




**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	November 21, 2023
<b>TITLE</b>	Authorization to Enter Into a Special Use Agreement with Native Here Nursery at Tilden Regional Park
<b>DIVISION</b>	Operations
<b>FROM</b>	Ruby Tumber, Acting Business Services Manager Robert Kennedy, Acting Assistant General Manager
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors authorize a Special Use Agreement with Native Here Nursery, with a five-year term with the possibility of a five-year extension beginning January 1, 2024 for the use of approximately one acre of land in Tilden Regional Park with an annual use fee of \$2,050 increasing \$50 per year, or 5% of gross sales, whichever is greater with no cost to the East Bay Regional Park District (Park District).

**BACKGROUND**

On January 1, 1994, the Park District entered into a Special Use Agreement with Native Here Nursery, a project of the East Bay Chapter of the California Native Plant Society, located in Tilden Regional Park. This agreement was renewed four times previously, recently per Resolution #2018-03-049, and the current agreement will end on December 31, 2023. On September 12, 2023, by unanimous vote, the Board Operations Committee recommended that the Board of Directors again enter into a Special Use Agreement with Native Here Nursery.

The nursery and adjacent work areas occupy approximately one acre of public land in Tilden Regional Park and have become a valuable resource and service to the community by educating the public on the importance of restoring and preserving native plant species. The equipment and operation Native Here Nursery will provide at its sole cost and expense are as follows: water, sewage, and garbage service and electricity needed at the Premises. All irrigation equipment required to operate the property and maintenance of the following: waterline equipment; utility poles; storage/office shed; gates and fences; toilet facility; semi-permanent structures; and plant and materials storage.

The Park District performs occasional hazardous tree work.

**ANALYSIS**

The purpose of this facility is to contribute to the preservation of California's native flora by operating a nursery to propagate plant material from local genetic stock native to the East Bay. Native Here is a project of the East Bay Chapter of the California Native Plant Society, which is a 501(c)(3) organization. Work is performed through the work of volunteers. Much of the plant stock comes

from within the Park District, and the nursery contributes to propagation of native species found throughout parklands. The nursery operation also provides local genetic strains of native plant materials for sale to the public, public agencies, nurseries, contractors, and environmental consultants, along with a bi-annual plant sale. The California Native Plant Society nursery staff and volunteers also provide education to the public about native plants.

### **FISCAL IMPACT**

Revenue to the Park District over the past ten years has ranged from \$1,850 to \$3,030 annually, reflecting a percentage of gross sales. Revenues have fluctuated based on plant sales in any given year. The new annual Special Use Agreement Fee will be \$2,050 increasing \$50 per year, or 5% of gross sales, whichever is greater.

### **ATTACHMENTS**

None.



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2023-11-  
NOVEMBER 21, 2023**

**AUTHORIZATION TO ENTER INTO SPECIAL USE AGREEMENT WITH NATIVE  
HERE NURSERY AT TILDEN REGIONAL PARK**

**WHEREAS**, Native Here Nursery, a project of the East Bay Chapter of the California Native Plant Society, a 501(c)(3) organization, has had a special use agreement for land use in Tilden Regional Park since January 1, 1994;

**WHEREAS**, this agreement was renewed four times previously, most recently per Resolution #2018-03-049 and the current agreement will end on December 31, 2023; and

**WHEREAS**, Native Here Nursery has adhered to all terms of their current license and expressed their interest in continuing the agreement; and

**WHEREAS**, the purpose of this facility is to contribute to the preservation of California's native flora by operating a nursery to propagate plant material from local genetic stock native to the East Bay with much of the plant stock obtained from public lands under the East Bay Regional Park District's (Park District) jurisdiction; and

**WHEREAS**, on September 12, 2023, the Board Operations Committee reviewed and unanimously recommended authorizing entering into a Special Use Agreement with Native Here Nursery; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes a Special Use Agreement with the Native Here Nursery for a five-year term with the possibility of a five-year extension beginning January 1, 2024 for use of approximately one acre of land in Tilden Regional Park with an annual use fee of \$2,050 increasing \$50 per year, or 5% of gross sales, whichever is greater with no cost to the District as presented to the Board on November 21, 2023; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted November 21, 2023, by the following vote:

FOR:

AGAINST:

ABSTAIN:  
ABSENT: