

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

BOARD EXECUTIVE COMMITTEE

Tuesday, November 23, 2010
12:45 p.m., 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.

A copy of the background materials concerning these agenda items, including any material that may have been submitted less than 72 hours before the meeting, is available for inspection on the District's website (www.ebparks.org), the Headquarters reception desk, and at the meeting.

AGENDA

<u>STATUS</u>	<u>TIME</u>	<u>ITEM</u>	<u>STAFF</u>
(R)	12:45 p.m.	1. Consolidated Fee Schedule Update	Spaulding
(R)	1:00 p.m.	2. Board Operating Guidelines Update	O'Brien/Collins/Pulido
(R)	1:20 p.m.	3. Park Advisory Committee Proposed 2011 Goals	Pfuehler
(I)	1:40 p.m.	4. Regional In Nature	Johnson
(I)	2:00 p.m.	5. Presentation on Gateway Park Plan	M. Anderson
		6. Public Comments	

- (R) Recommendation for Future Board Consideration
- (I) Information
- (D) Discussion

Future Meetings:

(Note: There is no meeting in December.)

Executive Committee Members:

Doug Siden, Chair; Ted Radke; Beverly Lane
 Carol Severin, Alternate
 Pat O'Brien, Staff Coordinator

Distribution/Agenda

District:

Director Ayn Wieskamp
 Director John Sutter
 Director Whitney Dotson
 AGMs
 Carol Victor
 Erich Pfuehler
 Yolande Barial
 Bob Stagnaro

Public:

Bruce Beyaert
 Afton Crooks
 Ralph Kanz
 Michael Kelley
 Judi Bank
 Barry Weiss
 Sylvia Falcon
 Rich Guarienti
 Daniel Levy
 Glen Kirby (via e-mail)
 Tom Gandesbery (via e-mail)
 Bill Roberson (via e-mail)
 Jim McGrath (via e-mail)

Distribution/Full Packet

District:

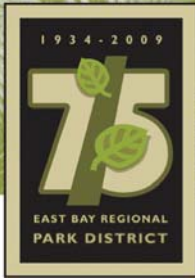
Director Carol Severin
 Director Doug Siden
 Director Ted Radke
 Director Beverly Lane
 Pat O'Brien
 John Escobar
 Dave Collins
 Mike Anderson
 Bob Doyle
 Tim Anderson
 Kristin Vorderbrueggen – Local 2428
 Dave Kalahela – Local 2428
 Tyrone Davis – POA
 Lobbyist/Receptionist

Public:

Norman LaForce

Project Manager(s):

Erich Pfuehler
 Mike Anderson
 Carol Johnson
 Deborah Spaulding
 Dave Collins
 Allen Pulido



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DATE: November 15, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the November 23, 2010
Board Executive Committee Meeting

ITEM I: **Consolidated Fee Schedule Update**

Deborah Spaulding, Assistant Finance Officer, will make a presentation on this agenda item.

BACKGROUND

The Park District maintains a Consolidated Fee Schedule ("Schedule") that is reviewed and updated annually. The Schedule lists all fees charged by the Park District in two sections: 1) Administrative & Document Fees, and 2) Park-Specific Fees.

Staff proposes changes to the Administrative & Document Fees for 2011, as described in this staff report. The proposed changes to the Park-Specific Fees section of the Schedule, including program fees, parking, concession, swim and other park use fees, was approved by the Board Operations Committee on November 10, 2010. The Schedule will be presented to the full Board for adoption in December.

Revenue from Administrative & Document Fees is relatively low compared with Park-Specific Fees. These fees do not represent a major source of revenue to the Park District. The changes proposed for 2011 will not make a material difference in revenue.

Attachment A is the draft Administrative Fee Schedule proposed for implementation on January 1, 2011. Below is a summary of the proposed changes.

Section II. General Documents / Miscellaneous Material Fees

The Finance Department has split the Adopted Budget into two volumes: The Operating Budget and Capital Budget. For this reason, an additional fee has been added for a single volume of the Adopted Budget.

6.	Adopted Budget Document – single volume	\$15	(new)
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Section III. Public Safety Fees & Fines

Public Safety proposes increasing all Ordinance 38 violations and California Vehicle Code violations by \$3.00 due to an additional state fee to fund trial court operations.

Additionally, items 10. c, d, and e (Ordinance 38 violations) and items 11. b – g (Vehicle Code violations) are proposed to be increased by an additional \$5.00 due to a \$4.50 state fee increase from last year.

10. Ordinance 38 Violations:

a. Section 901.1, a thru r (misc. no parking)	\$43	(was \$40)
b. Section 901.2 (parked > time limit)	\$43	(was \$40)
c. Section 901.3, (parked in disabled space)	\$283	(was \$275)
d. Section 901.4 (parked for vehicle maintenance)	\$58	(was \$50)
e. Section 904.1 (parked/abandoned > 72 hours)	\$108	(was \$100)

11. California Vehicle Code Violations:

a. Section 22500, a thru h, j, k (misc. no parking)	\$43	(was \$40)
b. Section 22500, l (parked in bus stop)	\$258	(was \$250)
c. Section 22500, l (blocking wheelchair ramp)	\$283	(was \$275)
d. Section 22507.8, a thru c (disabled space)	\$283	(was \$275)
e. Section 22522 (blocking sidewalk access ramp)	\$283	(was \$275)
f. Section 22523 (parked/abandoned)	\$108	(was \$100)
g. Section 22526 (parked/blocking intersection)	\$108	(was \$100)
h. All other State & Local Parking Sections	\$43	(was \$40)

Section VI. Miscellaneous Fees

The Fire Department proposes increasing the fee for use of a fire suppression vehicle from \$74 to \$90 an hour, to reflect the rate at which CalFire reimburses the Park District.

5. Charges for Use of District Equipment:

a. Fire Suppression Vehicle	\$90 /hr	(was \$74)
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The Finance Department proposes charging a \$25 Non-Sufficient Funds (NSF) check fee for bounced checks, to partially recoup staff costs for clearing bounced checks. This is the same amount charged for NSF checks by neighboring jurisdictions.

7. Non-Sufficient Funds (NSF) Check fee	\$25	(new)
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RECOMMENDATION

Staff requests that the Board Executive Committee review the revised Consolidated Fee Schedule and recommend this item to the full Board for favorable consideration.

ADMINISTRATIVE FEE SCHEDULE
Effective January 1, 2011

FEE DESCRIPTION	FEE	UNIT
<u>I. Board & Committee Material Fees *</u>		
1. Committee Agendas	\$0	Each
2. Committee Packets – individual	\$5	Each
3. Committee Packets – annual	\$50	Annual
4. Board Meeting Agenda – individual	\$0	Each
5. Board Meeting Packet – annual, picked-up	\$100	Year
6. Board Meeting Packet – annual, mailed	\$150	Year
7. Board Meeting, Audio Tape / CD	\$25	Meeting
8. Board Minutes	\$0	Each
<u>II. General Documents / Miscellaneous Material Fees *</u>		
1. Copy of Document	\$0.25	Page
2. Copy of Bound Document (including Land Use Plan, etc.)	\$15	Document
3. Copy of Bound Document on CD/DVD	\$5	CD/DVD
4. Adopted Budget Document – both volumes	\$25	Document
5. Adopted Budget Document – single volume	\$15	Document
6. Comprehensive Annual Financial Report (CAFR)	\$25	Document
7. Ordinance 38 Document	\$15	Document
8. Copy of Large Size Plan or Drawing (9 or fewer pages)	\$15	Document
9. Copy of Large Size Plan or Drawing (10 or more pages)	At cost	Document
10. Copy of Interpretive Publication, Brochure, Video, etc.	At cost + 40%	Item
11. Miscellaneous Retail Items	At cost + mark-up	Item
<i>* postage costs will be added for mailed items</i>		
<u>III. Public Safety Fees & Fines</u>		
1. Evidence Reproduction Administrative Fee	\$25	Process
2. Copy of Police Report	\$0.25	Page
3. 3" x 5" Photo	\$2	Photo
4. 5" x 7" Photo	\$10	Photo
5. 8" x 10" Photo	\$15	Photo
6. Audio Tape / CD	\$15	Tape / CD
7. Video Tape / DVD	\$25	Tape / DVD
8. Impounded / Stored Vehicle Release Fee	\$125	Vehicle
9. Fingerprint Rolling (Livescan)	\$25	Person
10. Ordinance 38 Violations:		
a. Section 901.1, a thru r (misc. no parking)	\$4340	Violation
b. Section 901.2 (parked > time limit)	\$4340	Violation
c. Section 901.3, (parked in disabled space)	\$283275	Violation
d. Section 901.4 (parked for vehicle maintenance)	\$5850	Violation
e. Section 904.1 (parked / abandoned > 72 hours)	\$108400	Violation
11. California Vehicle Code Violations:		
a. Section 22500, a thru h,j,k (misc. no parking)	\$4340	Violation
b. Section 22500, l (parked in bus stop)	\$258250	Violation
c. Section 22500, l (blocking wheelchair ramp)	\$283275	Violation
d. Section 22507.8, a thru c (disabled space)	\$283275	Violation
e. Section 22522 (blocking sidewalk access ramp)	\$283275	Violation

ADMINISTRATIVE FEE SCHEDULE

Effective January 1, 2011

f. Section 22523 (parked/abandoned)	\$108400	Violation
g. Section 22526 (parked/blocking intersection)	\$108400	Violation
h. All other State & Local Parking Sections	\$4340	Violation
FEE DESCRIPTION	FEE	UNIT
<u>IV. Land Use, Encroachment & Development Fees</u>		
1. Gate Access Permit	\$20	Year Permit
2. Special Encroachment Permit (<i>Provides limited access only by Homeowner, 1 or 2 days for brush-removal or material delivery. Fee may be waived if homeowner is complying with Fire Dept fuel reduction recommendations.</i>)	\$50	
3. Limited Access Contractor Encroachment Permit	\$200 - \$500	Permit
4. Major Encroachment Permit	\$1,500	Permit
5. Project Review & Processing by District Staff	\$60	Hour
6. On-Site Inspection by District Staff	\$60	Hour
7. Large-Scale Project Fees (determined by General Mgr.)	At Cost	
8. Penalty for Unauthorized Encroachment	\$300.00 + 2x fees + staff cost	Day
9. Telecommunications Lease Application - New Site	\$2,000	Application
10. Telecommunications Lease Application - Renewal	\$500	Application
<u>V. Resource Enhancement Project Fees</u>		
1. Project Application Fee	\$1,000	Project
2. Review & Processing	\$60	Hour
3. Inspection, Meetings & Data Collection	\$60	Hour
4. Exhibit Reproduction	\$25	Each
5. Large-Scale Project Fees (determined by General Mgr.)	At Cost	
<u>VI. Miscellaneous Fees</u>		
1. Scattering of Cremated Remains	\$50	Permit
2. Formal scientific research on District property by an employee (professor, instructor, teacher) of an education institution, including university, college or private-professional organization	\$50	Permit
3. Research on District property by undergraduate / graduate student under direction of a professor or instructor	\$25	Permit
4. Charges for Overtime Services of District Staff:		
a. Aquatic Supervisor	\$90	Hour
b. Drafting Technician	\$90	Hour
c. Field / Office Surveyor	\$93	Hour
d. Fire Captain	\$131	Hour
e. Firefighter / EMT	\$90	Hour
f. Helicopter Mechanic	\$102	Hour
g. Helicopter Pilot	\$140	Hour
h. Lifeguard	\$37	Hour
i. Naturalist	\$84	Hour
j. Park Supervisor	\$98	Hour
k. Park Ranger	\$73	Hour

ADMINISTRATIVE FEE SCHEDULE
Effective January 1, 2011

I. Police Officer	\$110	Hour
m. Senior Chief of Survey	\$107	Hour
n. Senior Construction Inspector	\$101	Hour
o. Survey Technician	\$81	Hour
p. All other staff: top step at overtime rate, plus benefits	Per work order rate schedule	Hour
FEE DESCRIPTION	FEE	UNIT
5. Charges for Use of District Equipment:		
a. Fire Suppression Vehicle	\$90 74	Hour
b. Support Vehicle	\$62	Hour
c. Helicopter (non-firefighting)	\$1,179	Hour
d. Helicopter (firefighting)	\$1,194	Hour
6. Interest on invoices 30 days past due	1.0%	Monthly
<u>7. Non-Sufficient Funds (NSF) Check Fee</u>	<u>\$25</u>	<u>Per check</u>



DATE: November 15, 2010

TO: Board Executive Committee

FROM: Pat O' Brien, General Manager

SUBJECT: Background Information for the November 23, 2010
Board Executive Committee Meeting

ITEM 2: Board Operating Guidelines

Pat O'Brien, General Manager, Dave Collins, AGM for Management Services, and Allen Pulido, Clerk of the Board, will make a presentation on this agenda item.

BACKGROUND

The District's Board of Directors has adopted the Operating Guidelines ("Guidelines") to assist in the effective operation of the District - the Board, Management and other District employees. The Guidelines were last updated in September 2009. It is necessary to revise the Board Operating Guidelines from time to time to ensure that this document is in conformance with current District policies and practices, as well as governmental rules and regulations.

The Guidelines have been updated by staff to reflect current administrative practice. A number of minor and/or editorial corrections are proposed as highlighted in the enclosed "red-lined" draft. (Attachment B) Several changes that are material and/or likely of interest to the Board are also proposed and are outlined below.

Page	Topic	Comment
13	<u>Item II-E.4:</u> <u>Committee Meetings</u>	To clarify Committee actions when less than a quorum at a meeting is present.
28	<u>Item IV-F.2:</u> <u>Field Trips</u>	To reflect current practice.
29	<u>Item V-A.3.c:</u> <u>Consent Calendar</u>	To clarify how agenda items are presented to the Board.
	<u>Item VII-F.3:</u>	To reflect current practice.

40	<u>Parliamentary Procedure: Protocol</u>	
41-42	<u>Item VIII-B.1.b: Adjustments to the Budget/Increases in Appropriation</u>	To reflect current practice.
42	<u>Item VIII-B.1.c: Adjustments to Capital Project Accounts</u>	Deleted and moved to <u>Page 44, new item VIII-H.2</u> – Grants and Project Funding Agreements.
42/44	<u>Item VIII-B.2: Adjustments to the Budget/General Manager</u>	First sentence deleted since it is no longer necessary with the revision of item VIII-B.1.b (above); and Creation of new Item I – <u>Adjustments to Financial Records</u> (p. 44) – clarifies staff actions for asset valuation adjustments.
47	<u>Item IX-C.3.a: Board Compensation and Expense Reimbursement –Air Travel</u>	To reflect current practice.
72	<u>Appendix F-G.1.d: Special Exceptions to Bidding</u>	To reflect current practice.
72	<u>Appendix F-G.2.c: Special Exceptions to Bidding/Uncertain Areas</u>	To provide clarity to staff.
73	Appendix F-H: Construction Change Orders	Revised to include “Consultants”

RECOMMENDATION

Staff recommends that the Board Executive Committee, after review, forward a favorable recommendation to the full Board to adopt the revisions to the Board Operating Guidelines.

E. COMMITTEE STRUCTURE

1. Committee Membership. The President shall make appointments to all committees unless otherwise designated by the full Board and designate the chairperson thereof. Committees shall include not more than three Board members and the General Manager will assign staff to each committee. The Board President may appoint an alternate member to any committee to attend committee meetings only in the absence of one regular committee member.
2. Term of Membership. The term of membership of each member of each standing and special committee shall be for one year beginning from the first meeting in January. Whenever a vacancy occurs on a committee, the President shall make either a temporary or a permanent appointment to fill a vacancy.
3. Financial Limitations of Committees. No committee shall employ or engage the services of any person or authorize or incur any charge, debt, or liability against the District without the consent of the Board.
4. Committee Meetings. Committee meetings are open to the public unless the Committee Chair rules that matters of personnel, litigation, or labor negotiations are to be discussed. Because certain subject matters such as land acquisition negotiations, litigation, personnel or public safety are discussed by the Executive Committee, portions of the meetings of the Executive Committee may be closed to the public when discussing these topics. ~~Committee meetings may be held with at least one Committee member in attendance.~~
 - a. Quorum for Conducting Committee Meetings:
 4. Generally, at least two Committee members shall be present for the conduct of Committee business. However, Committee meetings may be conducted with only one member; in which case, the Committee recommendations shall be submitted to the Board of Directors indicating that only one Committee member was present.
5. Distribution of Committee Meeting Agendas and Materials. Board Committee agendas will be prepared and distributed prior to each Board Committee meeting. Agendas will be distributed to committee members, and upon written request, to other individuals and organizations. These will be provided free of charge. Committee packet materials prepared for review and discussion by Board committees will be distributed at a charge of \$5.00 per packet, or \$50.00 per year, such fee to be paid at the time of the request. All such materials are in the public domain, with the exception of confidential items considered from time to time by the Board's Executive Committee, which will not be distributed to outside parties. Distribution of committee minutes is included in Board Meeting minutes and are available as noted in Section V.B., Board Material, in these guidelines.

event of a conflict between the Brown Act or subsequent amendments, the District will always follow the then existing law.

1. Committees of the Board. Committees and their meetings must be open to the public and notice of the meetings given.

Exception: Temporary advisory committees, referred to as *ad hoc* committees composed solely of less than a quorum of the legislative body that serves a limited or single purpose, that are not perpetual and that will be dissolved once their specific task is completed, are not subject to the Brown Act.

2. Field Trips. Field Trips involving more than three of the Directors must be noticed as special meetings of the Board. ~~and summary minutes of what transpired shall be approved and filed as Minutes of the Board at the next regular meeting of the Board.~~ A list of all attendees will be maintained by the Clerk of the Board.
3. Study Sessions; Conferences; Work Sessions; Briefing Sessions; and Breakfast, Lunch, and Dinner Sessions of the Board. Study sessions; conferences; work sessions; briefing sessions; and breakfast, lunch, or dinner sessions involving more than three Directors are subject to the Brown Act and are considered meetings of the Board even though no formal action is taken. Attendance by more than three Directors at a social event is not subject to the Act, as long as District business is not discussed among the three or more Board members present.
4. Public Notice of Matters Debated at Board Meetings. The agenda must be posted 72 hours before the meeting and must contain a brief general description of each item of business to be transacted or discussed at the meeting. In addition, no action shall be taken on any item not appearing on the posted agenda. See also Section VII.D.2. (page 39).

G. SERIATIM MEETINGS

Directors should not discuss a matter either in a series of committee meetings, by a series of non-public telephone conversations, messages, memoranda, electronic communication, or in any other “seriatim” manner for the purpose of reaching an understanding of the facts or law by a majority of Directors prior to discussions or consideration of a matter at a Board Meeting.

V. OPEN BOARD MEETINGS

A. AGENDAS

1. **Preparation.** It is the responsibility of the General Manager, with prior approval of the Board President, to prepare written agendas for all meetings of the Board. While the Board President controls the agenda, any item requested in writing by two Board members shall be included on the agenda. Agendas shall include all items to be considered at the meetings. These agendas shall be mailed or otherwise furnished to all Directors sufficiently in advance to permit review prior to the meeting. Board members will make every effort to contact staff in order to discuss and resolve any questions they have regarding agenda items in advance of the Board Meeting. Items that citizens or organizations wish to have considered for inclusion on the agenda shall be submitted to the General Manager or Board President at least 14 days prior to a regularly scheduled Board Meeting. The decision to add items to the agenda, however, rests solely with the District as set forth above.
2. **Organization.** Agenda items will be grouped in appropriate categories and approximate times for each category may be stated on agendas for Board consideration.
3. **Structure.**
 - a. **Approval for the Agenda.** Each Board agenda will provide an opportunity for the Board to approve the items to be considered by the Board at the beginning of each Board Meeting. Items may be removed from the agenda by a majority vote of the Board.
 - b. **Public Comments.** There shall be included on the agenda two opportunities for Public Comment. The first opportunity shall be scheduled immediately after the approval of the agenda. Unless otherwise authorized by the Board President, public comments will be limited to three (3) minutes per speaker.

The second opportunity will directly precede adjournment of the meeting.
 - c. **Consent Calendar.** There shall be a Consent Calendar which shall include those matters which the General Manager and Board President deem to be of such a nature that no debate or inquiry should be necessary at the Board Meeting. Items which involve the expenditure of more than \$500,000 in District funds or will cause the District to incur debt over \$100,000 will not be placed on the Consent Calendar. Matters unanimously favorably recommended by a Committee will placed on the Consent Calendar, unless specifically requested that it be placed on Open Session by that Committee. The vote taken by a Committee shall also be indicated in the staff report. Board members desiring clarification on a Consent Calendar item are encouraged to contact staff in advance of the meeting. However, a Board member may also request that a

3. Protocol. Each person addressing the Board shall give his or her full name and address for the record, and, unless otherwise authorized by the Board President, limit comments to three (3) minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person other than the Board and the person having the floor shall be permitted to enter into the discussion without the permission of the Chair. [All materials provided by the speaker for distribution to the Board must be submitted to the Clerk of the Board.](#)
4. Spokesperson for Groups. Whenever a group wishes to address the Board, the Chair may request that a spokesperson be chosen to address the Board. Additional comments may be presented by other members of the group but should be limited in time so as to avoid repetition. Individuals may not assign their allotted speaking times to another person to allow said person to address the Board for a longer period of time.

2010 Update

VIII. FINANCIAL CONTROLS

A. ANNUAL BUDGET

The District operates on a calendar year budget beginning on January 1 and ending on December 31. District staff develops an annual schedule for preparation of the Budget and briefs the Board Finance Committee on its progress.

1. General Provisions. The General Manager shall forward a recommended annual budget each calendar year to the Board Finance Committee. This recommended annual budget shall include provisions for operating expenses, debt service, capital projects, internal services, special revenues and such other functional categories as the General Manager deems appropriate.
2. Budget Submitted to the Board. After study and consideration of the recommended budget by the Board Finance Committee, the budget shall be submitted to the full Board of Directors for adoption.
3. Notice of Availability of Summary Budget and Time of Hearing. Before the Budget is adopted by the Board, the General Manager shall publish a notice once in a newspaper of general circulation stating that:
 - a. The recommended budget is available to District taxpayers upon request.
 - b. On a date, time and place stated in the notice, the Board shall hold a public hearing on the proposed budget, and any taxpayer may be heard regarding the increases, decreases, or omissions of any item on the budget or for the inclusion of additional items. The notice shall be published at least 14 business days prior to the public hearing.
 - c. On or before the third Tuesday of December (or as otherwise set by the Board) of each year the Board shall review the proposed Budget for the following year. The Board may later adjust individual line items in the recommended budget, but a complete budget must be adopted, by resolution, by a vote of the Board.

B. ADJUSTMENTS TO THE BUDGET

1. Board Approval. Board action is required to make budget adjustments in the following cases:
 - a. A budget transfer from one fund to another for amounts exceeding \$25,000.
Budget transfers of \$25,000 or less require GM or designee approval.
 - b. All increases in appropriation.

Adjustments between ~~the~~ expenditure categories within a division will require Assistant General Manager approval, except for personnel services, supplies and services, capital outlay and debt service which require the approval of the General Manager or his/her designee. ~~for amounts exceeding \$25,000.~~

b. Adjustments between divisions require the approval of the General Manager or his/her designee.

~~c. Adjustments to capital project accounts exceeding \$25,000. The subdivision of a previously appropriated capital project account into related sub-accounts or subprojects, or adjustments between capital and other than asset (OTA) accounts to conform to accounting standards related to the recording of District assets, that do not change the total funding for the original purpose or the scope of the project do not require Board approval. Land Acquisition capital project accounts that have authority to negotiate can be increased up to \$25,000 from other appropriated and available land capital accounts.~~

~~d.c. Transfers of Board General Reserve (Contingency) funds exceeding \$5,000.~~

2. General Manager. ~~The General Manager or his designee may, by notice in writing to the CFO/Controller, adjust operating funds, expenditure categories, capital project accounts, and annual year-end equipment write-offs which do not exceed \$25,000 or the annual or project caps stated above, and which do not conflict with budget intentions or directives of the Board.~~ The General Manager or his designee is specifically authorized to subdivide Board-approved capital projects into one or more subprojects as may be required to efficiently account for multiple funding sources, project phases, departmental assignments or similar project criteria provided that the subprojects do not expand, move to other locations, or modify a capital project from the original project scope. The General Manager, designee, or CFO/Controller are authorized to move accounts between the capital and OTA funds to conform to capital accounting requirements without Board action, provided that the action does not change the total funding for the original purpose or the scope of the project. Movement between capital and OTA funds, or establishment of subprojects will not constitute a transfer for the purpose of this section.

~~The General Manager or the General Manager's designee is also specifically authorized to accept grants up to \$25,000 without Board action.~~

C. APPROVAL OF CHECK REGISTER

The CFO/Controller is authorized to pay demands against the District, by check or electronic funds transfer, without the prior, specific approval of the Board, that are for any purpose for which an expenditure has been approved in the District's adopted budget and which does not exceed the unexpended amount of funds approved. Demands so paid shall be presented to the Board of Directors at the next meeting for review and approval, subject to the following:

The CFO/Controller is authorized to open, close, and maintain bank accounts, preferably in any branch of Alameda and Contra Costa County banks and savings and loan associations which are members of the Federal Deposit Insurance Corporation and with adequate required collateral capability to meet State of California requirements of public agency deposits and investment security. Funds are segregated by accounts and a listing of the accounts is contained in the Finance Department's Financial Procedures Guide.

G. AUDIT RESPONSIBILITIES OF FINANCE COMMITTEE

Appointment of the independent outside auditor will be made by the Board with recommendations from the Finance Committee.

Review of the annual audit, prepared by independent outside auditors, will be accomplished by the Finance Committee. Recommendations regarding the audit will be made to the full Board.

The Finance Committee shall review the annual financial statements of the District and consider other matters in relation to the internal and external financial status of the District's accounts.

H. GRANTS ~~APPLICATIONS~~ AND ~~CAPITAL~~ PROJECT FUNDING AGREEMENTS

1. All grant applications, and funding agreements with other agencies of over \$25,000, require authorization of the Board prior to submission. Grants of \$25,000 or less require GM or designee approval.
2. -Adjustments to capital project accounts exceeding \$25,000 require authorization of the Board. The subdivision of a previously appropriated capital project account into related sub-accounts or subprojects, or adjustments between capital and other-than-asset (OTA) accounts to conform to accounting standards related to the recording of District assets, that do not change the total funding for the original purpose or the scope of the project do not require Board approval. Land Acquisition capital project accounts that have authority to negotiate can be increased up to \$25,000 from other appropriated and available land capital accounts.

I. ADJUSTMENTS TO FINANCIAL RECORDS

The CFO/Controller, with approval from the General Manager or his/her designee, may adjust the value of assets recoded in the District's financial records to correctly reflect assets and liabilities at their correct accounting value, when the adjustment per item is less than \$25,000. For adjustments of individual items amounting of \$25,000 and over, Board approval is required.

- a. Air Travel. Board members may be reimbursed for the expense of a roundtrip economy-class airplane ticket, so long as the amount of reimbursement sought does not exceed the least expensive airfare that is consistent with the Board member's scheduling needs. Charges for extra services such as seat upgrades are not eligible for reimbursement.
 - b. Personal Vehicle Travel. Board members may be reimbursed for expenses incurred in traveling by personal vehicle on official business at the Internal Revenue Service mileage rate.
 - c. Car Rental Reimbursement. Board members may be reimbursed for the expense of a car rental, so long as the amount of reimbursement sought does not exceed economical and reasonable rental rates that are available.
4. Meals. Board members may be reimbursed for expenses on a per diem basis incurred for meals consumed in conjunction with official business in the following amounts, which include tax and gratuity up to the per diem rate, or actual expenses, whichever is less:

Breakfast:	\$	12.00
Lunch:		17.00
Dinner:		<u>32.00</u>
	\$	61.00 **

The above amounts are intended as a guideline. Board members may be reimbursed up to 30% above these amounts for any individual meal, but the total reimbursement for a day's meals shall not exceed the maximum daily total specified.

The above limitations do not apply to meals at association meetings, events, conferences and the like at which a fixed price meal is served as part of, or during the meeting, event, or conference. In those situations the actual cost of such meal will be reimbursed.

The meal reimbursement amounts set forth above may be adjusted annually effective on January 1 to reflect any changes in the most currently available rates specified by IRS Publication 1542 for Oakland.

If a meal is provided by a conference or organized educational activity, or otherwise included in the payment of registration fees, Board members may not be reimbursed for meals purchased in lieu of, or in addition to, the provided meal.

For meals not individually itemized and paid by District credit cards, Board members will be charged a pro rata share of the meal based on the number of paid participants in the meal (less the approved per diem meal allowance), and the cost of the meal will be noted as a District paid expense.

** 1st revision – February 17, 2010

G. SPECIAL EXCEPTIONS TO BIDDING

1. Bidding is not required for some special situations:

- a. "Services" – payment for professional or independent contractor consulting services that are less than \$25,000.
- b. "Emergency" – bonafide, not self-caused, need to project against injury or damage.
- c. "Volunteer projects" – projects accomplished with volunteer help.
- d. Sole source/supplier, [purchases via the U.S. General Services Administration \(GSA\) or California Multiple Award Schedules \(CMAS\) vendor accreditation process](#), unique used equipment, etc.
- e. "Legal expenses" – law firms and consultants for legal matters and litigation.

With respect to items b. and d. above, the responsible staff members shall prepare and submit with the requisition a memorandum reciting the facts which constitute the "emergency" or "no advantage".

With respect to item d. above, "Sole Source" may also be used to identify items which, through past usage/purchasing history, have not been available from other vendors.

2. Uncertain Areas

Certain requests should be referred to District Counsel for opinion prior to making a decision not to go to bid [and include, but not limited to:](#)

- a. Specialty building and structure renovations where plans and specifications cannot realistically be prepared and bid.
- b. Projects where contractors do not normally do the specific type of work, i.e., hand-built trails, mine scaling, etc.
- b.c. [Items purchased in bulk such as fuel, oil and tires.](#)

3. Consultant, Interagency and Professional Consulting Services Contracts for Amounts Above \$25,000

- a. Staff shall prepare a request for proposals (RFP) form describing the nature of the work to be performed.
- b. The RFP shall be distributed to any consultant or firm who is to be considered for the project requesting response to the particulars of the RFP. The General

Manager shall take affirmative steps to ensure that women and minority-owned businesses receive such requests for proposals.

- c. Following receipt of the completed RFP from the prospective consultants or firms, staff will screen the proposals; conduct interviews, if necessary; and prepare a final contract with the recommended consultant or firm to be submitted to the Board for approval.

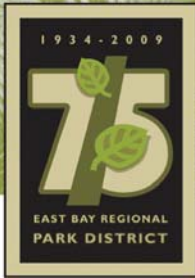
4. General Manager Consultants

The General Manager may retain consultants for the purpose of assisting the General Manager or for temporarily filling vacant positions which are provided for in the adopted budget, without using the RFP process described in Section 3 above.

H. CONSULTANT OR CONSTRUCTION CHANGE ORDERS

Staff may issue change orders to a consultant, construction or procurement contract, provided that the net aggregate of all change orders to that contract, exclusive of additional authorization by the Board, does not exceed fifteen percent (15%) of the original contract price, not including appropriated contingencies. Any expenditure beyond the approved contract and contingency shall be submitted to the Board for approval.

1. Design, Maintenance or Contract Management Departmental Managers may authorize change orders up to the 10% level.
2. The General Manager or his/her designee must approve all change orders between the 10% and 15% level.
3. Any change order in excess of 15% requires Board approval.



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



DATE: November 15, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the November 23, 2010
Board Executive Committee Meeting

ITEM 3: Park Advisory Committee Proposed 2011 Goals

Erich Pfuehler, Legislative Affairs Manager, and Glenn Kirby, Park Advisory Committee Chair, will make a presentation on this agenda item.

BACKGROUND

At the meeting, Eric Pfuehler and Glenn Kirby will present the Park Advisory Committee's proposed 2011 goals. The attached document (Attachment C) contains a summary of the PAC's ongoing goals, 2010 goals, and proposed 2011 goals.

RECOMMENDATION

Staff and the PAC Executive Committee recommend the Board Executive Committee forward this item to the full Board for favorable consideration.

PARK ADVISORY COMMITTEE GOALS

**Summary of 2010
and
Proposed for 2011**

DRAFT

**Produced for the Board Executive Committee
and
PAC Executive Sub-Committee Meeting**

November 23, 2010

- I. ONGOING GOALS**
- II. REVIEW OF 2010 GOALS**
- III. PROPOSED 2011 GOALS**

I. ONGOING GOALS

1. Review land use plans or amendments proposed for adoption.
2010 – Land Use Plan Amendment Checklist for North Garin Land Bank 4-26-10
– Shadow Cliffs Land Use Plan 6-28-10
2. Make periodic park field trips to coincide with PAC review of planning documents or other purposes.
2010 – Alvarado Field Trip 5-1-10
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.
2010 – Fuels Management Plan 1-25-10
– Stewardship and Resources Review 11-29-10
4. Review proposed names of District facilities as designated by the District Naming Policy.
2010 – Naming Picnic Area Dedication (Lampert Knoll Quarry Lakes) 1-22-10
– Naming Black Diamond Mines Room (John Waters Auditorium) 1-26-10
5. Coordinate one PAC meeting in the field.
2010 – BBQ at Garin 9-27-10
6. Provide early input and review of the annual Budget, and the Comprehensive Annual Financial Report (CAFR).
2010 – CAFR Review 6-82-10
– Proposed Budget 11-29-10
7. Review Ordinance 38 for policy issues.
2010 – Ordinance 38 Minor Modification 6-28-10
8. Provide input and actively participate in the Board's efforts to seek funding for the acquisition, development, maintenance and operation of the parks.
2010 – Securing 2/3rds Voter Support for funding in a depressed Economy 2-22-10
– District Grant Activities 4-26-10
– Update on Measure WW Implementation 5-24-10
9. Recommend policies and programs that foster outreach to under-served communities relating to both park usage and employment opportunities.
2010 – Community Relations Plan 4-26-10
– Interpretive and Community Program Outreach 5-24-10
10. Review and recommend dedication status of regional parklands and trails.
2010 – No action taken
11. Review Trails Use Checklist changes related to Ordinance 38.
2010 – Review Trails Checklist Change Policy 7-26-10
12. Review the Trails Program every year.
2010 – Green Transportation / Paved Trails Update 1-25-10
13. Review volunteer program every other year (due in 2011).
2010 – No action taken
14. Continue to participate in the District's Ambassador Program as time allows.
2010 – Some individual actions taken
15. Review and comment on progress reports on the Americans with Disabilities Act Plan.
2010 – No action taken
16. Review and comment on a progress report on Measure CC, including geographic allocation of funds every other year (due in 2011).
2010 – No action taken

17. Undertake special projects as directed by the Board; the PAC may request referral of special projects from the Board.

2010 – Role in Master Plan process

18. Review Special Use Permits.

2010 – No action taken

II. REVIEW OF 2010 GOALS

1. Review and comment on the District's process and guidelines for special uses and concessions – **No Action Taken**
2. Commemoration of the District's 75th Anniversary and the Foundation's 40th (continuation) – *considered 3-22-10*
3. Fuels Management Update (continuation) – **recommendation made 1-25-10**
4. Measure WW Implementation (continuation) – *considered 5-24-10*
5. Update on Master Plan Process (continuation) – *considered 9-27-10*
6. Review and Comment on Trails Checklist Change Policy (NEW) – *considered 7-26-10*
7. Garin LUP Update (NEW) – **recommendation made 4-26-10**
8. Ambassador Program Update (NEW) – *considered 1-25-10*
9. Green Transportation / Paved Trails Update (NEW) – *considered 1-25-10*
10. Grant Program Update (NEW) – *considered 4-26-10*
11. Park Residence Policy (NEW) – **No Action Taken**
12. Stewardship, Ecology Programs and Cultural Resources Review (NEW) – **considered 11-29-10**
13. Reservations Process (NEW) – **No Action Taken**
14. Camping Program Task Force (NEW) – *considered 10-25-10*
15. New Media Policy (NEW) – *considered 7-26-10*
16. Brief Interpretive and Community Program Outreach Update (NEW) – *considered 5-24-10*

III. PROPOSED 2011 GOALS

1. Participate in Master Plan Process (continuation)
2. Measure WW implementation (continuation)
3. Community Relations Plan (continuation)
4. Review and comment on a progress report on Measure CC, including geographic allocation of funds every other year (due in 2011)
5. Review Volunteer Program every other year (due in 2011)
6. Review and comment on the District's process and guidelines for special uses and concessions (2010 goal not met)
7. Park Residence Policy (2010 goal not met)
8. Reservations Process (2010 goal not met)
9. Pleasanton Ridge Land Use Plan (2010 goal not met)
10. Green Transportation Update (NEW)
11. Healthy Parks and Trails / Healthy People (NEW)
12. Interpretive and Recreation Services Update (NEW)
13. San Francisco PUC Dam project and impacts on Sunol Review (NEW)

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



DATE: November 15, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the November 23, 2010
Board Executive Committee Meeting

ITEM 4: Regional In Nature Plan for 2011

Carol Johnson, Community Relations Manager, will make a presentation on this agenda item.

BACKGROUND

For close to two decades, *Regional in Nature* (“RIN”) activity guide has been the primary marketing tool used to promote Park District news, facilities, and programs. It has evolved from its earliest days – previously known as “The Log” – to a bi-monthly 16 page, 4-color tabloid that is inserted in most East Bay newspapers. Its current circulation is 580,000 and is distributed in 30 publications. A list of these publications is attached as Attachment D.

The early RIN format was created similar in its scope to the activity guides successfully used in other park and recreation agencies. The newspaper distribution method was initiated by Public Affairs staff. Newspaper insertions were identified by staff as a cost effective way to reach the masses in Alameda and Contra Costa Counties. Printed copies are directly mailed to Regional Parks Foundation members and are available in 200 public venues where the public can pick up a copy such as libraries, community centers, senior centers, universities, chambers of commerce, health clinics, fraternal clubs, etc. Our healthcare partner, Kaiser Permanente, regularly offers the RIN to patients at their East Bay rehabilitation, arthritis, and osteoporosis centers. In addition to printed copies, the publication is also available online at www.ebparks.org.

Collaboration has long been the key in the development of RIN. Its program content is created with the assistance of the Interpretation and Recreation Department while Public Affairs staff manages the news section, graphical design, printing, and distribution. Past Park District customer surveys have shown robust public awareness of RIN. Most recently, 2010 data collected by the Park District’s Reservations Department concludes that approximately 50% of program registrants learn about their programs of interest from RIN.

Over the years, RIN has advanced in size and scope with an updated visual layout and the addition of four-color and page count. Thanks to target marketing efforts with local distribution channels throughout Alameda and Contra Costa Counties, RIN circulation has continued to stay consistent to previous years despite rapid decline of daily newspaper readership throughout the media industry. This trend, experts say, is largely due to the surge of online media news availability. RIN's circulation stability can be attributed to the insertion addition of smaller, less expensive community periodicals that are widely read for local interest stories.

Staff has successfully leveraged reductions in RIN costs for the past three consecutive years despite the additions of insertions in new local publications. The 2010 annual cost for printing, insertion, and distribution of the RIN is \$420,000, which was down 10% from 2009. Public Affairs continues to research other options for production of a similar marketing tool(s) that can reach the masses effectively. To date, staff has not found appropriate, financially viable alternatives.

New for 2011

The Board Executive Committee will review the plans for the next evolution of the RIN's cost-effective design features including a compact size and program calendar pullout, along with new channels of distribution using ethnic media to reach more diverse audiences specifically Hispanic, Chinese, Korean, and South Asian.

RECOMMENDATION

None. This agenda item is informational only. A formal recommendation including revenue/cost for approval of a printer will be presented to the Board of Directors in December 2010.

	RIN Copies			Yr - Oct 2010	Copies
	BANG - Bay Area News Group		BANG is a subsidiary of MediaNews Group, Denver, CO		369,266
	ANG Packaging Center, Hayward and CC Times Insert Warehouse, Concord				
	Breakdown:			Breakdown:	
1	The Argus	Daily	Fremont, Milpitas, Newark, Sunol, Union City	21,859	
2	Contra Costa Times	Daily	Benicia, Clayton, Concord, Fairfield, Pleasant Hill, Lafayette, Martinez, Moraga, Orinda, Vallejo, Walnut Creek	56,539	
3	West County Times	Daily	Albany, Berkeley, Crockett, El Cerrito, El Sobrante, Hercules, Richmond, San Pablo, Antioch, Bethel Island, Brentwood, Byron/Discovery Bay, Knightsen, Oakley, Pittsburg	18,986	
4	East County Times	Daily	Antioch, Bethel Island, Brentwood, Byron/ Discovery Bay, Knightsen, Oakley, Pittsburg	23,891	
5	San Ramon Valley Times	Daily	Alamo, Danville, Diablo, San Ramon	15,577	
6	The Valley Times	Daily	Castro Valley, Dublin, Livermore, Pleasanton, Sunol	15,196	
7	The Daily Review	Daily	Castro Valley, Hayward, Oakland, San Leandro, San Lorenzo, Union City	25,317	
8	Oakland Tribune	Daily	Alameda, Danville, Crockett, Fairfield, Fremont, Hayward, Castro Valley, Pinole, Rodeo, San Leandro, San Ramon, Pleasanton, Vallejo, Oakland, Berkeley, Richmond	38,039	
9	Tri-Valley Herald	Daily	Alamo, Danville, Diablo, Livermore, Pleasanton, San Joaquin, San Ramon, Sunol	27,498	
10	Alameda Journal Hills Group	Friday	Alameda	23,517	
11	Berkeley Voice	Friday	Berkeley	12,045	
12	El Cerrito Journal	Friday	Albany, El Cerrito, Berkeley	6,429	
13	Montclairion	Friday	Montclair, Oakland	28,168	
14	Piedmonter	Friday	Piedmont	5,205	
15	Fronteras - North (in Spanish)	Saturday	Contra Costa & Alameda Counties	25,500	
16	Fronteras - South	Saturday	San Mateo & Santa Clara Counties	25,500	
17	SF Chronicle	Daily			56,100
	Brentwood Press (1998)	Weekly			44,000
	Breakdown:			Breakdown:	
18	Antioch Press (subs & free)	Weekly on Fri	Antioch	4,040	
19	Brentwood Press (free)	Weekly on Fri	Brentwood	19,695	
20	Discovery Bay Press (free)	Weekly on Fri	Byron, Discovery	6,665	
21	Oakley Press (free)	Weekly on Fri	Oakley, Knightsen, Bethel Island	13,600	
22	Parents Press	Monthly			40,000
	Post Newspaper Group	Weekly			35,000
	Breakdown:			Breakdown:	
23	The Oakland Post	Weekly on Wed	Oakland	10,000	
24	The Berkeley Tri-City Post	Weekly on Wed	Berkeley	5,000	
25	The Richmond Post	Weekly on Wed	Richmond	5,000	
26	The San Francisco Post	Weekly on Wed	San Francisco	5,000	
27	The South County Post	Weekly on Wed	Fremont, Newark, Sunol, Union City	5,000	
28	The Marin County Post	Weekly on Wed	Marin	2,000	
29	El Mundo (in Spanish)	Weekly on Wed		3,000	
30	The Pioneer at CSUEB (CA State U, East Bay)	Weekly on Wed	Union City		10,000
31	Others (EBRPD, RPF)				25,262
	Total copies of RIN per issue				579,628



DATE: November 15, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the November 23, 2010
Board Executive Committee Meeting

ITEM 5: Presentation on Gateway Park Plan

Mike Anderson, Assistant General Manager for Planning/Stewardship, will make a presentation on this agenda item. Peter Walker, Project Landscape Architect from Perkins + Will, will also be at the meeting to make a presentation on the preferred Gateway Park Plan.

BACKGROUND

Perkins + Will, the consultant hired by the Bay Area Toll Authority to generate the plan for Gateway Park, has developed a preferred alternative for a 275-acre area that begins at the foot of the new eastern span of the Bay Bridge, extends eastward to the land under the Highway 880 connector and southward along the length of Maritime Street. The plan is the result of an analysis of the existing conditions of the site, input through two public workshops, and numerous meetings with the Gateway Park Working Group, which is composed of staff members from several agencies that have interests in this area.

For the Park District, the greatest concern has been over the improvements proposed for the 15-acre land area located near the landing of the new bridge, which will be transferred to the Park District by the Army and Cal Trans. The Park District had plans for developing this area with a passive park theme that would feature some opportunities for the interpretation of the shoreline environment. However, the preferred plan proposes a much more intensely developed and active park at this location, which would include: a viewing ride (similar to the London Eye), restaurant, beer hall, overwater deck and boardwalk, picnic areas, kayak launch, and parking. Clearly this level of development is far beyond the operational commitment that has been anticipated by the Park District. Because of this, staff in its meetings with the Gateway Park Working Group, has consistently stated that the Park District is willing to fund the costs of operating the passive park development of this area, but any costs for operation or maintenance that would exceed that amount would have to be provided from a stable source of funding that is from non-Park District revenue. An issue distinct from funding the costs of

operation is whether or not the Park District would support this level of intense development on its property.

Another issue that is being discussed by the Gateway Park Working Group is the determination of a lead agency, which is required for CEQA/NEPA processing of the project, as well as the application for funding. Staff is considering the creation of a Joint Powers Agency (“JPA”) as the best approach for all agencies with an interest in the park to work cooperatively to acquire the capital and operational funds needed to make this park a reality. Once formed, the JPA could hire the Park District to perform operations and maintenance functions (similar to Middle Harbor Park), while generating revenue through separate processes. Staff would appreciate any thoughts from the Executive Committee on this issue, as discussions with the Gateway Park Working Group continue.

RECOMMENDATION

None. This agenda item is informational only.