

LETTER OF AGREEMENT

A. Parties

This Letter of Agreement is between the University of California, Berkeley Campus Chancellor's Office and the People's Park Project/Native Plant Forum (PPP/NPF).

B. Communications

The Chancellor's Office agrees to discuss with the PPP/NPF all matters relating to the use, maintenance and development of the People's Park site and any tentative proposals for construction, public works, or other significant changes affecting the Park before the Chancellor's Office makes a decision on these matters.

The Chancellor's Office agrees that the PPP/NPF will serve as a clearinghouse for discussion and resolution of issues on matters relating to People's Park and that Individuals and Groups discussing People's Park-related issues with the Chancellor's Office will be referred to the PPP/NPF. Items of disagreement remaining after this process may be appealed to the Chancellor.


At such time as a broad-based People's Park student community neighborhood association can organize itself, PPP/NPF may request that the Chancellor's Office transfer the above functions to said association.

C. Appropriate Use


People's Park is primarily reserved for educational, research and recreational purposes. Disputes regarding use will be settled as defined under Section B, Communications.

D. Notice of Cancellation

Written notice of one year is required of the Chancellor's Office or the PPP/NPF for cancellation of this Letter of Agreement.

 Date: May 8, 1978
Campus Coordinator, PPP/NPF

 Date: May 8, 1978
Associate Vice Chancellor for
Business Affairs, UCB

 Date: 9 May '78
Field Coordinator, PPP/NPF

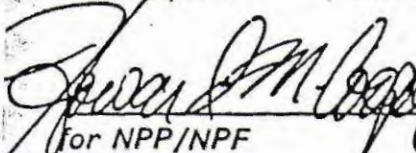
 Date: MAY 8 1978.
for NPP/NPF

EXHIBIT H

January 5, 1979

LETTER OF UNDERSTANDING

This Letter of Understanding is between the University of California, Berkeley's administration and the People's Park Project/Native Plant Forum, a non-profit registered student organization.

OBJECTIVES

The purpose of the People's Park Project/Native Plant Forum (PPP/NPF) is to plant and to maintain a horticultural project in the area of the People's Park east of the existing lawn according to the general guidelines of the April 1975 proposal, including the sketch maps submitted with the proposal and amended subsequently. The PPP/NPF also expects to advise the University and to contribute, where possible, to the landscaping of the entire area.

The PPP/NPF shall be responsible for the care and maintenance or replacement of plants in its area.

These activities are open to anyone who is interested.

A major objective of the People's Park Project is public education. Association with the University of California on this project is an invaluable asset. The disciplines of agriculture, forestry and landscape architecture, among others, can contribute advanced, theoretical, and technical achievements to the Park's demonstration gardens.

Concepts of multicultural gardening, composting, botanical diversity and wild lands ecology will be given practical expression. Botanical label markers and explanation signs will assist the assimilation of knowledge by visitors. As PPP/NPF can benefit richly from the expertise and facilities of the campus, so can the Park become an integral element and valuable resource in the University structure. This is a relationship that both parties can hope to enhance in the future.

People's Park Project/Native Plant Forum has emphasized the cultivation of native plants arranged in plant-community habitats displaying hundreds of California species. This emphasis serves the threefold purpose of conserving rare or endangered species and varieties, increasing technical knowledge and awareness of native botanic horticulture, and providing a working model for the reintroduction of our native flora into the urban environment. In this way it may be possible to preserve vestiges of natural values in people's daily life, while reducing the extent to which metropolitan areas act as ecological barriers to the natural interaction and migration of plants and wildlife.

EXHIBIT I

NOTICE OF CANCELLATION

Written notice of one year is required of the Chancellor's Office or the PPP/NPF for cancellation of this Letter of Agreement.

APPROPRIATE USE

People's Park is primarily reserved for education, research and recreational purposes. Disputes regarding use will be settled as defined under "Communications".

ROUTINE MAINTENANCE

PPP/NPF will assume responsibility for maintaining and watering the garden area of People's Park.

The University will provide water, surplus materials, trash pick-up, part-time labor, and other services.

COMMUNICATIONS

The Chancellor's Office agrees to discuss with PPP/NPF all matters relating to the use, maintenance and development of the People's Park site and any tentative proposal for construction, public works, or other significant changes affecting the Park before the Chancellor's Office makes a decision on these matters. The PPP/NPF will notify the Chancellor's Office when the NPF registered organization status is renewed.

RESOLUTION OF DISAGREEMENTS

If there is a disagreement between PPP/NPF and the Office of Associate Vice Chancellor for Business Affairs over whether the foregoing points are being followed, a meeting will be held to resolve the difficulty before any action is taken to terminate the project. Items of disagreement remaining after this process may be appealed to the Chancellor.

OFFICES OF NOTICE

The following offices of notice may be used for communication and information between the Chancellor's Office and the People's Park Project/Native Plant Forum:

*Office of the Associate Vice
Chancellor for Business Affairs
127 California Hall
University of California
Berkeley, CA 94720*

*People's Plant Project/
Native Plant Forum
P.O. Box 463
Berkeley, CA 94701*

Charles M. Boyer Date: February 7, 1979
Campus Coordinator, PPP/NPF

J. H. Chonoreth Date: 1/23/79
Associate Vice Chancellor for
Business Affairs

Daniel K. ... Date: 7 Feb. '79
Field Coordinator, PPP/NPF

Peter M. Wood Date: February 9, 1979
for PPP/NPF

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August 31, 1979

VICE CHANCELLOR R. F. KERLEY:

RE: Coordinations for Use of the University Property Commonly Called "People's Park"

The People's Park Project/Native Plant Forum (PPP/NPF) has a continuing agreement with the Chancellor's Office to conduct their urban gardening and native plant activities on the east end of People's Park. David Axelrod (phone: 428-0657--home; 525-2233--work) is the principal contact for this group, but the new campus coordinator for the coming academic year is Michele Gray (phone: 948-6206).

The People's Park Coordinating Council is an association of persons interested in planning activities for the Park and in the overall administration and control by the University of the Park area. The Coordinator for the People's Park Council for the coming academic year is David Fogarty (phone: 548-4511) previously associated with the ASUC Municipal Lobby.

In discussions with Chief Beall and me, the People's Park Council has developed a set of guidelines for the use of the platform erected on a few parking spaces immediately west of the grass area. These guidelines seem reasonable to me and have been reviewed by Chief Beall as well. Campus-registered organizations or community groups that would like to use the stage have been directed to get in touch with the People's Park Council (message line phone: 841-6500) or the "Stage Manager" Steve Hayton (phone: 548:6292). (See attached copy of guidelines for reference.) Chief Beall, Roland Maples and I have worked out the following procedures to be used by the University when a campus-registered organization or a community group would like to hold some activity in the People's Park area.

For campus or registered organizations, the usual request for use of University facilities will be filled out at 103 Sproul Hall showing the nature of the event, its date and scheduled time, and other information necessary for Maples' office to make a review of the materials submitted. The request is then sent to my office for approval. If the campus-registered organization has not been in touch with the People's Park Council, then my office informs their coordinator of the request and arrangements are made with the Council (or with the Stage Manager if the event involves the use of the stage) and the Council informs me of the results of their discussions with the organization. If the campus-registered organization approaches the Council first and makes its arrangements, the Council, before filing the request in Maples' office, records that information on the request and sends it to my office.

EXHIBIT J

For community groups that wish to use the Park area, normally their first contact is with the People's Park Council. The Council informs the group of the guidelines and develops the dates, schedule times, and other information necessary for review by my office and informs me of their support or non-support of the group's request for use of the Park area. By arrangement with Roland Maples and the Council, I have requested that the community group also fill out the pertinent sections of the request for University facilities at 103 Sproul Hall and the request, with its supporting material, is forwarded by Maples' office to my office.

If the foregoing procedure is followed with sufficient time for notice to the Police Department and Facilities Management or other involved University departments, then the process goes smoothly. In the past, a few community groups have held events in the Park without notice to either the People's Park Council or the University and both of us have had to scramble to "catch up" with the group's plans to avoid conflicts in use and provide for all the necessary coordinations and notices to City and University departments. When the planning has been early and notifications done in time, I have not yet found it necessary to deny a request for use of the Park area.

My general agreement with the People's Park Council and the PPP/NPF is that if the guidelines will be followed and the general procedure outlined above is also followed, the Chancellor's Office will usually approve any reasonable request for use of the area. Any approval by the Chancellor's Office will always be based upon input and support from the People's Park Council. If the People's Park Council were to not support a use of the Park area (such as their opposition to the CalFAIRE Carnival), I have agreed that the Chancellor's Office would always make its reasons for approval known to the People's Park Council. Similarly, if the Chancellor's Office ever had to deny use of the Park area to an organization or group that applied for use of the Park area, such a denial over the support of the People's Park Council, could also be supported by the reasons for the University's denial. These general agreements and procedures have been worked out between me, Dave Axelrod, Dave Fogarty, Bob Sparks and others who are active in these activities and concerned about both the appropriate and community-oriented use of the Park area.

The issue of police surveillance and control in this portion of University property has been a continual difficulty in the minds of many members of the community. We have had many meetings with community persons and the police and myself to discuss specific incidents as well as general principles. I believe the amount of police enforcement in the Park area is reasonable as exerted by the Telegraph Avenue patrol and, insofar as possible, there is mutual respect between most members of the community and the patrol officers. Incidents, from time to time, make for specific difficulties

but by discussing the incident with both sides we have been able to keep communication channels open even though there may not be final agreement. In general, we have provided the same type of police enforcement in the People's Park area as we do on other University property. Even though the People's Park area is operated as a low-maintenance park for general community use, this issue requires continual attention by the Chancellor's Office.

As recommended elsewhere, I have said that Ed Hendricks should be the management person for the PPP/NPF and the People's Park Council to get in touch with on specific and daily issues, and that Ed should serve as the representative of the Chancellor's Office in areas of communication and coordination. In my absence, the resolution of disputes over principles and the approval for the use of the Park area will now come to your attention and signature.

Since I will now be a "private citizen" who has a long involvement in the last five or six years' developments in the People's Park area, I expect to remain active as a member of the People's Park Council, especially when the interest of the neighbors around the Park are involved. I hope, with your approval, that I will also be able to serve as a "friend of the University" when issues are discussed but without my previous authority as Associate Vice Chancellor.



T. H. Chenoweth
Associate Vice Chancellor
for Business Affairs

Attachment

cc: Associate Vice Chancellor N. L. Smith
Chief Administrator E. B. Hendricks
Director R. J. Maples
Chief W. P. Beall
Assistant Vice Chancellor G. P. Russo
Officer L. L. Schmelzer
Officer R. P. Hafner
Mr. D. Axelrod (PPP/NPF)
Ms. M. Gray (PPP/NPF)
Mr. D. Fogarty (People's Park Council)
Mr. B. Sparks (People's Park Council)