary surveys indicated general public support, and the Zoo contacted Alameda County to further investigate this possibility. After consideration, the idea was not pursued for the November 2008 ballot.

The fundamental issue is that the Zoo is a non-profit organization that operates the facility on land owned by the City of Oakland, and as such, has no legal authority to establish a parcel tax. The Zoo, therefore, either needs to establish a new governmental entity or join with an existing one to be able to pursue a publicly supported tax measure.

The Zoo at Knowland Park, while owned and identified as the Oakland Zoo, is the only Zoo in the East Bay. Zoo officials consulted with Alameda County Supervisor Nate Miley on the matter, and have sought the advice of Alameda County LAFCO regarding options that they might pursue. Background material and draft notes from the November 2008 LAFCO meeting are attached for the Committee's information as Exhibit D. LAFCO identified three general options for the Zoo:

1. Status quo – funding operations through a combination of fees and charges, grants, and some (possibly increased) public subsidies.
2. Seeking establishment of a special district exclusively for the Zoo – in all or portions of Alameda and Contra Costa Counties.
3. Seeking to partner with an existing agency whose charter would accommodate operation of a Zoo. They recommended meeting to discuss this with the District.

Each of these options has very significant implications for the Zoo. Establishment of a special district would require that the Zoo Board of Directors be either appointed or elected. The City of Oakland owns the land and would need to be part of any negotiations. As a governmental entity, many additional requirements would have to be met at different standards than presently in place; including prevailing wage, financial reporting, and the Brown Act

requirements. Finally, public support of a parcel tax or other funding vehicle is not assured, particularly in these economic times.

These considerations also have potential impacts on the District. The District currently contributes \$700,000 per year in property tax revenues to Zoo operations. The District's Measure AA, Measure CC, and Measure WW all included funding for the Zoo as a regionally recognized facility. Either the establishment of a parallel regional district or the inclusion of the Zoo as a District facility could have negative financial and public consequences for the District. The District's interests in the matter include, at a minimum, the need to assure that there would be no economic impact on funding or service levels to existing and planned park facilities.

The Zoo has, over the past 20 years, made significant progress in improving their infrastructure, educational facilities and programs, financial management, and their mission has evolved to include habitat protection and an emphasis on California wildlife. There are many parallels between our agencies' goals. Responsible management and Board oversight of the Zoo has improved communications between our organizations and reduced past competitive tensions.

This matter is being brought to the Board Executive Committee as a preliminary introduction, and an opportunity to discuss the Committee's interest in meeting with the Zoo and engaging further in this matter.

#### RECOMMENDATION

Staff recommends that the Board Executive Committee serve as the "working" committee to describe the District's interests in this discussion, and that future communications and updates be brought back to the Committee and the full Board as appropriate to keep all Board members informed and to provide continuing guidance on this matter.

#### **6. Bay Trail 20<sup>th</sup> Anniversary Event at the Hayward Shoreline**

Mike Anderson, AGM for Planning/Stewardship & Development, will make a presentation on this agenda item.

#### BACKGROUND

Next year will mark the 20<sup>th</sup> anniversary of the Bay Trail. Members of the Hayward Area Shoreline Planning Agency ("HASPA") are planning the events for the shoreline areas in its jurisdiction. The members of this joint powers agency include the East Bay Regional Park District, City of Hayward, and Hayward Area Recreation and Park District.

HASPA is planning to hold the celebration on June 6, 2009 at the Hayward Shoreline Interpretive Center. Since HASPA does not have its own budget, member agencies have been asked to contribute money towards the anniversary celebration. The District has been asked to contribute \$2,000. Goals of the event are to celebrate the 20 years of the Bay Trail, explain the history, honor Bill Lockyer, AND increase knowledge of the Bay Trail and importance of the Hayward Shoreline as part of the Bay Trail. The celebration will include an art exhibit and contest for students who visit the shoreline, an historical exhibit, and tours and hikes.

## RECOMMENDATION

Staff recommends that the Board Executive Committee authorize and appropriate \$2,000 (101-1110-000-5821) to HASPA for the 20<sup>th</sup> anniversary celebration of the Bay Trail.

### **7. Update on the Development of Oyster Bay Regional Shoreline**

Mike Anderson, AGM for Planning/Stewardship & Development, will make a presentation on this agenda item.

## BACKGROUND

Concerns about the plans for development of Oyster Bay Regional Shoreline have been expressed by dog owners that currently use the site for off-leash dog activities. Several of these dog owners have formed a group named Oyster Bay Dog that is interested in permanently preserving large portions of this 200-acre site for off-leash dog use. At the same time, staff is looking into the development of a new entry to Oyster Bay for cars and bikes from Davis St. Since a Land Use Plan Amendment (LUPA) would be required to alter the current park plan for either of these proposed changes, an update to the Board Executive Committee on the development of this park seems timely.

In view of the fact that the ultimate completion of the park's master plan is dependent upon the acquisition of opportunity fill to seal the site and promote adequate drainage, staff estimates that any significant reduction in the area of the site available for off-leash dog use is many years off in the future. Because of this, consideration of a change in the park plan for off-leash dog use could be delayed and incorporated into a LUPA for the construction of an entry from Davis Street. Staff is in very preliminary discussions with the City of San Leandro and Waste Management to determine the feasibility of a Davis Street entry to Oyster Bay. If such an improvement is feasible and desired, staff expects a LUPA process to be scheduled for 2010 and would incorporate consideration of the off-leash dog question into that process.

## RECOMMENDATION

Staff recommends that the Board Executive Committee receive a presentation by staff on the status of the development of Oyster Bay Regional Shoreline and defer any consideration of plan changes regarding off-leash dog use until it is determined if the development of a new park entry from Davis Street is feasible and desired.

## PARK ADVISORY COMMITTEE GOALS

### Summary of 2008 and Proposed for 2009

#### I. ONGOING GOALS

1. Review land use plans or amendments proposed for adoption.  
*2008 – Pleasanton ILUP 5-19-08(I) and 7-28-08(R)*
2. Make periodic park field trips to coincide with PAC review of planning documents.  
*2008 – Pleasanton Ridge Field Trip 6-7-08*
3. Review proposed new Board policies and changes to existing policies to protect natural resources, enhance the natural and urban environment, and ensure that an equitable and diversified system of programs, trails and regional parks is available to meet a variety of community needs.  
*2008 – Zebra/Quagga Mussel Briefing 6-23-08*  
*2008 – Water Usage Update 9-22-08*
4. Review proposed names of District facilities as designated by the District Naming Policy.  
*2008 – Naming Tom Bates Sports Complex 1-28-08*
5. Coordinate one PAC meeting in the field.  
*2008 – Garin BBQ 7-28-08*
6. Provide early input and review of the annual Budget, and the Comprehensive Annual Financial Report (CAFR).  
*2008 – CAFR Review 5-19-08*  
*2008 – Budget Update 9-22-08*
7. Review Ordinance 38 for policy issues.  
*2008 – Ordinance 38 Minor Modification 6-23-08*
8. Review and recommend dedication status of regional parklands and trails.  
*2008 – Scheduled for 11-24-08*
9. Provide input and actively participate in the Board's efforts to seek funding for the acquisition, development, maintenance and operation of the parks.  
*2008 – Update on Extension of Regional Park Bond (I) 2-25-08*  
*Bond Extension Project List Update (I) 5-19-08*  
*Extension of Regional Park Bond (R) 6-23-08*
10. Recommend policies and programs that foster outreach to under-served communities relating to both park usage and employment opportunities.  
*2008 – Community Outreach 1-28-08*  
*Interpretive and Recreation Outreach Update 7-28-08*
11. Review Trails Use Checklist changes related to Ordinance 38.  
**2008 – No Action Taken**
12. Review the Trails Program every other year beginning in 2007.  
**2008 – No Action Taken**
13. Review volunteer program every other year beginning in 2006.  
**2008 – No Action Taken**
14. Continue to participate in the District's Ambassador Program as time allows.  
**2008 – Some individual actions taken**

15. Review and comment on progress reports on the Americans with Disabilities Act Plan.  
**2008 – No Action Taken**
16. Review and comment on a progress report on Measure CC, including geographic allocation of funds every other year beginning in 2006.  
**2008 – No Action Taken**
17. Undertake special projects as directed by the Board; the PAC may request referral of special projects from the Board.  
**2008 – No Action Taken**

## II. 2008 GOALS

1. Receive and comment on an update on natural resource management which may include the vegetation management program and grassland management research.  
*2008 – Stewardship / Resources Review 7-28-08*
2. Review and comment on the District's process and guidelines for special uses and concessions.  
**2008 – No Action Taken**
3. Review the District's 2008 Community Relations/Outreach and Branding Plan.  
*2008 – Community Relations and Branding 2-25-08*
4. Review the District's measure on the extension of the Regional Park Bond.  
*2008 – Update on Extension of Regional Park Bond (I) 2-25-08*  
*Bond Extension Project List Update (I) 5-19-08*  
*Extension of Regional Park Bond (R) 6-23-08*
5. Review and comment on the East Contra Costa County Habitat Conservation Plan.  
*2008 – East Contra Costa Habitat Conservation Plan 10-27-08*
6. Review the new District policy on geocaching.  
**2008 – No Action Taken**
7. Review and comment on the update of the Park User Survey.  
*2008 – Update on Park User Survey 3-24-08*
8. Review and comment on the District's grant proposals for Proposition 84, "The Water Quality, Safety and Supply, Flood Control, Natural Resource Protection, Park Improvements Bond."  
*2008 – District Grants Activities 10-27-08*
9. Review and comment on the Pavement Management Plan.  
*2008 – Pavement Management Plan 4-28-08*
10. Review and comment on the Draft Fuels Management Plan.  
**2008 – No Action Taken**

## III. ONGOING GOALS WHICH NEED ACTION IN 2009

1. Review Trails Use Checklist changes related to Ordinance 38.
2. Review the Trails Program every other year beginning in 2007.
3. Review volunteer program every other year beginning in 2006.
4. Review and comment on progress reports on the Americans with Disabilities Act Plan.
5. Review and comment on a progress report on Measure CC, including geographic allocation of funds every other year beginning in 2006.

## IV. 2008 GOALS NOT COMPLETED

1. Review and comment on the District's process and guidelines for special uses and concessions.
2. Review the new District policy on geocaching.

3. Review and comment on the Draft Fuels Management Plan.

## **V. PROPOSED NEW GOALS FOR 2009**

1. Review and comment on the District's process and guidelines for special uses and concessions (from 2008).
2. Review the new District policy on geocaching (from 2008).
3. Review and comment on the Draft Fuels Management Plan (from 2008).
4. Review of the District's 75<sup>th</sup> Anniversary Events (NEW).
5. Review District Camping Plan (NEW).
6. Review the Regional Parks Foundation 40<sup>th</sup> Anniversary Goals and Membership (NEW).
7. Review and comment on the District's Sustainability and Recycling Policies (NEW).
8. Review Outdoor Environmental Education – Children in Nature / Interpretative Programs (NEW).
9. Review Trail Repair Guidelines (NEW).
10. Measure WW Implementation (NEW).
11. Learn about and participate in Master Plan Review (NEW).

We will also continue to have our ongoing goals to address as they come up.

## Proposed ADMINISTRATIVE AND DOCUMENT FEES

Effective January 1, 2009

### A. Board and Board Committee Materials, General Document Fees:

<u>Item</u>	<u>Amount Collected</u>
Committee Agendas .....	No Charge
Committee Packets .....	\$ 5.00/each
	\$ 50.00/year
Board Meeting Agendas.....	No Charge
Board Materials (full set U.S. Mail).....	\$ 150.00/year
Board Materials (full set picked up).....	\$ 100.00/year
Board Minutes.....	No Charge
Copies of Documents .....	\$ 0.25/page**
Copies of Bound Documents.....	\$15.00/document**
Copies of Documents on CD/DVD.....	\$ 5.00/disc
Copies of Board Meeting Audio Tapes/CD.....	\$ 25.00/meeting
District Budget Document (free on-line).....	\$ 25.00**
District Audited Financial Statements.....	\$ 25.00**

### B. Interpretive Publications, Brochures, Videos and Retail Items:

Interpretive publications, brochures and video fees will generally be based on cost plus 40%. Other retail items will be priced based on cost, sales history, and market conditions.

#### Research Permit Fees:

Formal, scientific research on District property by an employee (professor, instructor, teacher) of an education institution, including university, college, or private professional organization.....

\$ 50.00/permit

Scientific research on District property by an undergraduate or graduate student under supervision/direction of a professor/instructor.....

\$ 25.00/permit

### C. Planning/Stewardship

<u>Item</u>	<u>Amount Collected</u>
Bound Documents (Land Use Plans, Resource Analyses, Environmental Documents) .....	\$ 15.00 /document**

### D. Public Safety

<u>Item</u>	<u>Amount Collected</u>
Copies of Reports.....	\$ 0.25/page**
Ordinance 38 (document).....	\$ 15.00/document**
Evidence Reproduction Fees.....	\$ 25.00/processing

Photo.....	\$	2.00/3"x5" photo
	\$	10.00/5"x7" photo
	\$	15.00/8"x10" photo
Audio Tapes/Audio or Photo CD.....	\$	15.00/tape or CD
Video Tape/DVD.....	\$	25.00/tape or disc
Charge for Services of Police Officer <u>or Aquatic Supervisor</u> .....	\$	<u>85.00/hour</u>
<u>Charges for Services of Lifeguard</u> .....	\$	<u>25.00/hour</u>
Charge for Services of Firefighter.....	\$	75.00/hour
Charges for Services of Fire Captain .....	\$	85.00/hour
Charge for Use of Fire Engine (equipment only).....	\$	60.00/hour
Charge for Use of Support Pick Up (equipment only).	\$	49.00/hour
Charge for Use of Support SUV (equipment only).....	\$	62.00/hour
Charge for Use of Helicopter (non-firefighting).....	\$	<del>783</del> <u>1104.93</u> /hour
Charge for Use of Helicopter (firefighting).....	\$	<del>798.00</del> <u>1120.15</u> /hour
Impounded Vehicle Release Fee.....	\$	125.00

Ordinance 38:

Section 901.1 (a thru r) [misc. no parking].....	\$	<del>350</del> <u>00</u>
Section 901.2 [parked > time limit].....	\$	<del>350</del> <u>00</u>
Section 901.3 [parked in disabled space].....	\$	275.00
Section 901.4 [parked for vehicle maintenance]	\$	50.00
Section 904.1 [parked/abandoned>72 hrs.]....	\$	100.00

California Vehicle Code

Section 22500 (a thru h, j, k) [misc. no parking]	\$	<del>350</del> <u>00</u>
Section 22500 (l) [parked in bus stop].....	\$	250.00
Section 22500 (l) [blocking wheelchair ramp]..	\$	275.00
Section 22507.8 (a thru c) [disabled space]....	\$	275.00
Section 22522 [blocking sidewalk access ramp]	\$	275.00
Section 22523 (a, b) [parked/abandoned].....	\$	100.00
Section 22526 [parked/blocking intersection]..	\$	100.00
All Other State and Local Parking Sections....	\$	<del>350</del> <u>00</u>

**E. Maintenance\***

<u>Item</u>	<u>Amount Collected</u>
<u>Gate Permits</u> .....	\$ 20.00/year

<u>Special Encroachment Permits (limited access only by Homeowner)</u> .....	\$ 50.00
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Homeowner processing fee. This is typically a one- or two-day access granted to a park neighbor for brush removal or materials delivery. (The fee may be waived if the homeowner is complying with Fire Department fuel reduction recommendations.)

Limited Access Contractor Encroachment Permits..... \$ 200.00 – \$ 500.00

Contractor processing fee. Same guidelines as above, but commercial fee is higher because permittee typically requests access for commercial delivery vehicles or minor contractor access.

Unauthorized Encroachment Penalty

Penalty.....	\$ 200.00/day
	<i>plus 2x the required application fee.</i>
Plus staff costs.....	\$ 60.00/hour

Major Encroachment Permit (Contractor):

Permit Fee .....	\$ 800.00
Review and Processing.....	\$ 60.00/hour
Actual On-Site Inspection.....	\$ 60.00/hour
Large-scale Projects.....	

Application and review fees are determined by the General Manager or his designee to cover all District costs.

F. Environmental Review\*

Resource Enhancement Program Projects (Applicant):

Application Fee (minimum).....	\$ 1,000.00
Review and Processing.....	\$ 60.00/hour
On-Site Inspection, meetings and data collection	\$ 60.00/hour
Exhibit Reproduction.....	\$ 25.00/each
Large Scale Projects.....	

Application and review fees are determined by the General Manager or his designee to cover all District costs.

G. Other Fees

Scattering of Cremated Remains .....\$ 50.00

\* Permit fees may be waived by District departments (Land, Parklands) if the District is in negotiations with the homeowner, contractor or applicant. Fees to other public agencies may be adjusted on a case-by-case basis on cooperative or interagency projects by the General Manager's designee.

\*\* plus postage

**Addendum 'A'****Strategy Research Institute  
2000-10 Contract****SCOPE OF SERVICES**

*Consultant* shall partner with *Client* in providing the following services:

1. **UPDATE THE EBRPD MASTER PLAN.**

*Consultant* shall partner with the District in securing various forms of “intelligence” (input) from constituents that is needed for updating the District’s Master Plan. The “publics” to be surveyed, for example, will be:

- 1.1 Park and trail users.
- 1.2 The local electorate
- 1.3 The community-at-large

2. **GO ON TO THE “NEXT STEPS” IN HELPING TO MOVE PARK USERS AND OTHER EBRPD CONSTITUENTS BEYOND CUSTOMER SATISFACTION TO CUSTOMER LOYALTY.**

Desired behavioral outcomes, such as voting behavior, cleaning up after one’s self while using regional parks/trails, youth getting out of the house and into the outdoors, what have you...has to do with moving BEYOND customer satisfaction to customer LOYALTY. In sum, while customer satisfaction is, indeed, necessary; seldom, if ever, is it sufficient. Customer LOYALTY is the key to realizing most desired behavioral outcomes.

An excellent example of this phenomenon is Measure WW. One of the main reasons the District was able to withstand a serious faux pas on the part of the Alameda County Registrar of Voters’ office (deleting the “title” from the ballot language), yet securing 71% voter support for Measure WW...was that the District enjoys *far higher* customer satisfaction and customer loyalty scores than most, if not all, other public agencies of record. This is the result of the District having been working toward this particular objective for several years, now.

The first step toward moving park users and other EBRPD constituent groups beyond customer satisfaction to customer LOYALTY was taken when we developed the **10-STEP MODEL** that was published in NRPA’s official publication, *Parks & Recreation* magazine, and subsequently presented at the 4<sup>th</sup> **SAAR Symposium**. However, we’ve NOT, as yet, put this model to use in terms of yielding the benefits that such a model can bring to the District.

*Consultant* has several projects either underway, or in mind, that are designed to accomplish this very task. These include, but are not limited to, the following:

- 2.1 **In-park/on trail survey:** *Consultant* shall continue working with John Escobar, AGM of Operations (and his staff) in continuing the **Regional Park and Trail Use Survey**. The District has, to date, completed multiple studies; some were administered during the summer months; the most recent one involved other seasons of the year. This has given us an extremely RICH dataset; one in which we will soon be able to identify “seasonal effects” that will be useful in terms of establishing enhanced operations policies. This work needs to continue.
  - 2.2 The above scientific surveys will lead to developing new and innovative approaches to **enhancing interaction** between the users of the regional parks and trails and the District. For example, Rosemary Cameron and the *Consultant* are in the early stages of building a model “tailored” to the EBRPD, for realizing the above goal...which is an integral part of building customer LOYALTY. Our model is based upon IMC (integrated marketing communications). It will take advantage of the innovative work being done by such organizations as the Auckland Regional Council in New Zealand and Parks Victoria in Australia.
  - 2.3 *Consultant* shall rewrite the article that was presented at the SARR Symposium and tailor it to the **Journal of Park and Recreation Administration**. The treatment for the new article will be far more empirical; the paper will be repositioned in a fashion that will be meaningful (actionable) to the readership of this particular professional journal.
3. **CREATE A HIGHER PROFILE FOR THE EAST BAY REGIONAL PARK DISTRICT IN THE PARK & RECREATION INDUSTRY.**

In an on-going effort to create a higher profile of the East Bay Regional Park District within the Park & Recreation Industry, *Consultant* shall continue working with the *General Manager* in developing papers for submission to various national Industry publications and in certain academic journals and making presentations to such professional associations as NRPA and CPRS.

- 3.1 **Drivers of Voting Behavior:** We are presently scheduled to make a presentation at the 2009 CPRS Conference (March 2009) in which we identify many of the key drivers of securing voter support for a given funding mechanism that is placed before local voters; specifically, Measure WW. The substance of this presentation will be driven by the “findings” from the BENCHMARK voter survey and the TRACKING POLL, as well as the EXIT POLL conducted on election day and the following day.
- 3.2 **Cutting edge use of GIS:** For the past 30 years, GIS has been employed for capturing, managing, analyzing, and displaying many forms of geographically referenced information; for example, MAPPING demographic data onto geographic maps. Seldom, if every, has GIS been employed for MAPPING **psychographic** data, however; e.g., collective perceptions, opinions, attitudes, and desires of a given population secured through such mechanisms as survey research (e.g., public opinion polls). SRI, by partnering with EBRPD, has developed a methodology for employing

GIS for “mapping” and integrating *psychographic* data, thus: (a) **adding clarity** to the information being presented, (b) resulting in the respective presentation being **far more compelling**, and (c) **NOT leaving behind** those who are visually oriented. *Consultant* and *Client* have made an initial presentation in Lake Tahoe, at a State Bicycle conference; we are now preparing to enhance certain aspects of applying this unique and promising approach to persuasion and will be presenting the enhanced paper at future state and national conferences.

4. **ASSIST IN DEVELOPING FUTURE 218 SPECIAL BENEFIT ASSESSMENT MECHANISMS THAT ARE PLACED BEFORE PROPERTY OWNERS BY THE DISTRICT.**

While **Measure WW**, placed on the ballot in the November 2008 election cycle, was successful, the District will (in all likelihood) be faced with having to address other fiscal challenges as time goes by. One of these may be, for example, placing a **218 Special Benefit Assessment** mechanism before some portion of property owners within the District’s service area. In these cases, *Consultant* shall:

4.1 Design and administer feasibility studies, based upon SRI’s proven ‘**Go, No-Go Model**’, as part of the decision-making process for future **218 Special Benefit Assessment** initiatives.

4.2 Assist in preparing **Notice and Ballot** (which may or may NOT include ‘arguments’ for/against the respective assessment) in the creation or extension of an L&L, LLAD, Mello-Roos (CFD), or similar Special Benefit assessment being considered by District officials.

4.3 Prepare **Position Papers, Q&A’s**, and other materials designed to **INFORM** property owners within the District and/or respective **Zone(s) of Benefit** regarding the need for such revenue streams, how these monies will be invested, and assist in whatever additional steps deemed necessary and/or useful for realizing the Districts goals, objectives, and expectations,

5. **OPINION LEADERSHIP STUDIES.** Design and administer such studies when needed in order to secure input and/or ‘inoculate’ **INFLUENTIALS** within the District’s two-county service area.

6. **DESIGN & ADMINISTER SURVEYS AND/OR FOCUS GROUP RESEARCH:** Should it be determined by the *Client* that input is needed from any of *the Client’s* constituent groups for purposes of policy-level decision making, such as the local electorate and/or the community-at-large, *Consultant* shall design and administer scientific surveys that adhere to The Scientific Method, Focus Group Research, and/or other research designs that are appropriate for the case at hand.

7. **INTEGRATED MARKETING COMMUNICATIONS (IMC):** As an authority in Integrated Marketing Communications, the *Consultant* shall assist the *Client* in the development and implementation of “target marketing” programs designed to help the *Client* remain accountable to its constituents, and in so doing, achieving the Client goals and objectives. This may include conducting training seminars with the *Client’s* Public Affairs staff in helping make the transition from the traditional public relations model to the conventional IMC model.

The need to identify and communicate with “target audiences” throughout the *Client's* jurisdiction was made salient in the results of Measure K, Measure CC, and Measure WW, for example. These include, but are not necessarily limited to, the following: (a) park & trail user groups, (b) various stakeholder groups and organizations, (c) addressing the unique needs and concerns of residents in various communities throughout the District, such as East Contra Costa County including the Brentwood and Oakley areas, East Alameda County including the Livermore area, the City of Fremont, plus others.

8. **EMPLOYEE COMMUNICATIONS.** Among the services available through the *Consultant* are those involving HR management (human resource), especially employee communications. *Consultant* may work with *Client* officials in helping to design and implement various strategies aimed at improving employee communication and employee morale.

*Consultant* shall perform whatever additional tasks that are assigned by the General Manager and/or members of his management team (AGM's) in order to maximize the likelihood that the District will continue to realize its mission, goals, and expectations.

The intent of the above activities is to continue working with the General Manager and his management team in a fashion that will lead to marked improvements in terms of: (a) increasing the level of awareness among the District's various constituent groups regarding precisely how the regional parks, trails, and other facilities positively impact their *quality of life*, and (b) move these constituents beyond “satisfaction” to having a sense of LOYALTY toward the EBRPD. The benefits from such a shift in public awareness and perceptions toward the District are many; and, are becoming more and more important over time.



**SUMNOTES****Oakland Zoo Lafco Meeting Thurs. Nov. 13, 2008**

Final Outcome: Lafco concluded that the zoo (rather than Lafco) might want to explore the last 2 options identified in the staff report:

Option 2) determine what kind of tax voters are willing to accept, define the geographic area to be covered, and form a new special district for the purpose of providing zoo services;

Option 3) work with an existing regional park district authorized to impose special taxes, such as EBRPD, to set up an internal zone that could be used to put a special tax on the ballot.

Who: Commissioners Nate Miley; Gail Steele; Janet Lockhart; Sblend Sblendorio; Katy Foulkes; Ayn Wieskamp; Tony Santos; David Haubert; Marshall Kamena.

Lafco Staff: Mona Palacios; Audrey Beaman; Ineda Adesanya; Sandy Hou

Oakland Zoo: Joel Parrott; Vince Forte

EBRPD staff: Larry Tong

Discussion: Miley, as acting chair, introduced the item; indicating that zoo had approached Alameda County regarding zoo operating funding. Response was that while Al Co recognized zoo as community asset, Al Co was not in the zoo business.

Parrott reviewed operational subsidy from City of Oakland and \$700K from EBRPD; said typical arrangement for most zoos in country was match of private funding and 35% public funding; this zoo has 15% public funding (Oakland and EBRPD); identified some examples: Portland Zoo; Atlanta Zoo; LA City Zoo identified as dying breed for funding. Said zoological society has contract with City of Oakland for operating zoo for next 13 years. Looking for regionally based operation funding to support growth and management. Initial survey found support for parcel tax at 72% in Al Co, and 69% when part of Contra Costa County added in. \$10 per parcel for both counties; \$12 per parcel for only Al Co.

Palacios summarized staff report (copy attached) and potential options: 1) maintain current not-for-profit organizational structure; 2) determine new tax and form new special district; 3) work with EBRPD regarding internal zone and special tax on ballot.

Steele said seems like Option 2 should be explored.

Tong said that EBRPD has worked cooperatively with zoo, including the \$700K per year from EBRPD and the \$4M included with Measure WW to the zoo. EBRPD looks forward to working closely with zoo. Of course, EBRPD would be concerned about any adverse impact to EBRPD funding. That this was the first that EBRPD had heard of these options.

Wieskamp concurred that the Board has not considered any of these options and that there would need to be considerable discussion and evaluation.

Foulkes said that the City of Oakland and the zoo, and perhaps EBRPD, would need to explore the options, rather than Lafco.

Forte said that the item was complicated and complex; that there was a common community of purpose with the zoo and EBRPD.

Wieskamp brought up the example of the mosquito district successfully using the mail in ballot and that the zoo might use the same technique for a \$10 measure.

Foulkes noted that a special district would have an elected board and the loss of the current zoological society board.

Santos noted that Oakland owns the zoo and the city might want to set up their own commission to address it.

Miley stated that he was mistakenly under the impression that the zoo and EBRPD had already fully discussed the options, and that the last 2 options sounded that they might be worth pursuing.

Steele stated that the zoo should be viewed as a regional asset and suggested that the zoo establish broad based representation from the area.

Newly appointed commissioner: Ayn Wieskamp was seated as the new Special District Commissioner; they will now open the selection process for a new alternate special district commissioner.

Election of commission chair: Katy Foulkes was elected as commission chair, due to Jocelyn Combs' departure.

# LAFCO

ALAMEDA LOCAL AGENCY  
1221 OAK STREET, SUITE 100  
(510) 271-5142 FAX (510) 272-3784  
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**Members**

**Vacant**  
Special District Member

**Gail Steele**  
County Member

**Janet Lockhart**  
City Member

**Sblend Sblendorio**  
Public Member

**Katy Foulkes**  
Special District Member

**Nate Miley, Vice Chair**  
County Member

**Marshall Kamena**  
City Member

**Alternates**

**Ayn Wieskamp**  
Special District Member

**Scott Haggerty**  
County Member

**Anthony B. Santos**  
City Member

**David Haubert**  
Public Member

**Executive Officer**

**Mona Palacios**

AGENDA 9.6 November 13, 2008

November 3, 2008

Honorable Commissioners  
Alameda Local Agency Formation Commission

Subject: Informational Item: Oakland Zoo Special District Formation

Dear Commissioners:

At your September 11, 2008 Commission meeting, Commissioner Miley requested that an informational item be placed on the next agenda regarding the Oakland Zoo's inquiry into forming a special district. The following report is for discussion purposes and does not require any action.

**Background**

On June 12, 2008, representatives of the Oakland Zoo met with Supervisor Nate Miley to discuss funding options for Zoo operations. LAFCo staff did not initially participate in that meeting, but upon request, went into the meeting to provide brief input regarding the process to form a special district.

The Oakland Zoo (facility and animals) is owned by the City of Oakland. Since 1982 the City has contracted with the non-profit East Bay Zoological Society to manage Zoo operations. According to Zoo staff, while the costs of operating the Zoo have increased, revenue sources have failed to keep up with those cost increases. Therefore, the Zoological Society is seeking alternatives to raise operating funds.

The Zoo's current operating budget is approximately \$11 million and the major source of revenue comes from membership, entrance fees, and concession sales (approximately 85%). In addition, the City of Oakland contributes about 9% of the operating budget and the East Bay Regional Parks District contributes about 6%. Smaller funding sources include individual and corporate donations, and foundation grants. According to Oakland Zoo staff, other similar zoos across the nation and state get about 35% of their funding from public sources.

While called the Oakland Zoo, staff consider the Zoo's service area to be more regional in nature. Based on user data, the Zoo staff indicates that the service area could be expanded to include all of Alameda County, and possibly a portion of Contra Costa County.

A second meeting was held on September 11, 2008 to further discuss the options that the Zoological Society might pursue through LAFCo. In attendance were the LAFCo Executive Officer, Supervisor Miley and his staff, the Zoo Director and Chief Administrative/Financial Officer, and a representative from Suter and Associates, a Sacramento advocacy firm.

At the September 11, 2008 meeting and in follow up to that meeting, LAFCo staff provided the following information for the Zoo staff to consider:

- A special district is a local agency with specific boundaries that is formed to provide specific services.
- Special districts can be formed under either a principal act or a special legislative act, and may be a single purpose or a multiple purpose agency.
- A special district's governance structure can be dependent or independent. Sometimes the principal act has provisions for whether a district can be dependent or independent.
  - A dependent special district is governed by an existing governing body such as a County Board of Supervisors, a City Council, or a Special District's Board of Directors.
  - An independent special district is governed by a Board of Directors independently elected by the people who live within the district's boundaries.

In addition, LAFCo provided a copy of "What's So Special About Special Districts?", a publication that provides an excellent description of the various types of special districts.

#### Special District Formation Issues

Commissioner Miley asked LAFCo staff to research special district formation options for the Zoo. According to Zoological Society staff, the purpose for forming a special district would be to provide additional operating revenue to support zoo services.

Based on research, LAFCo staff determined that there are five relevant principal acts under which the Zoo might form and these include ① Community Services Districts (CSD), ② County Service Areas (CSA), ③ Public Utility Districts, ④ Recreation and Park Districts, and ⑤ Regional Park/Open Space Districts (see Attachment 1 for details on these districts).

In considering a change of organization, including formation of a special district, LAFCOs are required to consider all of the factors listed in Government Code 56668 (see Attachment 2 for a list of these factors). Pursuant to Government Code 56425, LAFCo must determine and adopt an agency's sphere of influence (SOI) concurrent with the formation of a district. Additionally, LAFCo must conduct a municipal service review (MSR) in order to determine an agency's SOI, (Government Code 56430). The Commission must make specific determinations related to both establishing the SOI and conducting the MSR which are listed in Attachments 3 and 4.

Furthermore, when considering the formation of a special district, Government Code section 56886.5(a) directs LAFCOs to *"determine whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single-purpose local agency is deemed necessary, the commission shall consider reorganization with other single-purpose local agencies that provide related services."*

Honorable LAFCo Commissioners  
November 3, 2008  
Page 3

LAFCo staff polled other LAFCOs to see if any were aware of a special district being formed for the purpose of providing zoo services. Five LAFCOs responded (San Bernardino, Amador, Contra Costa, Sonoma, and Santa Barbara). San Bernardino LAFCo indicated that a recreation and park district in that County included a zoo within its scope of services.

Finally, LAFCo staff contacted the Staff Director of the Senate Local Government Committee, Peter Detwiler, who indicated that forming a new local agency should be carefully considered if the primary purpose is to increase revenue. He suggests that a special tax requiring 2/3 voter approval would likely be needed since it may be difficult to clearly identify how the operation of a zoo directly benefits real property which would be required to impose a benefit assessment. He further suggests looking at Public Resources Code Section 5566 (see Attachment 5) to set up an internal zone within an existing Regional Park District that covers the desired geographic area and has the taxing authority required to put forth a special tax on the ballot. Creating an internal zone does not require LAFCo approval.

#### Options

In conclusion, the Oakland Zoo could pursue the following options:

Option 1 – Maintain current status as a not-for-profit management organization and increase membership dues and entrance fees, seek additional private source funding, and/or obtain additional public sector funding from Oakland and/or East Bay Regional Park District.

Option 2 – Determine what kind of tax voters are willing to accept, define the geographic area to be covered, and form a new special district for the purpose of providing zoo services.

Option 3 - Work with an existing regional park district authorized to impose special taxes, such as East Bay Regional Park District, to set up an internal zone that could be used to put a special tax on the ballot.

Sincerely,



Mona Palacios  
Executive Officer

Attachments

*Alameda*

# LAFCO

## ATTACHMENT 1

ALAMEDA LOCAL AGENCY FORMATION COMMISSION  
1221 OAK STREET, SUITE 555 \* OAKLAND, CA 94612  
(510) 271-5142 FAX (510) 272-3784

District	Code & Section	Criteria
1	Community Services District (CSD) Government Code §61000 et seq.	<p>Formed as an independent special district.</p> <p>Boundaries can cross county lines and include incorporated and unincorporated territory.</p> <p>A multiple function district authorized to provide a wide range of services, including:</p> <ul style="list-style-type: none"><li>➤ Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.</li><li>➤ Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.</li></ul> <p>Proposal can be initiated by petition of at least 25% of registered voters in the subject area or by resolution of a legislative body of the county, a city or a special district that has territory within the proposed boundaries.</p> <p>If initiated by petition, proponent must file with LAFCo a Notice of Intention to Circulate Petition.</p> <p>LAFCo must hold a noticed public hearing to make its decision.</p> <p>If LAFCo approves the formation, then LAFCo must hold a protest hearing.</p> <p>LAFCo, acting as the Conducting Authority, will call and give notice of an election to be held in the subject territory.</p> <p>If the election on the formation of the district is combined with a special tax ballot, then the proposition must pass with a 2/3 vote; if the questions are held separately, the district formation proposition can pass with a majority vote.</p>

District	Code & Section	Criteria
2 County Service Area (CSA)	Government Code §25210 et seq.	<p>Formed as a dependent district with the Board of Supervisors as the governing Board.</p> <p>Primarily for providing extended governmental services in unincorporated areas of a county, but incorporated cities can be included if the city legislative body consents via resolution.</p> <p>A multiple function district authorized to provide a wide range of extended services, including local park, recreation or parkway facilities and services.</p> <p>Boundary cannot cross county line.</p> <p>Proposal can be initiated by petition of at least 10% of registered voters in the subject area or by resolution of the County Board of Supervisors, or resolution of any city within the County.</p> <p>If initiated by petition, proponent must file with LAFCo a Notice of Intention to Circulate Petition.</p> <p>LAFCo must hold a noticed public hearing to make its decision.</p> <p>If LAFCo approves the formation, then LAFCo must hold a protest hearing.</p> <p>If LAFCo receives &gt;=50% written protest from registered voters in the subject area or from &gt;=50% landowners owning 50%+ of the value of the land and improvements in the subject area, then proceedings are terminated.</p> <p>Otherwise the Commission may choose to terminate proceedings, or adopt a resolution ordering the formation without an election or ordering the formation subject to an election.</p> <p>If within 60 days from the adoption of a resolution to order the formation without an election, the Board receives a petition protesting this action signed by 10% of registered voters in the subject area, the Board must suspend and reconsider the resolution forming the district, or call for an election of voters residing in the subject area.</p>
3 Public Utility	Public Utilities Code §15501 et seq.	<p>Formed as an independent district.</p> <p>Proposal can only be initiated by petition of at least 15% of registered voters in the subject area.</p> <p>Prior to initiating petition, proponent must file with LAFCo a Notice of Intention to Circulate Petition.</p>

District	Code & Section	Criteria
		<p>LAFCo must hold a noticed public hearing to make its decision.</p> <p>If LAFCo approves the formation, then LAFCo holds a conducting authority hearing and may terminate the proceedings if it finds that the proposed district is uneconomical or infeasible or LAFCo may call for an election.</p> <p>Individual property owners within the proposed boundaries can petition the Board to exclude their property from the district.</p> <p>If an election is held, the district is formed if the proposition receives a majority vote in support.</p>
4	<p>Recreation and Park</p> <p>Public Resources Code §5780 et seq.</p>	<p>May be formed as either an independent district or dependent district.</p> <p>Territory that is already within a recreation and park district organized pursuant to this chapter shall not be included within another recreation and park district.</p> <p>Proposal can be initiated by petition of at least 25% of registered voters in the subject area or by resolution of the County Board of Supervisors or any city within the subject area.</p> <p>If initiated by petition, proponent must publish a Notice of Intention to Circulate Petition and provide evidence of such to LAFCo.</p> <p>LAFCo must hold a noticed public hearing to make its decision.</p> <p>If LAFCo receives written protest from landowners owning 50%+ of the assessed value of the land in the subject area, then proceedings are terminated.</p> <p>LAFCo may call an election and if a majority of voters in the subject area support the proposition, the district shall be formed.</p>
5	<p>Regional Park/Open Space</p> <p>Public Resources Code §5500 et seq</p>	<p>Formed as an independent district.</p> <p>Proposal can be initiated by petition of at least 5000 registered voters in the subject area. Some counties, not Alameda, have gotten special legislation to allow them to initiate a proposal via resolution of the County Board of Supervisors.</p> <p>Prior to initiating petition, proponent must file with LAFCo a Notice of Intention to Circulate Petition.</p>

District	Code & Section	Criteria
		<p>LAFCo must hold a noticed public hearing to make its decision.</p> <p>If LAFCo approves the formation, then LAFCo holds a conducting authority hearing and may terminate the proceedings or may call an election within the subject area.</p> <p>If an election is held and a majority of voters in the subject area support the proposition, the district shall be formed.</p> <p>The boundaries may include:</p> <ol style="list-style-type: none"> <li>1. Three or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties as long as all the territory in the proposed district is contiguous; or</li> <li>2. One or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, the territory of all of which when combined has a population of at least 50,000, as long as all the territory in the proposed district is contiguous.</li> </ol>

V:\LAF\Misc\Special District Information for the Oakland Zoo, table.doc

## **ATTACHMENT 2 – GOVERNMENT CODE SECTION 56668.**

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g) Consistency with city or county general and specific plans.

(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

(i) The comments of any affected local agency or other public agency.

(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

(m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

(n) Any information relating to existing land use designations.

(o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

### **ATTACHMENT 3 – GOVERNMENT CODE SECTION 56425.**

- (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.
- (b) Prior to a city submitting an application to the commission to update its sphere of influence, representatives from the city and representatives from the county shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If an agreement is reached between the city and county, the city shall forward the agreement in writing to the commission, along with the application to update the sphere of influence. The commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section, and the commission shall give great weight to the agreement to the extent that it is consistent with commission policies in its final determination of the city sphere.
- (c) If the commission's final determination is consistent with the agreement reached between the city and county pursuant to subdivision (b), the agreement shall be adopted by both the city and county after a noticed public hearing. Once the agreement has been adopted by the affected local agencies and their respective general plans reflect that agreement, then any development approved by the county within the sphere shall be consistent with the terms of that agreement.
- (d) If no agreement is reached pursuant to subdivision (b), the application may be submitted to the commission and the commission shall consider a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section.
- (e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:
  - (1) The present and planned land uses in the area, including agricultural and open-space lands.
  - (2) The present and probable need for public facilities and services in the area.
  - (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
  - (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- (f) Upon determination of a sphere of influence, the commission shall adopt that sphere.
- (g) On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.
- (h) The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations. Those recommendations shall be made available, upon request, to other agencies or to the public. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.
- (i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall do all of the following:
  - (1) Require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.
  - (2) Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

#### **ATTACHMENT 4 – GOVERNMENT CODE SECTION 56430.**

(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
  - (2) Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
  - (3) Financial ability of agencies to provide services.
  - (4) Status of, and opportunities for, shared facilities.
  - (5) Accountability for community service needs, including governmental structure and operational efficiencies.
  - (6) Any other matter related to effective or efficient service delivery, as required by commission policy.
- (b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.
- (c) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.

**ATTACHMENT 5 – PUBLIC RESOURCES CODE SECTION 5566.**

It is the intent of the Legislature to provide a district with authority to impose special taxes. A district may impose special taxes pursuant to the procedures set forth in Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. In exercising that authority, a district may establish a zone or zones and a rate of tax for each zone, which is to be applied uniformly to all taxpayers within the zone. All revenue from a tax levied in a zone shall be expended in connection with land and facilities that are located in that zone, including a reasonable amount thereof allocated for general administrative expenses of the district.