
Date: May 3, 2022

Item Number: _____

Resolution Number: _____



4/5 Vote Required

Resolution Of The Board Of Directors Of the Sonoma County Agricultural Preservation and Open Space District Authorizing a \$126,943 Matching Grant to the City of Sebastopol Toward the Development of the AmeriCorps Trail; Authorizing Execution of a Matching Grant Agreement; Determining that the Grant is Consistent with the Sonoma County General Plan 2020 and the District's Expenditure Plan; Authorizing and Directing the President to Execute a Conservation Easement over the Property; Authorizing and Directing the President to Execute a Recreation Conservation Covenant; Authorizing Execution of Related Certificates of Acceptance; Making Certain Findings Under the California Environmental Quality Act; and Directing the Filing of a Notice of Exemption.

Whereas, in accordance with the voter-approved Expenditure Plan, the District has established a competitive Matching Grant Program ("the Program") for projects that provide open space, community recreation, or public access opportunities within and near incorporated areas and other urbanized areas of Sonoma County; and

Whereas, the Program requires applicants to provide a matching contribution for the project; and

Whereas, on June 5, 2018, the City applied to the District's 2018 Matching Grant Program cycle for \$126, 943 to assist in funding a 48-foot long bridge across Zimpher Creek, which is part of the City's efforts to improve 0.5 miles of public trail within the Laguna de Santa Rosa Wetlands Preserve, which will provide a vital and missing link between the Joe Rodota and West County trail networks (the "Project"); and

Whereas, on November 13, 2018, the District Board of Directors accepted the City's application for funding for the Project, contingent upon the subsequent execution of a Matching Grant Agreement to be presented to the Board for approval; and

Whereas, the District and City of Sebastopol desire to execute a conservation easement to preserve and protect the open space values of the property, and a recreation conservation covenant by which the City of Sebastopol accepts the affirmative obligation to use, operate and maintain the AmeriCorps Trail for public outdoor recreation in perpetuity.

Now, Therefore, Be It Resolved that this Board of Directors hereby finds, determines, declares, and orders as follows:

1. **Truth of Recitals.** That the foregoing recitations are true and correct.
2. **General Plan Consistency.** That the Project is consistent with the Sonoma County General Plan 2020, specifically the Open Space and Resource Conservation Element, including establishment of a countywide park and trail system that meets future recreational needs of the County's residents.
3. **Expenditure Plan Consistency.** That the Project is consistent with the District's Expenditure Plan, as it states that sales tax monies may be spent on urban open space and recreation projects within and near incorporated areas and other urbanized areas of Sonoma County, including, but not limited to creek restoration and enhancement, trails, athletic fields, and urban greenspace.
4. **Conservation Easement and Certificate of Acceptance.** That the President is authorized and directed to execute, on behalf of the District, the certain agreement in connection with the Project entitled "Deed of Conservation Easement and Agreement By and Between City of Sebastopol and the Sonoma County Agricultural Preservation and Open Space District" ("Conservation Easement"), together with the certificate of acceptance required by Government Code 27281.
5. **Recreation Covenant and Certificate of Acceptance.** That the President is authorized and directed to execute, on behalf of the District, the certain agreement in connection with the Project entitled "AmeriCorps Trail Recreation Conservation Covenant" ("Recreation Covenant"), together with the certificate of acceptance required by Government Code 27281.
6. **Irrevocable Offer of Dedication.** Pursuant to Public Resources Code 5565.5, this Board consents to the recordation by the City of Sebastopol of a certain Irrevocable Offer to Dedicate the fee interest in the property to the District, as contemplated by the Recreation Covenant.
7. **Dedication.** That the Conservation Easement to be acquired is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540.
8. **Authority to Sign Grant Agreement.** That the District's General Manager is authorized to execute that certain agreement entitled "AmeriCorps

Trail Matching Grant Agreement by and between the Sonoma County Agricultural Preservation and Open Space District and the City of Sebastopol" ("Matching Grant Agreement").

9. **Payment of Grant Funds.** That, subject to the provisions of the Matching Grant Agreement, at the request of the General Manager, the County Auditor shall draw a warrant or warrants against available funds in the District's Land Acquisition Fund in amounts, cumulatively, not to exceed \$126,943 to reimburse City of Sebastopol for the costs of the new AmeriCorps Trail. All expenditures under this Paragraph 8 are subject to the following:
- i. No reimbursements shall be made until the Conservation Easement and Recreation Conservation Covenant is fully executed and recorded in the office of the Sonoma County Recorder.
 - ii. No reimbursements shall be made until the Matching Grant Agreement is fully executed.
 - iii. Reimbursements shall be made only upon a determination by the District's General Manager, or his designee, that the reimbursement of City of Sebastopol's costs are reasonable and necessary to the District Grant Project as approved.
 - iv. The District's General Manager is hereby authorized to approve and pay claims that are submitted and reviewed in accordance with this Resolution, and the Matching Grant Agreement, and that she finds to have been reasonably and necessarily incurred in connection with the Project as approved.
10. **Delegation to Finalize and Record Documents.** That the General Manager is authorized to make technical, non-substantive changes in the Matching Grant Agreement, Conservation Easement, and Recreation Covenant with the prior approval of the District's Counsel. The General Manager is further authorized and directed to record with the Sonoma County Recorder the Conservation Easement and the Recreation Covenant and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Directors.

- 11. California Environmental Quality Act.** Pursuant to the California Environmental Quality Act (CEQA), the City Council, as lead agency, approved the design for the AmeriCorps Trail improvement project on May 15, 2018, and pursuant to CEQA, the City filed a Notice of Exemption (NOE) on May 22, 2018. The District concurs in the City Council's finding that the bridge installation project and related trail improvements are categorically exempt pursuant to CEQA Guidelines (Title 14 of the California Code of Regulations) sections 15303 (new construction of small structures), 15304 (minor alterations to land), and 15061(b)(3) (certainty of no significant effect on the environment). The District's recordation of the recreation covenant, which requires recreational use of the Preserve consistent with existing uses of the Preserve, is exempt pursuant CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question (continued recreational use of the trails on the Preserve) may have a significant effect on the environment. The District's acquisition of the conservation easement is exempt pursuant to CEQA Guidelines section 15317 because the purpose of the acquisition is to maintain the open space character of the area; and alternatively, it is exempt pursuant to Section 15325(a) and (f) because the purpose of the acquisition is to preserve the existing natural conditions and open space for park purposes, respectively.
- 12. Posting.** Immediately upon adoption of this resolution, the General Manager is directed to file with the County Clerk, and the County Clerk is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code Section 21152.

Supervisors:

Gorin:	Rabbitt:	Coursey:	Hopkins:	Gore:
Ayes:	Noes:	Absent:		Abstain:

So Ordered.