

**APPROVED**

REPORT OF GENERAL MANAGER

NO. 09-025

DATE February 4, 2009

**FEB 04 2009**

C.D. 15

**BOARD OF RECREATION  
and PARK COMMISSIONERS**

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CABRILLO MARINE AQUARIUM - MEMORANDUM OF AGREEMENT BETWEEN FRIENDS OF CABRILLO MARINE AQUARIUM AND THE DEPARTMENT OF RECREATION AND PARKS FOR SUPPORT OF THE AQUARIUM IN THE AREAS OF EDUCATIONAL, CHARITABLE, SCIENTIFIC AND OTHER RELATED ACTIVITIES

R. Adams _____	J. Kolb _____
H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
*V. Israel <u><i>[Signature]</i></u>	M. Shull _____

*V. Israel for*  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve a proposed 10-year Memorandum of Agreement (MOA), to support the educational, charitable, scientific, and other related activities of the Cabrillo Marine Aquarium (CMA), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (Department) and the FRIENDS of Cabrillo Marine Aquarium (FCMA), subject to approval of the Mayor, City Council and the City Attorney as to form;
2. Direct the Board Secretary to submit concurrently the proposed MOA to the Mayor, City Council and to the City Attorney for review and approval as to form; and,
3. Authorize the General Manager to execute the MOA subsequent to all necessary approvals.

SUMMARY:

On October 25, 2005, the Department renewed a MOA with FCMA. This agreement expired on October 24, 2008, and must be renewed before CMA reapplies for accreditation through the Association of Zoos and Aquariums (AZA) in March of 2010. Accreditation through AZA is an affirmation that CMA upholds the highest industry standards for animal care, ethics, wildlife conservation, education and science. The absence of this distinction, not only erodes public

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confidence in the management and operations of the Aquarium, but may be detrimental to CMA's ability to qualify for grant funding.

FCMA is a non-profit organization affiliated with CMA whose purpose is to support the mission of CMA. In addition to program support, FCMA also invests in capital improvement projects for CMA. CMA and FCMA have worked together for many years for the betterment of CMA. Annually, FCMA provides in excess of \$1 million worth of support towards CMA projects, programs, publications and facility maintenance. In exchange for this support, the Department provides office space, event space, staff support, materials, telephone service, email capability, and mail service on an as-needed basis to the extent that these resources are available.

One of the requirements set by the AZA accreditation committee is for CMA to have an approved written agreement between the Department, which owns and operates CMA, and FCMA, which provides volunteer assistance and raises funds to support CMA related educational and research Programs. A primary focus during accreditation review will be the relationship between the support group (FCMA), the governing authority (Department) and the Director of CMA. Commonly found concerns during the accreditation review include unresolved governance issues like expired or non-existence MOAs. Therefore, it is important for accreditation purposes to have a current MOA in place which clearly defines the relationship between the support group and the governing authority.

### FISCAL IMPACT STATEMENT:

Continuation of the proposed agreement represents no impact to the Department's General Fund. All funds generated by FCMA are used to support the CMA and will offset some program expenditures, an assessment of which has yet to be completed.

This report was prepared by Mike Schadt, Director, Cabrillo Marine Aquarium