

REPORT OF GENERAL MANAGER

NO. 01-82

DATE March 7, 2001

CD _____

BOARD OF RECREATION AND PARKS COMMISSIONERS

SUBJECT: MEMORANDUM OF AGREEMENT WITH FRIENDS OF CABRILLO MARINE AQUARIUM

J. Combs	_____	J. Kolb	_____
T. Coroalles	_____	M. Tamuri	_____
J. Duggan	_____	* M. Matthews	<i>M. Matthews</i>
H. Fujita	_____		

John Duggan
 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board approve the attached Memorandum of Agreement between the City of Los Angeles Department of Recreation and Parks and the Friends of the Cabrillo Marine Aquarium.

SUMMARY:

Cabrillo Marine Aquarium has prepared a written Memorandum of Agreement with the Friends of Cabrillo Marine Aquarium (FCMA), a non-profit organization affiliated with the Aquarium. The Aquarium has applied for accreditation from the American Zoo and Aquarium Association. One of the requirements set by the AZA accreditation committee for CMA is to have a written agreement between the City, which owns and operates the Aquarium, and the Friends group, which provides volunteer assistance and raises funds for Aquarium educational and research programs and capital improvements. The agreement will define the relationship between the two entities and clarify the roles that each will play in the operation of the Aquarium in the future. The next opportunity for receiving accreditation is at the AZA regional meeting in Colorado on March 22 and 23.

This agreement will also facilitate the transfer of funds from FCMA to the Aquarium. FCMA has recently raised \$1.34 million to match Proposition K funding for the expansion of the Aquarium. The agreement and transfer of funds from FCMA to the Aquarium must be accomplished by March 20, 2001 to satisfy CLA/OARS requirements for the sale of bonds scheduled for March 27.

The Cabrillo Marine Aquarium and FCMA have worked together for many years for the betterment of the Aquarium. It is appropriate now, as we seek national accreditation and undertake a major expansion that the working relationship between the two entities be formalized.

Prepared by Susanne Lawrenz-Miller, Cabrillo Marine Aquarium

MEMORANDUM OF AGREEMENT
Between the City of Los Angeles Department of Recreation and Parks
and the
Friends of the Cabrillo Marine Aquarium

The City of Los Angeles Department of Recreation and Parks (Department) owns and operates the Cabrillo Marine Aquarium (Aquarium) which is an educational, recreational, and research facility dedicated to providing rich and varied opportunities for early and continued education to the general public about the marine environment of Southern California.

The Friends of Cabrillo Marine Aquarium (FCMA) is a non-profit corporation with 501c3 classification by the Internal Revenue Service. The mission of FCMA is to support the educational, charitable, scientific, and other related activities and affairs of the Aquarium. Specific objectives of FCMA are to (1) provide financial and volunteer support to the Aquarium, 2) serve its members, 3) promote an awareness of the Aquarium and its mission, and 4) maintain professional management of FCMA.

In consideration of the foregoing and in recognition of the benefits that will accrue to the Aquarium, both the Department and FCMA understand and agree to this Memorandum of Agreement (MOA) and the terms specified below:

1. LENGTH OF AGREEMENT

The term of the agreement is three years from the date of execution of the agreement by the two parties. The MOA may be modified at any time by the mutual agreement of both parties. Either party may terminate on 30 days notice for any reason. Funds dedicated to the Aquarium will be paid to the Department upon termination.

2. DEPARTMENT RESOURCES

The Department will assist FCMA by providing event space, office space, staff support, materials, telephone service, email capability, and mail service on an as needed basis to the extent that these resources are available. Specific spaces and resources shall be mutually agreed upon by the General Manager of the Department or designee and the Chair of the FCMA Board of Directors or designee.

3. MEMBERSHIP IN FCMA

FCMA shall offer memberships to the public and shall provide certain services to the members. FCMA shall help recruit, train, and recognize volunteers to assist the Aquarium in activities supporting its mission. Where those services impact the Aquarium, they shall be coordinated with the General Manager of the Department or designee.

4. FCMA FUNDRAISING

FCMA shall develop marketing and fundraising plans to promote donations from foundations, corporations, and private individuals to benefit the Aquarium. FCMA will work closely with the Aquarium to assure that all project descriptions and commitments have the agreement of the Department and the City of Los Angeles. All donation opportunities that involve naming or other commitments on the part of the Department and or City must have the preliminary approval of the

General Manager of the Department or designee and the final approval of the City of Los Angeles as City Charter and Administrative Code regulations require.

5. FCMA EXPENDITURES

An annual budget proposal for use of the funds raised by FCMA will be prepared by the Department and submitted to the FCMA Board of Directors for approval. Special requests may also be made to FCMA for funds not previously budgeted.

Capital Funds

Funds allocated by FCMA for capital projects at the Aquarium will be used only for the purposes intended by the donors. The Aquarium will obtain the approval of FCMA before making any substantial changes in exhibits and other projects funded by FCMA.

Operating Funds

FCMA shall provide the necessary funds to meet its direct operation expenses and shall maintain those funds in accounts that are under the control and supervision of FCMA.

6. PUBLICATIONS

FCMA may print, publish, and distribute literature and printed material that contains references to the Aquarium only with the approval of the General Manager of the Department or designee.

7. SPECIAL PROJECTS

From time to time, the Department or FCMA will initiate projects that involve both parties. At the time of these projects, a specific agreement, written or verbal as appropriate, shall be developed.

8. SEMI-ANNUAL REPORTS

The Department and FCMA shall meet semi-annually to exchange reports on the financial status of each entity and provide information on fund raising progress and future plans. FCMA shall provide the Department with a copy of its annual budget after approval by the FCMA Board of Directors, and the Department shall provide FCMA with a copy of the Aquarium's annual and MRP budgets after approval by the General Manager.

9. STANDARD PROVISIONS

The Standard Provisions for contracts and agreements with the City of Los Angeles are incorporated herein as Attachment A.

Name

Date

Ellen Oppenheim, General Manager
City of Los Angeles
Department of Recreation and Parks

Name

Date

Gary I. DeLong, Chairman
Board of Directors
Friends of the Cabrillo Marine Aquarium