



2950 PERALTA OAKS COURT • P.O. BOX 5381 • OAKLAND • CA • 94605-0381  
 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

**BOARD OPERATIONS COMMITTEE**  
**Thursday, June 19, 2014 – 12:45 p.m.**  
**Peralta Oaks – Board Room**

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

**AGENDA**

<b><u>Status</u></b>	<b><u>Time</u></b>	<b><u>Item</u></b>	<b><u>Staff</u></b>
(R)	12:45	1. Review Camping Program Update Administrative Draft	(O’Connor)
(R)	1:45	2. Review 2014 Recommended Revisions to Ordinance 38	(King)
	2:30	3. Public Comments	
	2:40	4. AGM Comments	
	2:50	5. Board Comments	
	3:00	6. Adjourn	

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

**Board Operations Committee Members**  
 Beverly Lane (Chair); Carol Severin; Ayn Wieskamp;  
 Doug Siden (Alternate); Jim O’Connor (Staff Coordinator)

**Next Meeting**  
 July 17, 2014

**Distribution/Agenda Only**

Board of Directors	Carol Victor
Ted Radosevich	Cinde Rubaloff
Chief Tim Anderson	Afton Crooks
Dave Collins	Robert Herrick
Bob Nisbet	Michael Kelly
Carol Johnson	Peter Rauch
Diane Althoff	

**Distribution/Full Packet**

Clerk of the Board	Cliff Rocha Local /2428
Board Committee	Ilana Peterson Local 2428
Robert E. Doyle	Tyrone Davis/Police Assoc.
Jim O’Connor	Glenn Kirby/PAC
Mark Ragatz	Judi Bank/PAC
Kelly Barrington	Jerry Kent
Anne Kassebaum	
Mimi Waluch	

Board of Directors

Ayn Wieskamp President Ward 5	Whitney Dotson Vice-President Ward 1	Ted Radke Treasurer Ward 7	Doug Siden Secretary Ward 4	Beverly Lane Ward 6	Carol Severin Ward 3	John Sutter Ward 2	Robert E. Doyle General Manager
-------------------------------------	--------------------------------------------	----------------------------------	-----------------------------------	------------------------	-------------------------	-----------------------	------------------------------------



2950 PERALTA OAKS COURT • P.O. BOX 5381 • OAKLAND • CA • 94605-0381  
T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

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

**TO:** Board Operations Committee

**FROM:** Jim O'Connor – Assistant General Manager, Operations

**DATE:** June 19, 2014

**SUBJECT: Review Camping Program Update Administrative Draft**

---

A comprehensive review of the District's camping program was initiated in 1992 to provide direction to the District for the remainder of the decade and into the 21st century. A citizens Camping Task Force (CTF) was formed to recommend policies to guide the overall camping program and identify opportunities throughout the District to expand camping facilities and services. In the years since, District staff has implemented several of the CTF recommendations as funds have become available.

In order to fulfill the potential of camping facilities throughout the District, staff issued a Request for Proposal (RFP) seeking qualified consultants to review and update the camping program established by the CTF. Consequently, the District awarded a consultant contract to 2M Associates to report on current camping trends, new or recent changes in camping technologies, facilities and services, and camping industry best practices in the region, state and nation. Based on this research, 2M Associates will provide recommendations for potential camping program enhancements, including both facility and service improvements, and will also include the estimated costs and revenue potential of these recommendations.

Recommendations resulting from this study will guide District staff in establishing priorities for expansion and enhancement of the Camping Program and assure continued improvement of camping facilities and services to meet community needs. As part of the public input process this Camping Program Update administrative draft (**Attachment A**) is scheduled for discussion at the Park Advisory Committee on June 23, 2014, and then will be presented to the full Board of Directors in final draft form.

Staff is recommending that the committee accept the administrative draft report and that the report be forwarded to the Park Advisory Committee for comments before being brought to the full Board for review at their July 15, 2014 meeting.

**A copy of the attachment is available on-line at [www.ebparks.org](http://www.ebparks.org) and is on file with the Clerk of the Board.**

---

Board of Directors

Ayn Wieskamp  
President  
Ward 5

Whitney Dotson  
Vice-President  
Ward 1

Ted Radtke  
Treasurer  
Ward 7

Doug Siden  
Secretary  
Ward 4

Beverly Lane  
Ward 6

Carol Severin  
Ward 3

John Sutter  
Ward 2

Robert E. Doyle  
General Manager



2950 PERALTA OAKS COURT • P.O. BOX 5381 • OAKLAND • CA • 94605-0381  
T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG

**1:30 p.m. Item**

**TO:** Board Operations Committee  
**FROM:** Lieutenant Jon King, Police Department  
**DATE:** June 19, 2014  
**SUBJECT: 2014 Recommended Revisions to Ordinance 38**

---

I am pleased to present the 2014 recommended revisions to Ordinance 38 for your review and recommendation.

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

In 2012, the Board of Directors made revisions to Section 800.2 in response to concerns that it was overly restrictive in its prohibition against hunting as it pertains to navigable waters. Public Safety recommended a 150 yard buffer zone be implemented to protect trail users from discharges of firearms near the trails. This buffer or safety zone is consistent with Fish and Game Code Section 3004 [prohibition against hunting or discharge while hunting of any firearm within 150 yards of any occupied dwelling house, residence or other building.]. The revisions to Section 800.2 also included additional language specifically prohibiting hunting in Cogswell and Oro Loma Marshes (which are operated by the District as preserves and with no public access).

Since adopting these changes, the Park District has received comments from the Department of Fish and Wildlife and the California Waterfowl Association that the provisions of section 800.2 were overly broad and possibly encroached on an area in the jurisdiction of the Department to regulate hunting in waters of the State. In response to these comments, District Counsel is recommending modest edits to section 800.2 to address possible pre-emption issues. However, Public Safety, Operations staff and District Counsel's Office continues to recommend that a 150 yard safety zone near recreational trails and developed areas be maintained as a necessary health and safety regulation. The 150 yard buffer is narrowly tailored to protect the tens of thousands of visitors on Park District shoreline trails and not intended to regulate hunting.

---

Board of Directors

Ayn Wieskamp  
President  
Ward 5

Whitney Dotson  
Vice-President  
Ward 1

Ted Radke  
Treasurer  
Ward 7

Doug Siden  
Secretary  
Ward 4

Beverly Lane  
Ward 6

Carol Severin  
Ward 3

John Sutter  
Ward 2

Robert E. Doyle  
General Manager

Waterfowl hunting has historically occurred in District owned waters near Point Pinole Regional Shoreline and along the Delta, but these areas are well away from developed trails and picnic areas. Such hunting will still be allowed under section 800.2. The purposes of the 150 yard safety zone is to protect trail users, especially along the heavily used Bay Trail, in those areas where potential hunting areas are located close to the trails and developed recreation areas.

This year, members of the public expressed concerns over leash requirements on South Park Drive in Tilden Regional Park, when the roadway was closed to vehicles. Board members directed staff to research the issue and recommend a response to the concerns. As a result, staff is recommending that an exception to Section 801.2 for South Park Drive be created (Section 801.9). This exception would allow off-leash dogs on the roadway when it is closed to automobiles and provides the same requirements as the Point Isabel exception. Although staff is concerned about potential user conflicts on the roadway, police department records showed that none have been reported in the past. However, Tilden staff did report an impact to the turf and infrastructure at Padre and Laurel picnic areas that they believe is caused through overuse by dogs during the road closure period. Due to this, staff is recommending that the exception not be extended to the developed areas adjacent to the roadway.

As in past years, some of the suggestions for change that were submitted are not being recommended for approval. I can review those with the committee members at the meeting, if requested.

Following this meeting, the recommended revisions will be reviewed with the Park Advisory Committee before being presented to the full Board.

Attachment

SUBMITTED BY	SECTION	SUGGESTED REVISION	BACKGROUND
Larry Kiefer	403.1	<u>Restriction.</u> Except as provided in subsection 403.2 of this ordinance, no person shall have in his/her possession, nor shall any person fire or discharge or cause to be fired or discharged across or into any portion of the District any gun or firearm, bow and arrow, cross bow, sling shot, air or gas weapon, or any other dangerous weapon. <b>Further, no person shall possess, discharge or use any other dangerous weapon, including practice swords, spears, nunchakus and throwing stars, regardless of intent.</b>	This clarifies that all dangerous weapons are prohibited on District lands, regardless of intent and is submitted in response to a recent appellate court interpretation of the section.
Peg Groleau	403.2	<b>e) Legal possession or defensive discharge of a nonlethal aerosol spray made with oleoresin capsicum in not considered a violation of section 403.1. The spray's dispenser volume shall not exceed 2.5 ounces.</b>	This would add pepper spray to the list of items that are excepted from the weapon prohibition section.
Mimi Waluch	409.5	MISCELLANEOUS REGULATED ACTIVITES. No person shall engage in any of the following activities within the District except in areas specifically designated and set aside from time to time by the Board for such activities. Hang glide, <b>parasail or paraglide</b> , <del>except by permit,</del> parachute, rope swing; or <del>operate</del> <b>launch or land</b> a hot air balloon, except by permit.	This adds new activities to the current section and clarifies some of the language.
Janet Gomes	409.8	This would remove the following trail from Attachment A - Bicycles Are Not Permitted in the Following Locations: <b>Horseshoe Trail - Anthony Chabot</b>	This trail has been maintained as a multi use trail and is suitable for bicycle use. The concessionaire at the Equestrian Center has been consulted and has no opposition to the change.
Officer Matt Lillie	417	<b>No person shall possess drug paraphernalia, as defined in Section 11364 of the Health and Safety Code, within 1000 feet of a developed area within District lands. For the purposes of this section, developed areas are defined as any</b>	This would create an infraction section, prohibiting possession of paraphernalia in developed areas within the District that could be adjudicated in traffic court, not

		public road, lawn or play field, deck, parking lot, picnic area, campground, group camp, concession area, equestrian center, archery facility, gun range, paved multi-use Regional Trail, beach, swim area, swimming pool or any other area specifically designated from time to time by the Board as so restricted.	requiring involvement by the District Attorney's office.
District Counsel	800.2(a)	Exception: Waterfowl. Hunting of waterfowl shall be is governed by state Fish and Game laws in the waters of San Francisco and San Pablo Bays. Hunting along East Bay Regional Park District shorelines is permitted only by boat. In order to protect the health, safety and welfare of all park users and park facilities, hunting or discharge of weapons within 150 yards of a trail, levee, road or developed recreation area is prohibited. Hunting of waterfowl is not allowed inside Cogswell Marsh, Oro Loma Marsh or Hayward Marsh at Hayward Shoreline.	This change is proposed to address pre-emption issues identified by the Department of Fish and Game.
Anne Scheer	801.2a	Leash Required Areas (Developed Areas). No person shall bring into, or permit any dog, cat or animal to enter any Developed Area or be within 200 feet of any parking lot, trail head or staging area, as posted, unless such animal is securely leashed and under control of that person. a) Developed areas are defined as any public road open to vehicular traffic, lawn or play field, deck, parking lot, picnic area, campground, concession area, equestrian center, archery facility, gun range, paved multi-use Regional Trail, or any other area specifically designated from time to time by the Board as so restricted. This would also make the following change in the list of All Developed Areas Listed in 801.2(a): All (Board Designated) posted and paved multi-use Regional Trails.	This would add other paved multi-use trails to areas where dogs are required to be on leash and would require these areas to be specifically posted.

Anne Scheer	801.2	<p>Attachment B - Bathing Beaches or Swimming Pools  <b>Camp Arroyo Pool</b>  Attachment B - Other Parks or Areas of Parks with Specific Reasons for Prohibiting Dogs  <del>Overnight at Ohlone Wilderness and Sunol Backpack Camps</del></p>	<p>The pool was inadvertently not added and is an area where dogs are not allowed. It is appropriate for dogs to be allowed in the camps -- they can be there during the day and should be allowed at night.</p>
Staff	801.9	<p><del>South Park Drive Exception.</del> As an exception to the provisions of subsection 801.2, dogs may be taken off leash on South Park Drive in Tilden Regional Park during the seasonal closure period (November 1 – April 1). Any person allowing their animal to be off leash must:</p> <ul style="list-style-type: none"> <li>a) Carry a leash for each dog in his/her possession;</li> <li>b) Keep their dog or other animal under voice control and within sight at all times;</li> <li>c) Clean up feces deposited by their dog or other animal and properly dispose of the feces;</li> <li>d) Immediately leash any dog or other animal showing aggressiveness toward people or other dogs and animals;</li> <li>e) Prevent dogs or animals from digging or damaging park resources; and</li> <li>f) Keep dogs and other animal on-leash in developed areas, such as picnic areas, staging areas and lawns.</li> </ul>	<p>This addition is recommended to address the public concerns regarding dogs off leash on South Park Drive. Members of the Board requested that staff research the issue and recommend a response to the concerns. This would allow dogs on the roadway, but prohibit them from being off leash in the developed areas, where staff had reported damage caused by the dogs.</p>